

**WEBER STATE UNIVERSITY**

**CHARTER ACADEMY**

**POLICIES & PROCEDURES**



**WEBER STATE**  
**UNIVERSITY**

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Moyes College  
of Education

Department of Child & Family Studies

Updated 2/5/2021

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# Introduction

The purpose of the Weber State University (WSU) Charter Academy Policies & Procedures Handbook is to ensure effective and efficient communication. The policies convey expectations and structure to the WSU Charter Academy. The handbook is intended to ensure transparency and consistency of WSU Charter Academy affairs. The WSU Charter Academy policies were written by the Board of Directors with input. Procedures were developed by school administration. The policies and accompanying procedures were carefully written to ensure compliance with the State of Utah and federal laws and regulations, so they are updated regularly. Continuous improvement is a part of the culture of the WSU Charter Academy so reviewing, updating and improving of the policies is the constant.

The WSU Charter Academy Policies & Procedures empower the School Leader to make decisions that are in the best interest of the school and students. The School Leader creates the working plan to achieve the expectations while working within the structure of the policies.

The policies and procedures are organized by topic and then alphabetically. After each policy title, the Board of Director approved date(s) are listed. The policy handbook is available online at the WSU Charter Academy website.

The Utah Administrative Code Title R277. Education, Administration can be located at <https://rules.utah.gov/publicat/code/r277/r277.htm>

The Utah State Legislature Code and Constitution can be located at [http://le.utah.gov/documents/code\\_const.htm](http://le.utah.gov/documents/code_const.htm)

## Vision, Values, Mission & Goals

**Vision.** To be an innovative early learning center that nurtures social-emotional development and inspires natural curiosity, creativity and enthusiasm for learning through play.

**Our Core Values.** Everything we do at the Weber State University Charter Academy is defined by five core values, which guide us in empowering child-centered playful learning. We want to nurture your child's curiosity and growth in all domains — all while fostering a community of learners where developmental, individual, and cultural strengths and needs are honored and valued.

- o *Unbounded learning:* Inspire creativity and self-understanding through open-ended authentic play experiences that integrate physical, cognitive, social and emotional domains through the creative arts.
- o *Innovation:* Create innovative evidence-based learning experiences tailored to the strengths and needs of each child and family.
- o *Experimentation:* Nurture curiosity, initiative and creativity through play, experimentation, discovery and reflection.

- o *Growth*: Cultivate a growth mindset, by inspiring enthusiasm for learning, persistence, and growth in all developmental domains.
- o *Community*: Foster an inclusive community of learners through responsive trusting relationships that honor diversity.

**Our Mission.** To use innovative research-based practice grounded in developmental theory and neuroscience to nurture each child's social-emotional development, natural curiosity, creativity and enthusiasm for learning through play, and tailor learning experiences to honor the strengths and needs of each child and family; in collaboration with Weber State University students and faculty through inquiry observation, practice and research.

\*Learn more about our current curriculum approaches (embed link to curriculum page)

### **Mission Specific Goals**

1. Keep relationships with children and families at the heart of what we do. We believe responsive trust relationships are essential for children's development and learning. Families are a child's most important teachers and the cornerstone of children's growth and learning. We invite you, as parents and families, to partner with us to set goals for your child that support their learning and growth.
2. Inspire educational practice and research grounded in developmental theory, neuroscience and play. Our program provides opportunities for university faculty and student inquiry through observation, practice, and research. We invite you, as faculty and students to partner with us in elevating early educational practices.

### **History, Mission, and Goals (NAEYC Standard 10B.17)**

Weber State University Charter Academy is the first charter academy in Utah to be authorized by an institution of higher education. Being part of Weber State University gives us a wealth of expertise to draw from that is unique to our Charter Academy.

The WSU Charter Academy is focused on educating the whole child using developmentally appropriate and research supported curricula and instructional methods. The WSU Charter Academy will draw its students from mainly Davis, Morgan, Ogden, Summit and Weber School Districts. Conceptualized by a group of educators from the Jerry & Vickie Moyes College of Education, the Charter Academy has a vision of faculty, students, and families working in concert to develop the capacities of the whole child, academically, socially, emotionally, and physically.

The collective expertise of the WSU Charter Academy founders and governing board includes early childhood, early childhood education, family studies, Pre K-12 and University teaching, administration, research, curriculum and instruction, special education, educational psychology, health promotions and human performance, and humanities. These areas of expertise combine to

enable WSU Charter Academy to focus on using developmentally appropriate practices and in educating the whole child.

### **Mission Statement**

The mission of the WSU Charter Academy is to provide an educational learning center with an emphasis on student learning and family involvement; where WSU pre-service teachers may observe and practice cutting-edge, research-based educational practices; and where research on various aspects of education may be conducted.

**Goals.** The Weber State University Charter Academy has three goals:

- *Maintaining a focus on children and families through educational, co-curricular, and extra-curricular programs;*

This goal derives from the philosophy subscribed to in the educational programs at WSU Charter Academy, which is child-centered, developmentally appropriate, and oriented toward the development of the whole-child. Individual students take precedence over programs, while maintaining standards of achievement. Issues in any area of development will be examined in light of student and family needs. This program believes that family support is integral to student success. The WSU Charter Academy recognizes that when parents participate at school, provide a positive attitude toward learning at home, and work in concert with educational personnel, students are more successful academically and socially. To that end, the educational program invites parent participation, and will provide opportunities for family members/student caregivers to extend the school program into the home in appropriate ways. This may include classroom participation by adult family members in order to have models of appropriate practice; family nights at school focused on subject matter activities that family members and students may participate in together, providing ideas that may be used at home; formal learning opportunities for adult family members to learn about parenting, educational development, child development, or similar classes of interest.

- *Providing training in research informed practices for pre-service teachers through observation and mentored teaching opportunities;*

Providing training in research informed practices for pre-service teachers coincides with WSU Moyes College of Education's primary mission: to train teachers. The WSU Charter Academy will provide classrooms in which WSU pre-service teachers may observe the research-based practices they have heard and read about in coursework. Observation may take place directly in the classroom, from the observation booth attached to the classroom, or from videos made of classroom activities. Under close supervision, pre-service teachers may receive mentoring and direct opportunity to practice teaching under conditions that reflect what they have learned in their courses.



- *Providing a research center through opportunities for University faculty, University students, and WSU Charter Academy faculty to study various educational aspects.*

Providing a facility at which educational research may be carried out. In the surrounding school districts, it is often difficult to find the philosophy, instruction, and instructional programs that university faculty, pre-service teachers, graduate students, and in-service teachers are interested in to further their knowledge and add to the knowledge base of what works. The WSU Charter Academy will provide such a place.

## Meet the Staff

**Principal Camie Bearden,** [cbearden@weber.edu](mailto:cbearden@weber.edu). Camie has a Bachelor's in Early Childhood Education/Elementary Education with emphasis in special education; Masters of Education in Curriculum and Instruction. Camie has over twenty years of experience in the Early Childhood field.

**Teacher Letitia Teneau-Sword.** Letitia has a Bachelor's degree in Early Childhood and a Utah Teaching License through the Utah State Board of Education. Letitia has over thirty-five years of experience in the Early Childhood field including thirteen years of teaching experience in a kindergarten classroom. All teachers are required to have at least a bachelors in early childhood or early childhood education or related field

**Teacher Assistant Lorianne Cragun.** Lorraine has a Bachelor's degree in Child Development with 7 years of experience working as an assistant in the Early Childhood field.

**Administrative Assistant Sally West.** Sally has over 10 years of experience working the field of Education.

**WSU Students.** Students enrolled in Education and Family and Child Studies Majors. The MSL Children's School is a lab setting where college students can gain hands on experience under the supervision of faculty and supervising teachers that is necessary to learn to take on active roles in their future professions.

# **BOARD OF DIRECTORS**

# Board of Director Meetings and Electronic Meetings

Approved February 7, 2017

**Purpose:** The purpose of this policy is to provide procedures to conduct business in an orderly and open manner and in compliance with the Utah Open and Public Meetings Act, Utah Code 52-4-101 et. seq. (“Open Meetings Act”)

## **Policy: Open Meetings**

The Board of Directors will conduct all of its meetings as open meetings, unless specifically exempt, according to the Utah Open Meetings Act.

- All such meetings, unless specifically exempt from the Utah Open Meetings Act, are required to have proper notification, public access, open Board discussion and voting, and a public record of the proceeding in the form of written minutes and a complete and unedited recording of the open portions of the meeting.
- In abidance of the By-laws, the Board will meet once a month for the purpose of organization, election of officers, and transaction of other business.

## **Records of Written Meetings**

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

- Written minutes shall include: the date, time and place of the meeting; the names of the Board members present and absent; the substance of all matters proposed, discussed, or decided by the Board, which may include a summary of comments by Board members; a record, by individual member, of each vote taken; the name of each person who is not a Board member who was recognized by the presiding Board member and presented testimony or comments to the Board and a brief summary of their testimony or comments; and any other information that is a record of the proceedings of the meeting that any Board member requests be entered in the recording and minutes. An audio recording shall be a complete and unedited recording of all open portions of the meeting from the commencement of the meeting until the meeting’s adjournment, and shall be labeled or identified with the date, time, and place of the meeting.
- The written minutes and recording of an open meeting are public records as follows:
  - Written minutes that have been prepared in a form awaiting only formal approval by the Board are a public record.
  - Written minutes shall be available to the public within a reasonable time after the end of the meeting.

- An audio recording of the open meeting shall be made available to the public for listening within three business days after the end of the meeting.

### **Regular Meetings**

Regular meetings are held once each month as noted on the Board meeting calendar, unless otherwise indicated, and are held for the purpose of conducting official Board business, including but not limited to action relating to policy, business, planning, instructional matters and issues of community interest.

- Public Notice of Meetings. The Board shall give public notice at least once each year of its annual regular meeting schedule. The public notice shall specify the date, time, and place of such meetings. In addition to the annual notice above, the Board shall also give not less than twenty-four (24) hours public notice of the agenda, date, time, and place of each of the meetings. Public notice shall be satisfied by posting notice on the Utah Public Notice Website. When, because of unforeseen circumstances, it is necessary for the Board to hold a special or emergency meeting to consider matters of an emergency or urgent nature, the notice requirements above may be disregarded and the best notice practicable given of the time and place of the meeting and of the topics to be considered at the meeting. No such special or emergency meeting shall be held unless an attempt has been made to notify all of the Board members and a majority votes in the affirmative to hold the special or emergency meeting.
- Public meetings held by the Board at Weber State University.
- In order to facilitate Board member participation in Board meetings when physical presence is not possible, electronic meetings are expressly permitted. A quorum of the Board need not be physically present at an anchor location for all meetings. Board members who wish to participate in a meeting by electronic means shall make reasonable efforts to notify the Board president promptly. The member's electronic presence at a meeting shall be announced at the meeting, noted in the minutes, and count towards establishment of a quorum. In accordance to the By-laws, voting by proxy shall not be permitted.
- Public comments will be welcomed at all Board meetings.

### **Board Agenda**

The agenda for all regular meetings of the Board will be prepared by the Chair of the Board according to the following procedure: items of business for the regular meeting agenda may be suggested by any Board member, employee, student, or parent; items for the agenda must be submitted no later than midnight one week in advance of the next regularly scheduled Board meeting; all agenda items submitted by employees, parents, or students must be in writing and must be accompanied by a clear statement regarding the subject to be considered, an explanation of the item's importance, and supporting data which would be informative to the Board. The statement must also include an explanation of previous efforts to resolve the issue administratively.

- The regular meeting agenda, together with supporting materials, will be distributed to Board members one week before Board meeting to permit careful review and consideration of agenda items.
- The order of business on the printed agenda may be changed temporarily by the

Board Chair unless objection is made by any member of the Board or by majority vote of the Board. The Board may not consider a topic in an open meeting which was not listed under an agenda item and included with the advance public notice of the meeting, except that if an unlisted topic is raised by the public during an open meeting, the Board may, at the discretion of the presiding Board member, discuss the topic but may not take any final action on that topic during the meeting.

### **Rules of Order**

Meetings of the Board will generally be conducted in accordance with Robert's Rules of Order. The Chair of the Board will preside at and conduct regular Board meetings. In the absence of the president, the vice chair will preside and conduct. Board members will address the agenda issues and conduct themselves with civility, decorum, and respect. The Board must act by a majority (quorum) of its members. All Board members should have equal opportunity to participate in decision-making. The Board's actions should result from a decision on the merits rather than a manipulation of procedural rules. Board members shall refrain from public discussion of items of a confidential nature, especially those items discussed in closed meetings, until such items are placed on a regular Board meeting agenda. The Board may not expel a member of the Board from an open public meeting or prohibit the member from attending an open public meeting except, following a two-thirds vote of the members of the Board, the Board may expel a member of the Board for: disorderly conduct at the open public meeting; a member's direct or indirect financial conflict of interest regarding an issue discussed at or action proposed to be taken at the open public meeting; or a commission of a crime during the open public meeting.

### **Voting Procedures**

Majority of the Board will constitute a quorum. If a quorum is not present within thirty (30) minutes after the time set for a meeting, the members then in attendance may adjourn. The Board may discuss items on the agenda but not vote. All actions of the Board will proceed by a motion and second to the motion. Motions must be made one at a time and must be concluded prior to the introduction of additional motions. A Board member may speak on a motion for a reasonable time, but not more than once on the same motion until all other members have had an opportunity to speak to the motion. Board members will seek formal recognition from the presiding officer before speaking. It is expected that all Board members will vote on all motions. However, special circumstances may require a Board member to abstain from voting. If any member abstains from voting for any reason, the member will be deemed to have not voted and the abstention will not count for or against the Board's vote. A member who has a personal or private interest in any proposed or pending matter which presents a conflict of interest will disclose such interest and will not vote unless the member's participation is necessary to obtain a quorum or otherwise enable the Board to act. Voting will be by voice vote unless the voting is not unanimous and the presiding officer or any member of the Board requests a roll call vote. When a tie vote exists on a motion, the motion will be declared to have failed. Individual votes of Board members will be recorded in the minutes when either the vote is not unanimous or when there is a roll call vote taken or upon request of the Board member.

### **Public Comment on Agenda Items at Board Meeting**

The Board desires to conduct its meetings in an orderly and efficient manner. Consequently, spontaneous comment or discussion from the audience is inappropriate. However, prior to

consideration of the business portion of the agenda, public comments relative to the listed items will be accepted. Public comment will be accepted for a maximum of fifteen (15) minutes. Each speaker will be allowed a maximum of three (3) minutes. The following procedures are designed to facilitate a civil and professional dialogue with respect to public comment at Board meetings. Citizens and employees are encouraged to comment on Board agenda items via e-mail, phone calls, faxes, letters, etc. Citizens or employees desiring to address the Board in Board meeting regarding an item included on the Board's agenda shall sign-up prior to the start of the meeting. Groups or organizations desiring to address the Board shall designate a single spokesperson to address the Board. Speakers will be recognized by the presiding Board member in the order of sign-up and will be invited to comment on agenda items. If no individuals have signed up to provide comment or the fifteen (15) minute time period has not expired, the presiding Board member may ask if anyone in attendance desires to make comment that has not already been heard. At the discretion of the presiding Board member, additional speakers will be recognized, identify themselves, and provide comments. Additional comments may not exceed the three (3) minute per person and fifteen (15) minute total. Members of the Board may ask questions of any person who addresses the Board after being recognized by the presiding Board member. Members of the Board are not required to respond to the Speaker's remarks during the course of the meeting.

### **Closed Meetings**

The Board may hold closed meetings for any of the following purposes: discussion of the character, professional competence or physical or mental health or an individual; or strategy sessions to discuss pending or reasonably imminent litigation No formal action may be taken, nor decision made by the Board in a closed meeting.

- Procedure for Holding Closed Meeting A closed meeting may be held upon the affirmative vote of two-thirds (2/3) of the members of the Board present at an open meeting for which proper public notice was given, provided a quorum is present. The following information shall be publicly announced and entered on the minutes of the open meeting: [a] the reason or reasons for holding a closed meeting; [b] the location of the closed meeting; and [c] the vote of each member, by name, to hold a closed meeting.
- Records of Closed Meetings If the Board closes a meeting, Board Chair shall verbally affirm or sign a sworn statement affirming that the sole purpose for closing the meeting was legal. Due to the confidential nature of information discussed in closed meetings, Board members and others present at the closed meeting shall not discuss such information outside the closed meeting.

## **Ethics**

(NAEYC Standard 6B.2 )

Approved October 28, 2013  
Reapproved February 7, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Codes R277-515-3, 67-16-1, 67-16-6, 76-8-105, and NAEYC Standard 6B.2.

**Policy:** WSU Charter Academy adopts this policy to ensure that individuals associated with the Charter Academy, including Board Members and employees, conduct themselves consistent with high standards of ethics and with applicable law.

Any allegation of a violation of this policy should be reported to the School's Board of Directors in accordance with all associated policies. The Board will ensure that all allegations of ethics violations are promptly investigated and that appropriate action is taken based on the results of the investigation.

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

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

- a. accepting employment or engaging in any business or professional activity that he/she might reasonably expect would require or induce him/her to improperly disclose controlled information that he/she has gained by reason of his/her official position;
- b. disclosing or improperly using controlled, private, or protected information acquired by reason of his/her official position or in the course of official duties in order to further substantially his/her personal economic interest or to secure special privileges or exemptions for himself/herself or others;
- c. using or attempting to use his/her official position to:
  - (i) further substantially his/her personal economic interest; or
  - (ii) secure special privileges or exemptions for himself/herself or others;
- d. accepting other employment that he/she might expect would impair his/her independence of judgment in the performance of his/her public duties;
- e. accepting other employment that he/she might expect would interfere with the ethical performance of his/her public duties; or
- f. except as otherwise allowed in the law, knowingly receiving, accepting, taking, seeking, or soliciting, directly or indirectly for himself/herself or another a gift of substantial value or a substantial economic benefit tantamount to a gift:
  - (i) that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties;
  - (ii) that he/she knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding him/her for official action taken; or

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

Licensed educators of the School must comply with Utah Educator Standards contained in R277-515-3 pertaining to the ethical conduct required of all licensed educators in the state of Utah.

Staff and students must also follow the NAEYC code of ethics to guide your involvement with children, families, colleagues, and community (2005: <http://www.naeyc.org/files/naeyc/file/positions/PSETH05.pdf>). It is essential to protect the confidentiality of all information concerning children, families, colleagues, and community. Maintaining a professional attitude includes being responsive to the needs of children and their families. All adults and children deserve respect. We continually strive to model such qualities as patience, tolerance, cooperation, acceptance, understanding of others, and enthusiasm for children as well as for other adults.

**Procedure:** All members of the Board of Directors will receive an orientation within 30 days of appointment to include a review of the ethics policy.

Program staff and students are required to read and sign the National Association for the Education of Young Children's (NAEYC) Code of Ethics before working with children and families in the classroom, and to uphold all principles of the Code while working with children in the classroom.

## **WSU Charter Academy Board of Directors Job Descriptions**

**(NAEYC Standard 10C.4, 10B.17)**

Reapproved February 7, 2017

**Purpose:** The purpose of this policy is to outline policies and procedures for appointment, composition, terms, and responsibilities of the Board of Directors.

**Policy:** WSU Charter Academy adopts this policy to ensure guidelines for appointment, composition, terms, and responsibilities of the Board of Directors.

### **Appointment to the Board of Directors:**

The Members of the Board of Directors will be appointed by the Department Chair of Child and Family Studies (the "CFS Chair") or their designee.

### **Composition:**

The number of directors of the Corporation shall be five (5). The Board may, by written resolution,



increase or decrease the number of members of the Board of Directors. The Members will be drawn from the following areas: *Three* directors shall be appointed from Weber State University faculty or administration based on areas of expertise, interest, and willingness to contribute to the Charter Academy. *One* director shall be a parent with a child attending the Weber State Charter Academy. *One* director shall be appointed from the University community or surrounding community. The procedure for parents to apply to become board members will be established by the Board.

**Term of Assignment:**

Weber State University faculty or administration directors, and Weber State University community or surrounding community directors will be appointed to a three-year term with the possibility of a second three-year term. The parent member will fulfill a one-year term. Terms shall commence on July 1 of the year in which a director is appointed or such other date as designated by the CFS Chair and end the later of June 30<sup>th</sup> of the year in which their appointment expires or when a replacement is appointed.

**General Responsibilities:**

Each Board of Director is responsible for actively participating in the work of the WSU Charter Academy Board of Directors and the life of the school. Each Director is responsible for ensuring that the academic program of WSU Charter Academy is successful, that the school's program and operation are faithful to the terms of its charter, and that the school is a viable organization. Each Director is expected to affirm and strive to fulfill the performance expectations outlined below.

**Specific Responsibilities:**

1. Believe in and be an active advocate and ambassador for the values, mission, and vision of WSU Charter Academy.
  - Use personal and professional contacts and expertise for the benefit of WSU Charter Academy.
  - Understand and support the mission statement.
  - Read and understand the Charter application
2. Work with fellow board members to fulfill the obligations of board membership.
3. Behave in ways that clearly contribute to the effective operations of the Board of Directors:
  - Focus on the good of the organization and group, not on a personal agenda,
  - Support board decisions once they are made,
  - Participate in an honest appraisal of one's own performance and that of the board,
  - Build awareness of and vigilance towards governance matters rather than management, and
  - Follow communication guidelines and direct individuals to the appropriate person
4. Regularly attend board and committee meetings in accordance with the absenteeism policy. Prepare for these meetings by reviewing materials and bringing the materials to meetings. If unable to attend, notify the board or committee chair. Be an active

participant.

- Keep informed about the school and its issues by reviewing materials, participating in discussions, and asking strategic questions.
5. Be prepared to contribute approximately 4-5 hours per month toward board service which includes:
    - Reviewing materials and attending monthly board meeting (2 hours),
    - Participating on a board committees and school events, including fundraising (1-3 hours),
  6. Serve as a committee or task force chair or member.
  7. Give an annual financial contribution and support capital campaigns at a level that is personally meaningful.
  8. Inform the Board of Directors of WSU Charter Academy of any potential conflicts of interest, whether real or perceived, and abide by the decision of the board related to the situation.
  9. Determine the mission and purpose of WSU Charter Academy and keep it clearly in focus.
    - Create and periodically review the mission statement which:
      - a. Serves as a guide to organizational planning, board and staff decision-making, volunteer initiatives, and setting priorities among competing demands for scarce resources;
      - b. Develop a strategic plan and ensure that all activities are aimed at achieving the plan; and
      - c. Approve an annual organizational plan that includes concrete, measurable goals consistent with the charter and accountability plan.
      - d. Use mission, charter application, and strategic plan as the vehicle for assessing program activities to ensure that the organization is not drifting away from its original purposes.
  10. Support the Principal
    - Provide frequent and constructive feedback and annual evaluation.
    - Assist when board members overstep prerogatives or misunderstand their roles, and
    - Compliment for exceptional accomplishments.
  11. Ensure adequate resources
    - Approve fundraising targets and goals and
    - Assist in carrying out development plan.
  12. Manage resources effectively
    - Approve the annual budget,
    - Monitor budget implementation through periodic financial reports,
    - Approve accounting and personnel policies,

- Provide for an independent annual audit by a qualified CPA, and
  - Ensure adequate insurance is in force to cover students, staff, visitors, the board and the assets of the school.
13. Determine, monitor and strengthen the programs and services
- Assure programs and services are consistent with the mission and the charter,
  - Approve measurable organizational outcomes,
  - Approve annual, attainable board and management level goals,
  - Monitor progress in achieving the outcomes and goals, and
  - Assess the quality of the program and services.
14. Enhance WSU Charter Academy's public standing
- Serve as ambassadors, advocates and community representatives of the school,
  - Ensure that no board member represents her/himself as speaking on behalf of the board unless specifically authorized to do so,
  - Provide for a written annual report and public presentation that details WSU Charter Academy's mission, programs, financial condition, and progress made towards charter promises, and
  - Approve goals of an annual public relations program.
15. Ensure legal and ethical integrity and maintain accountability
- Establish policies to guide the school's board members and staff,
  - Develop and maintain adequate personnel policies and procedures (including grievance mechanisms),
  - Adhere to the provisions of the school's bylaws and articles of incorporation, and
  - Adhere to local, state and federal laws and regulations that apply to the school.
  - Ensure compliance with all federal state and local government regulations.

#### **Job Description: Chair of the Board (NAEYC Standard 10C.4)**

##### **General Responsibilities:**

The chair is a volunteer leader of the WSU Charter Academy who presides at all meetings of the Board of Directors and other meetings as required. The Chair is an ex officio member of all committees of the organization. The Board Chair oversees implementation of board and school policies and ensures that appropriate administrative practices are established and maintained.

##### **Specific Responsibilities:**

1. Works with the Principal, other board officers to develop the agendas for Board of Directors meetings, and presides at these meetings.
2. In consultation with other board officers, appoints volunteers to key leadership positions, including positions as chair of board committees and task forces, and cultivates leadership succession.

3. Recognizes his or her responsibility to set the example for other board members by contributing financially at a level that is meaningful to him/her and by playing a major role in fundraising activities.
4. Works with the Board of Directors, paid and volunteer leadership, in accordance with the Charter School's bylaws and mission, to establish and maintain systems for:
  - Planning the organization's human and financial resources and setting priorities for future development,
  - Reviewing operational effectiveness and setting priorities for future development.
  - Ensuring the legal and ethical standard,
  - Hiring and evaluating the school's Principal and other staff when requested by the Principal or Dean of the Moyes College of Education, and
  - Developing and maintaining an effective board culture.
5. Steers board in completing an annual Principal evaluation.
6. Provides oversight for completion of annual report to be submitted to Provost by August 15.
7. Works with the Principal and other board officers to develop both immediate and long-term goals and expectations for the board that support organizational priorities and governance concerns.
8. Communicates effectively with and supports the Principal in his/her job as manager of the school. In this capacity, focuses on ensuring that the board governs rather than manages.
9. Keeps Principal apprised of committee work and ensures committees have the resources needed to do their job. Also, works to ensure effective and efficient communications between the committees and the Board.
10. Creates a safe environment for decision-making by inviting participation, encouraging varying points of view and stimulating a frank exchange of ideas in an effort to provide shared decision-making.
11. Communicates with the Board effectively so the board information system focuses on decision-making, stimulates participation and supports an appropriate balance of responsibility between board and staff.
12. Links with major stakeholders when it is agreed that the Chair is the most appropriate person to represent the organization at a key meeting, write an editorial for a newspaper or thank a major donor.
13. Steer the board in working with the Principal to define academic excellence, ensure that all board members know the charter promises that were made to the community and the authorizer, and to devise clear and consistent measures to monitor these goals. The

committee is also responsible for monitoring research in the Charter and pre-service teacher activities.

14. Steer Board in developing and carrying out an annual fundraising plan that will generate the funds needed to meet the non-public and non-grant fundraising goals.

### **Job Description: Vice Chair of the Board**

#### **General Responsibilities:**

The Vice Chair is the secondary volunteer leader of the WSU Charter Academy and as such, discharges the duties of the Chair as required in the Chair's absence. The Vice Chair supports the activities of the Chair including sharing responsibilities as appropriate.

#### **Specific Responsibilities:**

1. In Chair's absence:
  - Presides at meetings of Board of Directors.
  - Serves as ex officio member of standing committees.
2. Ensure that all board members know the charter promises that were made to the community and the authorizer, and to ensure all Board business adheres to the law, policies, and charter.
3. Recognizes his or her responsibility to set the example for other board members by contributing financially at a level that is meaningful to him/her and by playing a major role in fundraising activities.
4. Works with the Chair to assist in developing the agendas for Board of Directors meetings.
5. Advises the Chair on appointing volunteers to key leadership positions, including positions as chair of board committees and task forces.
6. Assists the Chair by taking on responsibility as necessary for communication with Committee Chairs.
7. Assumes the primary responsibility for assessing the current status of technology in the Charter Academy and determining the future needs, as well as ensuring a stable, safe and compliant school network, including developing a technology plan to submit to the Utah State Office of Education.
8. Supports and challenges the Chair in all his/her responsibilities to ensure organizational priorities and governance concerns are addressed in the most effective and efficient manner.
9. Represents the board in the community, especially at events at which the chair cannot attend.

10. Other duties as delegated by the Chair.

**Job Description: Treasurer (NAEYC Standard 10C.3)**

**General Responsibilities:**

Provides direction for the financial management of the WSU Charter Academy and facilitates the board in meeting its financial oversight responsibilities.

**Specific Responsibilities:**

1. Provides direction for the oversight of the school's record keeping and accounting policies.
2. Ensures the presentation of timely and meaningful financial reports to the Board.
3. Ensures the development of annual budget and its submission to the Board for its approval. Leads the monitoring of budget implementation.
4. Oversees development and board review of financial policies and procedures. With the Finance Committee, monitors the adherence to financial policies and procedures adopted by the Board.
5. Develops and monitors any investment policies adopted by the Board.
6. Ensures that assets are protected and invested according to board policy.
7. Leads the board in assuring compliance with federal, state and other financial reporting requirements.
8. Presents the recommendation of the auditor to the Board for their approval. With the Board reviews the results of the annual audit including the management letter, develops a plan for remediation, if necessary, and presents the results to the Board.
9. Recognizes his or her responsibility to set the example for other board members by contributing financially at a level that is meaningful to him/her and by playing a major role in fundraising activities.
10. Takes responsibility for designing an annual board education program so that all board members can effectively conduct oversight of the financial health of the organization.

**Job Description: Secretary**

**General Responsibilities:**

Provides direction for the keeping of legal documents including minutes of all meetings of the board of the WSU Charter Academy.

**Specific Responsibilities:**

1. Certify and keep at the Moyes College of Education Dean's office of the corporation the original or a copy of the By-Laws as amended or otherwise altered to date.
2. Keep at the Moyes College of Education Dean's office of the corporation or at such a place as the Board may determine a book of minutes of all meetings of the Board of Directors and meetings of committees. Minutes shall record time and place of meeting, whether regular or special, how called, how notice was given, the names of those present or represented at the meeting and the proceedings thereof.
3. Present for approval by the Board of Directors copies of all minutes of meetings of the board.
4. Ensure that all notices are duly given in accordance with the provisions of the By-Laws or as required by law.
5. In general, serves as the protocol officer of the board, ensuring that the keeping and posting of meeting minutes, meeting notifications, and committee report, the adherence to open meeting laws, and other procedural requirements are followed legally and ethically.
6. In general, perform all duties incident to the office of the Secretary and such other duties as may be required by law, by the Articles of Incorporation or By-Laws, or which may be assigned to him or her from time to time by the Board of Directors.
7. Has primary responsibility for matters pertaining to Board of Directors orientation and training in accordance with the bylaws of the school as well as established policies and practices approved by the Board of Directors.
8. Has primary responsibility for developing and revising a Board handbook as needed.
9. Oversees development and maintaining of the strategic plan.
10. Recognizes his or her responsibility to set the example for other board members by contributing financially at a level that is meaningful to him/her and by playing a major role in fundraising activities.

# GOVERNANCE



# Acceptable Use and Social Media

Approved April 2, 2013

Reapproved March 7, 2017

**Purpose:** The purpose of this policy is to comply with the Weber State University Acceptable Use and Social Media policies and comply with the Utah Code 53G-7-1002,1003.

**Policy:** WSU Charter Academy will use Weber State University PPM 10.2 as follows:

## Acceptable Use Policy for Computing and Network Resources

No. 10 -2	Rev. 12-14- 10	Date: 10-11- 05
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### I. PURPOSE

Weber State University provides students, faculty and staff with access to Information Technology (IT) Resources (as defined herein). Such access, used appropriately, legitimately advances the University's mission by supporting teaching, research, public service, and administrative activities. This Acceptable Use Policy, which reflects the University's mission, provides guidance for using IT Resources and protects the University, Users, and property.

### II. REFERENCES

- a. PPM 3-30, Personal Conduct
- b. PPM 3-32, Discrimination and Harassment
- c. PPM 3-33, Discipline
- d. PPM 3-36, Conflict of Interest
- e. PPM 5-41, Copyright Policy: Ownership
- f. PPM 5-42, Copyright Policy: Copying of Copyrighted Works
- g. PPM 5-43, Performance or Display of Copyrighted Works
- h. PPM 6-22, Student Code
- i. PPM 8-25, Reason for Dismissal of Tenured Faculty
- j. PPM Section 9, Academic Freedom, Rights, Responsibilities and Due Process
- k. PPM 10-1, Information Security Policy
- l. PPM 10-4, Payment Card Handling Policy
- m. R345, Information Technology Resource Security (Board of Regents Policy)
- n. R343, Information Management (Board of Regents Policy)
- o. PCI DSS

### III. SCOPE

This Acceptable Use Policy applies to all Users of Weber State University's IT Resources whether affiliated with the University or not and to all use of these resources from on campus or in remote locations. Users accept personal responsibility for the appropriate use of IT Resources. Each year, Users will be required to review and accept the

University's Acceptable Use Policy. Users accessing Weber State University IT Resources are responsible for maintaining a current understanding of the terms of this policy, which the University reserves the right to change without prior notice. The current version of this policy is available in the University's Policy and Procedures Manual. This policy also covers the use of all devices connected to the University IT Resources, whether owned by the University or private individuals.

While this policy deals specifically with issues involving the use of University IT Resources, it does not stand alone. All Users of University IT Resources are expected to abide by the rules and regulations contained in applicable University handbooks, the Student Code, guidelines and policy and procedure manuals, as well as the laws of the State of Utah and of the United States of America. We remind Users that state and federal laws apply to the use of campus networks and the Internet, including but not limited to those dealing with:

- copyright infringement
- defamation
- discrimination
- fraud
- harassment
- identity theft
- obscene materials
- records retention

#### **IV. DEFINITIONS**

A. IT Resources: Electronic processing, storage, and transmission systems, which include but are not limited to, the computers, terminals, printers, networks, modem banks, copy machines, fax machines, online and offline storage media and related equipment, software, and data files that are owned, managed, or maintained by the University. IT Resources also include, but are not limited to, institutional and departmental information systems, faculty research systems, desktop computers, the University's campus network, and general access computer clusters.

B. Users: All faculty, staff, administrators, students, consultants, guests, and any person or agency employed or contracted by the University or any of its auxiliary organizations who have a legitimate need to access IT Resources.

C. Electronic Communication: Email, text-messaging, instant messaging, and social networks.

#### **V. POLICY**

##### **A. General**

1. IT Resources are the property of the University and shall be used only for legitimate University instructional, research, public service, administrative, and approved contract purposes, except as allowed in this policy. Additional policies may apply to IT Resources provided or operated by individual units of the

University or to uses within specific units. Users are allowed to use IT Resources only to the extent authorized. Users are responsible for ascertaining what authorizations are necessary and for obtaining them before using IT Resources. When demand for computing resources may exceed available capacity, priorities for their use will be established and enforced. Authorized faculty and staff may set and alter priorities for exclusively local computing/networking resources. Nothing in this policy guarantees that violations of this policy will not occur or imposes liability on the University for any damages resulting from such a violation.

## B. Responsibilities of Users

### 1. Law and Policy

- a. IT Resources must be used in compliance with applicable state and federal laws and University policies. IT Resources may not be used for any illegal purpose or activity or for any purpose which would violate University policy. Placing unlawful information or material on University systems is prohibited.
- b. Downloading or disseminating copyrighted materials outside the provisions of “fair use” or without the permission of the copyright holder is prohibited. Illegally downloaded material may include, but is not limited to, music, movies, games, software, etc. Illegal use of peer-to-peer networking or other file-sharing technology is prohibited and may subject the User to civil or criminal penalties beyond penalties for violation of University policy. (See PPM 5-41, 5-42, 5-43 for the reference to copyright policy as well as IT Compliance Plan.)
- c. Accessing or attempting to access computer systems through using IT Resources, including those external to the University, without authorization by the owner of that system, is specifically prohibited.
- d. Sending electronic communication messages or creating web pages with fraudulent address or header information or containing misrepresentations in authorship or content in an attempt to deceive others is prohibited.
- e. Using the University's official web site or email for partisan political purposes (with the exception of announcements of general public interest by university political clubs) is prohibited.
- f. Using IT Resources in a way which would constitute a regular private business activity or which would violate the University's conflict of interest policies is prohibited.
- g. Deliberately misusing trademarks in web pages and email, including University-owned marks such as the official logo or seal and trademarks owned by other entities is prohibited.
- h. Providing false or misleading information in order to obtain access to computing or network facilities is specifically prohibited.

## 2. Accounts and Passwords

- a. Users are responsible for any activity originating from their accounts which they can reasonably be expected to control.
- b. Users may not divulge or make known their own password(s) to another person.
- c. Unauthorized use of another User's account is prohibited.
- d. Users who know another User's password, intentionally or unintentionally, must notify the account owner immediately.
- e. Falsifying or corrupting data in others' accounts or in public directories is prohibited.
- f. Falsifying identity while using e-mail or any other IT Resource is prohibited.

## 3. Respect for IT Resources, Users, and Information

- a. Users must respect the ability of other Users to utilize IT Resources in an efficient and secure manner. Use of IT Resources shall not disrupt, distract from or interfere with the conduct of University business (for example, due to nature, volume, or frequency).
- b. Using any device or software which interferes with the ability of others to access IT Resources is prohibited.
- c. Damaging or attempting to damage any portion of IT Resources is prohibited.
- d. Deliberately introducing computer viruses, worms, or similar technologies which would harm the integrity of IT Resources, as well as attempting to create or disseminate such technologies, is prohibited.
- e. Deliberately misusing of software or other techniques to degrade system or network performance or otherwise deprive authorized personnel of resources or access to University systems or networks, including techniques to disguise or obscure the source of data network traffic, is prohibited.
- f. Using IT Resources to release confidential, proprietary information, or information which has been classified as private, controlled, or protected under Utah Code Ann. § 63G-3-201 et seq, without appropriate authorization is prohibited. Refer to the Payment Card Handling Policy (PPM 10-4).
- g. Sending unsolicited bulk electronic communication (spam) unrelated to the University's mission or related bulk email without appropriate approval is prohibited.
- h. The privacy and rights of others must be respected. Monitoring or attempting to monitor another User's communications outside the scope of one's duties is specifically prohibited.

## 4. Incidental and Occasional Personal Use

- a. Users may engage in incidental and occasional personal use of University IT Resources provided that such use does not:
  - Violate applicable law, rules and policies;

- Disrupt, distract from, or interfere with the conduct of University business (for example, due to nature, volume or frequency);
- Involve regular private business activities; or
- Contravene supervisor direction regarding personal use of University IT Resources.

### C. Privacy

Providing and allowing access to University IT Resources to Users does not imply a guarantee of privacy. These systems can sometimes be breached by someone determined to do so. Also, there are some circumstances in which use of IT Resources may be monitored and in which records and information contained in electronic communications or other electronic formats may be viewed and/or copied by the University or other authorized officials. See Section E for further information. Users are encouraged to take appropriate precautions in use of IT Resources.

### D. Remote Access

1. Remote access to the University Critical IT Resources or business systems requires the use of a VPN.
2. All Users must be authenticated to gain remote access into the University's network with at least a username and password.
3. Two-factor authentication is required for remote access to the cardholder data environment. Refer to the Information Security Policy (PPM 10-1).
  - a. Accessing cardholder data via remote-access technologies, to copy, move, and store cardholder data onto local hard drives and removable electronic media is strictly prohibited.
  - b. The remote-access end points must always be firewalled from the internal network and the VPN traffic subject to firewall rule sets.
  - c. Split tunneling must be disabled.
  - d. The remote-access session must be disconnected after 30 minutes of inactivity.
  - e. Remote-access technologies for vendors must be activated only when needed by vendors, with immediate deactivation after use.

### E. University Actions

1. The University reserves the right to take appropriate actions reasonably necessary to protect the integrity and security of University computing facilities and data networks. This includes the right to log and monitor network traffic and immediately disconnect any computer disrupting the University's data network; or being used for any activity in violation of this policy or other University policy or state and federal law. Users should be aware that logs are generated by the various IT Resources used on campus, including electronic communication and web access and network flows. Electronic information on University networks or equipment, including but not limited to electronic communication, is subject to review, monitor, copy, examination, and disclosure by the University as appropriate for legal, audit, or legitimate operational or management purposes. This includes, but is not limited to, the following:

- a. It is necessary to maintain or improve the functioning of University computing resources;
  - b. There is reasonable cause for suspicion of misconduct under University policies or violation of state or federal laws;
  - c. It is necessary to comply with or verify compliance with federal or state law, including but not limited to software licensing agreements;
  - d. The requirements of maintaining a safe and secure network dictate the deployment of automatic security systems, such as host and network intrusion detection systems, and active protection firewall systems designed to intercept, examine, and block data that threatens the University or external networks;
  - e. The University receives requests for information under state records law (Government Records Access and Management Act);
  - f. The University receives subpoenas or other court orders requiring disclosure of information; and
  - g. The University has notice of litigation or potential litigation.
2. The use of University IT Resources is a privilege that may be revoked at any time.
  3. Violation of this policy may result in discipline, up to and including termination or expulsion, in accordance with Weber State University policies. Legal action may also be taken when warranted. Violation of applicable laws may result in civil or criminal penalties.
  4. The system administrator has the right to delete any file(s) belonging to faculty or staff who are no longer employed by the organization.
  5. The University makes no warranties of any kind, whether express or implied, with respect to the information technology services it provides; this includes but is not limited to the accuracy or quality of information obtained through its electronic communication facilities and services.

The University will not be responsible for damages resulting from the use or misuse of University computing and data network facilities and services, including, but not limited to, loss of data resulting from delays, non-deliveries, missed deliveries, hacking, or service interruptions caused by the negligence of an organization employee or by the User's error or omissions.

## **Annual Assurances of Compliance**

Approved April 2, 2013  
Reapproved March 7, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Administrative Codes R277-108-5(A)(3), (A)(5).

**Policy:** This policy has two parts. Part I is the annual assurance regarding SEP and SEOP programs. Part II is the annual assurance regarding Quality Teaching Block Grant Programs.

**Part I** (This policy is authorized by Board Rule R277-108(5)(A)(3)).

The Board of Directors will provide the USOE written assurance that Weber State University Charter Academy has developed a policy for the effective implementation of Student Education Plans (SEP), as well as Student Education Occupation Plans (SEOP). This policy has been developed with input from school personnel, parents, and school community members.

The development of this policy is consistent with UCA 53E-2-304(2)(b), which states:

**53E-2-304. School district and individual school powers.**

- (2)(b)(i) Each local school board, in consultation with school personnel, parents, and school community councils or similar entities *shall establish policies* to provide for the effective implementation of a personalized student education plan (SEP) or student education/occupation plan (SEOP) for each student at the school site.
- (ii) The *policies shall include* guidelines and expectations for:
  - A. recognizing the student's accomplishments, strengths, and progress towards meeting student achievement standards as defined in U-PASS;
  - B. planning, monitoring, and managing education and career development; and
  - C. involving students, parents, and school personnel in preparing and implementing SEPs and SEOPs.
- (iii) A parent may request conferences with school personnel in addition to SEP or SEOP conferences established by local school board policy.
- (iv) Time spent during the school day to implement SEPs and SEOPs is considered part of the school term referred to in Subsection **53F-2-102(5)**.

Guidelines and expectations for SEP and SEOP programs related to this policy include:

- recognizing the student's accomplishments, strengths, and progressing towards meeting student achievement standards (refer to definitions in U-PASS)
- planning, monitoring, and managing education and career development
- involving students, parents, and school personnel in preparing and implementing SEPs and SEOPs

Notwithstanding the right of a student's parent or guardian to request conferencing with school officials related to SEP and SEOP programs, parents or guardians may also request additional conferencing opportunities with school authorized personnel on subjects unrelated to SEP and SEOP programs. [53E-2-(2)(b)(iii)]

Normal school hours expended working in conjunction with SEP and SEOP related programs may be credited toward normal school hours and days. [Refer to UCA 17a-103(5) for authorization and clarifications.]

**53F-2-102. Definitions.**

- a. "State-supported minimum school program" or "Minimum School Program" means public school programs for kindergarten, elementary, and secondary schools as described in this Subsection (5).
- b. The minimum school program established in the districts shall include the equivalent of a school term of nine months as determined by the State Board of Education.
- c. The board shall establish the number of days or equivalent instructional hours that school is held for an academic school year.
  - Education, enhanced by utilization of technologically enriched delivery systems, when approved by local school boards, shall receive full support by the State Board of Education as it pertains to fulfilling the attendance requirements, excluding time spent viewing commercial advertising.
- d. The Minimum School Program includes a program or allocation funded by a line item appropriation or other appropriation designated as follows:
  - Basic School Program;
  - Related to Basic Programs;
  - Voted and Board Leeway Programs; or
  - Minimum School Program.

**Part II** (This policy is authorized by Board Rule R277-108(5)(A)(5)).

The Board of Directors will provide the USOE written assurance that Weber State University Charter Academy has developed a policy for the Quality Teaching Block Grant program.

The development of this policy is consistent with UCA 53F-2-517, which states:

**53F-2-517. Quality Teaching Block Grant Program -- State contributions.**

1. The State Board of Education shall distribute money appropriated for the Quality Teaching Block Grant Program to school districts and charter schools according to a formula adopted by the board, after consultation with school districts and charter schools, that allocates the funding in a fair and equitable manner.
2. Schools districts and charter schools shall use Quality Teaching Block Grant money to implement school and school district comprehensive, long-term professional development plans required by Section **53G-11-303**.
  - a. In recognition of exceptional quality teaching, Quality Teaching Block Grant money may be used for the award of individual Quality Teaching Bonuses for Exemplary Teachers to recognize and reward excellence in classrooms as determined by school principals in partnership with their school community councils.



3. Each local school board shall:
  - a. as provided by Section **53G-11-303**, review and either approve or recommend modifications for each school's comprehensive, long-term professional development plan within the district so that each school's plan is compatible with the district's comprehensive, long-term professional development plan; and
  - b. in an open public meeting, approve a plan to spend Quality Teaching Block Grant money to implement the school district's comprehensive, long-term professional development plan.

Money distributed by the State Board of Education that is appropriated for the Quality Teaching Block Grant Program (QTBGP) shall be expended in a manner consistent with the provision found in UCA 53F-2-517. Allocation of funds will be made in a fair and equitable manner. The board shall use QTBGP appropriations to implement long-term professional development plans [53F-2-517(2)(a)], and/or, provide a “bonus(es)” to reward an exemplary teacher(s) for “excellence” in the classroom [53F-2-517(2)(b)].

The Principal, in concert with the community council (or equivalent entity), shall determine the fair and equitable dispersal of QTBGP funds. Approval of the “plan” to disperse QTBGP funds shall be made in an open and public meeting.

### **State Statute Reference**

#### **53G-11-303. School and school district professional development plans.**

1.
  - a. Each public school and school district shall develop and implement a systematic, comprehensive, and long-term plan for staff professional development.
  - b. Each school shall use its school community council, school directors, or a subcommittee or task force created by the school community council as provided in Section **53G-7-1202** to help develop and implement the plan.
2. Each plan shall include the following components:
  - a. an alignment of professional development activities at the school and school district level with:
    - the school improvement plan under Section **53G-7-1204**;
    - the School LAND Trust Program authorized under Section **53F-2-404**;
    - the Utah Performance Assessment System for Students under Title 53E, Chapter 1, Part 6, Achievement Tests;
    - Sections **53E-6-101** through **53E-6-201** of the Educator Licensing and Professional Practices Act;
    - Title 53G, Chapter 9, Teacher Career Ladders; and
    - Title 53G, Chapter 8A, Part 4, Educator Evaluation;

- b. provision for the development of internal instructional leadership and support;
  - c. the periodic presence of all stakeholders at the same time in the professional development process, to include administrators, educators, support staff, parents, and students;
  - d. provisions for the use of consultants to enhance and evaluators to assess the effectiveness of the plan as implemented; and
  - e. the time required for and the anticipated costs of implementing and maintaining the plan.
- 3.
- a. Each local school board shall review and either approve or recommend modifications for each school plan within its district so that each school's plan is compatible with the district plan.
  - b. The board shall:
    - provide positive and meaningful assistance to a school, if requested by its community council or school directors, in drafting and implementing its plan; and
    - monitor the progress of each school plan and hold each school accountable for meeting the objectives of its plan.
4. The State Board of Education, through the superintendent of public instruction, shall work with school districts to identify the resources required to implement and maintain each school and school district's professional development plan required under this section.

*Weber State University Charter Academy maintains the right of its Board of Directors to amend or substitute this policy utilizing normal Board of Directors processes.*

## **Comprehensive Counseling and Guidance/ Career and Technical Education**

Approved October 1, 2013  
Reapproved March 7, 2017

**Purpose:** The purpose of this policy is to introduce Comprehensive Counseling & Guidance/Career and Technical Education to the WSU Charter Academy students and to comply with the requirements of Utah Administrative Codes R277-916 and R277-462 and Utah State Codes 53E-3-507 and 53F-2-311.

**Policy:** WSU Charter Academy will incorporate Comprehensive Counseling and Guidance standards and Career and Technical Education activities into the WSU Charter Academy

classroom in a variety of ways using Developmentally Appropriate Standards as well as the following:

### **Comprehensive Counseling and Guidance Standards**

Activities will be integrated into the curriculum to help the student meet the following standards and competencies:

#### **Academic/Learning Development**

Standard A: Students will acquire the attitudes, knowledge, and skills that contribute to effective learning in school and across the lifespan.

AL:A1 Improve academic self-concept

AL:A3 Achieve school (and personal) success

Standard B: Students will understand the relationship of school experiences and academic achievement to the world of work, home, and community.

AL:B1 Relate school to life experiences

#### **Life/Career Development**

Standard A: Students will become aware of self in relation to the world of work.

LC:A1 Develop self-knowledge through experience and exploration

#### **Multicultural/Global Citizen Development**

Standard A: Students will develop the ability to evaluate, and to approach life as a contributing citizen in our global community.

MG:A1 Understand and develop a deep regard for self and others.

#### **Personal/Social Development**

Standard A: Students will develop the skills to understand and appreciate themselves and others.

PS:A1 Acquire self-knowledge

PS:A2 Demonstrate interpersonal skills

Standard B: Students will identify and utilize processes to set and achieve goals, make decisions, and solve problems.

PS:B2 Demonstrate skills for decision-making

#### **Career and Technical Education**

Activities will be integrated into the curriculum that that will assist students in broadening their understanding about different careers and opportunities available to them. Some of the activities that will be used are:

- Taking opportunities made available through all curricula to define and explain different careers with which students are working (i.e., author, illustrator, mathematician, scientist, accountant, etc.).
- Tool day – parents and community members will come into the classroom with the tools used in their career. They explain and/or what the career is and how tools are used.
- Vehicle day – parents and community members bring the vehicles used in their

careers for students to explore. They explain and/or what the career is and how tools are used.

- Field experiences – as students participate in field experiences, opportunities are taken to define and explain different careers that are observed.

## Conflict of Interest / Discrimination and Harassment

Approved November 2012  
Reapproved April 2, 2013  
Reapproved October 29, 2013  
Reapproved March 7, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of Weber State University and the Utah Administrative Code R277-404, 53A-15-140, and 53G-5-409; and Title IX of Education Amendments of 1972; Title IV and Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Titles II and III of the Americans with Disabilities Act; and Individuals with Disabilities Education Act (IDEA).

**Policy:** WSU Charter Academy adheres to IDEA policies and procedures as written in the WSU Charter Academy Special Education Handbook. WSU Charter Academy is committed to providing a safe and healthy environment for all. See Weber State University PPM 3-32 regarding Discrimination and Harassment.

Regulated Transactions & Relationships [53G-5-409]

Under the language of this section, “employee” does NOT include a charter academy volunteer. [53G-5-409(1)(b)(ii)]

*A relative of a charter academy officer may be considered for employment with the charter academy if:*

1. The charter academy officer discloses in writing the relationship of the relative to the other charter academy officers, and [53G-5-409(2)(b)(i)]
2. The employment decision is submitted to the Board of Directors for approval, and passed by majority vote, and [53G-5-409(2)(b)(ii)]
3. The officer submitting the written disclosure abstains from voting on the consideration, and [53G-5-409(2)(b)(iii)]
4. The officer submitting the written disclosure is absent from any meeting where employment of his/her relative is being considered or determined. [53G-5-409(2)(b)(iv)]

Otherwise, no relative of a charter academy officer may be employed at the charter academy. [53G-5-409(2)].

*The term “relative” is defined under 53G-5-409(1)(c). The term “charter academy officer” is defined under 53G-5-409(1)(a).*

No charter academy officer may have a personal financial interest in any contract involving that charter academy. [53G-5-409(3)(a)]

No person related to a charter academy officer may have a personal financial interest in any contract involving that charter academy. [53G-5-409(3)(a)]

A “financial interest” in a “reasonable *employment* contract” involving a charter academy may exist for the Chief Administrative Officer [53G-5-409(3)(b)(i)], or the relative of the Chief Administrative Officer who has complied with the previously stated procedure found in 53G-5-409(2), [53G-5-409(3)(b)(ii)].

**Following are WSU PPM guidelines:**

**Conflict of Interest and Employment of Relatives**

Employment of Relatives (PPM 3-6)

Staff Employee Grievances (PPM 3-31)

Discrimination and Harassment (PPM 3-32)

Faculty Responsibilities to Students (PPM 9-5)

Due Process/Definition of Terms (PPM 9-10)

Informal Procedures and the Informal Conciliatory Meeting (PPM 9-11)

## **Data Governance Plan**

Approved January 19, 2018

Reapproved March 12, 2019

Reapproved August 6, 2019

**Purpose:** The purpose of this policy is to formalize a set of policies and procedures that encompass the full life cycle of data, from acquisition, to use, to disposal. WSU Charter Academy takes seriously its responsibility to protect student privacy and ensure data security. Utah’s Student Data Protection Act (SDPA), U.C.A. §53E, Chapter 9, Part 3, requires that the WSU Charter Academy adopt a Data Governance Plan. Adoption of this policy satisfies that requirement.

**Policy & Procedures:** Data governance is an organizational approach to data and information management that is formalized as a set of policies and procedures that encompass the full life cycle of data; from acquisition, to use, to disposal. The WSU Charter Academy takes seriously its responsibility to protect student privacy and ensure data security by:

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- improving reporting strategies and access to data in order to facilitate decision making.

- standardizing and clarify data definitions with the goal of improving the consistency, uniformity and accuracy of institutional data.
- ensuring data are captured accurately and consistently from a variety of sources, and to create data policies that ensure confidentiality, minimize risk, and maximize access.

## **1. Scope and Applicability**

This policy is applicable to all employees, temporary employees, and contractors of the WSU Charter Academy. The policy must be used to assess agreements made to disclose data to third-parties. This policy must also be used to assess the risk of conducting business. In accordance with WSU Charter Academy policy and procedures, this policy will be reviewed and adjusted on an annual basis or more frequently, as needed. This policy is designed to ensure only authorized disclosure of confidential information. The following 7 subsections provide data governance policies and processes:

1. Scope and Applicability
2. Organization and Roles
3. Parent and Student Rights
4. Collection of Data
5. Maintenance and Protection of Data
6. Data Disclosures
7. Record Retention and Expungement
8. Data Breach Response and Notification
9. Technical Assistance, Training, and Support
10. Data Quality, Auditing, Transparency

## **2. Organization and Roles**

The WSU Charter Academy shall appoint a Data Manager and an IT Security Manager, who shall fulfill the roles described in Table 1. The WSU Charter Academy Board of Directors will oversee compliance with the data governance plan, assess risks, and seek recommendations for controls and other policies related to data governance. Data governance, security, and privacy are ultimately the responsibility of all employees of the WSU Charter Academy, including educators, who will follow this data governance plan per the guidance and training they receive from the Data Manager.

Furthermore, this Data Governance Plan works in conjunction with the WSU Charter Academy Information Security Policy, which:

- Designates Weber State University as the steward for all confidential information maintained within the Weber State University Charter Academy.
- Designates Data Stewards access for all confidential information.
- Requires Data Stewards to maintain a record of all confidential information that they are responsible for.
- Requires Data Stewards to manage confidential information according to this policy and all other applicable policies, standards and plans.

- Complies with all legal, regulatory, and contractual obligations regarding privacy of Agency data. Where such requirements exceed the specific stipulation of this policy, the legal, regulatory, or contractual obligation shall take precedence.
- Provides the authority to design, implement, and maintain privacy procedures meeting WSU Charter Academy standards concerning the privacy of data in motion, at rest and processed by related information systems.
- Ensures that all WSU Charter Academy board members, employees, contractors, and volunteers comply with the policy and undergo annual privacy training.
- Provides policies and process for
  - Systems administration,
  - Network security,
  - Application security,
  - Endpoint, server, and device Security
  - Identity, authentication, and access management
  - Data protection and cryptography
  - Monitoring, vulnerability, and patch management
  - High availability, disaster recovery, and physical protection
  - Incident Responses
  - Acquisition and asset management, and
  - Policy, audit, e-discovery, and training.

**Table 1. Data Governance Roles and Responsibilities**

Role	Responsibilities
<b>Student Data Manager</b>	<ol style="list-style-type: none"> <li>1. Act as the primary point of contact for state student data security administration</li> <li>2. Authorize and manage the sharing, outside of the education entity, of personally identifiable student data from a cumulative record for the education entity</li> <li>3. Act as the primary local point of contact for the state student data officer.</li> <li>4. Share personally identifiable student data that are:               <ul style="list-style-type: none"> <li>• of a student with the student and the student's parent</li> <li>• required by state or federal law</li> <li>• in an aggregate form with appropriate data redaction techniques applied</li> <li>• for a school official</li> <li>• for an authorized caseworker or other representative of the Department of Human Services or the Juvenile Court</li> <li>• in response to a subpoena issued by a court.</li> <li>• directory information</li> <li>• submitted data requests from external researchers or evaluators</li> </ul> </li> <li>5. May not share personally identifiable student data for the purpose of external research or evaluation unless legal guardians have signed appropriate IRB approved consent forms.</li> <li>6. Create and maintain a list of all WSU Charter Academy staff that have access to personally identifiable student data.</li> </ol>

	7. Ensure annual level training on data privacy to all staff members. Document all staff names, roles, and training dates, times, locations, and agendas (See Appendix A).
<b>IT Systems Security</b>	<ol style="list-style-type: none"> <li>1. Ensures compliance with security systems laws throughout the public education system, including: <ol style="list-style-type: none"> <li>a. providing training and support to employees; and</li> <li>b. producing resource materials, model plans, and model forms for systems security;</li> </ol> </li> <li>2. Investigates complaints of alleged violations of systems breaches.</li> </ol>
<b>Educators</b>	Teachers and all staff members will receive Privacy and Security materials and training annually and will adhere to the requirements.

### 3. Parent and Student Rights

**3.1 Definition of parent.** A parent is defined as the biological parent, a legal guardian, or an individual in charge of the day-to-day care of the student. In cases where biological parents are separated or divorced, both parents shall have these rights unless there is a court order, state statute, or legally binding document that has revoked these rights to one or both of the parents.

**3.2 Right to access.** Per FERPA, parents of students who are minors (have not turned 18 yet) shall be given access to the student's data. In general, this access will be given via the WSU Charter Academy's student information system (SIS). Other requests will be granted within a reasonable period, but in no case greater than 45 days after the request was made.

**3.3 Right to seek to amend.** In 34 CFR §99, Subpart C, FERPA describes a parent's right to seek to amend any educational record they believe is inaccurate, misleading, or in violation of the student's right to privacy. The WSU Charter Academy shall then decide whether to amend the record within a reasonable amount of time. If the WSU Charter Academy decides not to amend the record, the parent will be informed of their right to a hearing. The hearing will only be held at the parent's request, and the format of the hearing will be determined on a case-by-case basis. Should the hearing determine that the record should not be amended, the WSU Charter Academy will inform the parent of the right to place a statement in the record commenting on the contested information. This statement will be maintained by the WSU Charter Academy and be included in any disclosures related to the record.

**3.4 Right to consent to disclose.** A parent may submit written consent to disclose information from a student's education record to any individual or entity. The requirements for these disclosures are found in Section 6.1 of this plan.

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## 4. Collection of Data

**4.1 Prohibited collections.** Per UCA §53E-9-305(2), the WSU Charter Academy will not collect a student's social security number or, except as required in UCA §78A-6-112(3), criminal record.

**4.2 Collections only permitted with prior parental consent.** 4.2.1 Utah FERPA Per UCA §53E-9-203, the WSU Charter Academy will prohibit the administration of any psychological or psychiatric examination, test, or treatment, or any survey, analysis, or evaluation that has the purpose or evident intended effect to have a child reveal any of the following personal information about themselves or concerning a family member's unless written parental consent is received:

- Political affiliations or, as provided by UCA §53G-10-202 or USBE Board Rule, political philosophies
  - Mental or psychological problems
  - Sexual behavior, orientation, or attitudes
  - Illegal, anti-social, self-incriminating, or demeaning behavior
  - Critical appraisals of individuals with whom the student or family member has close family relationships
  - Religious affiliations or beliefs
  - Legally recognized privileged and analogous relationships, such as those with lawyers, medical personnel, or ministers
  - And income, except as required by law
- 

Written parental consent will only be valid if a parent or legal guardian has been given two weeks prior notice, including a copy of the questions in the case of the survey that includes:

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- Which records or information are to be examined
  - The means by which they will be examined
  - The means by which the information will be obtained
  - The purpose for which the records or information are needed
  - The entities or persons who will have access to the records
  - The method by which a parent or student may access the records
- 

If a school employee believes that collecting any of this information is necessary to respond to an emergency, then the employee may collect the information in accordance with the WSU Charter Academy's Incident Response Plan.

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**4.2.2 Optional data.** In addition, the WSU Charter Academy shall annually designate all information not necessary for day-to-day school functions as "optional" data. Per U.C.A §53E-9-301(16), optional student data includes information that is

- Related to an IEP or needed to provide special needs services
- Biometric information, which means a retina or iris scan, fingerprint, human biological sample, or scan of hand or face geometry
- Any data not designated as necessary student data

Optional data will only be collected with prior parental consent.

**4.3 Parental notification.** Per U.C.A §53E-9-305(2), the WSU Charter Academy shall annually prepare and distribute to parents and students a collection notice statement that is a prominent, stand-alone document that:

- Is annually updated and published on the WSU Charter Academy’s website.
- States the necessary and optional data that the WSU Charter Academy collects
- States that the WSU Charter Academy shall not collect of the prohibited data in Section 4.1 States the data that the school may not share without written parental consent
- Includes the statement “The collection, use, and sharing of student data has both benefits and risks. Parents and students should learn about these benefits and risks and make choices regarding student data accordingly.”
- Describes in general terms how the WSU Charter Academy will store and protect the data
- States a student’s rights to the data.

## **5. Maintenance and Protection of Data**

**5.1 Best practices.** The WSU Charter Academy shall use reasonable data industry best practices to maintain and protect student data and other education-related data, including teacher and employee data. Should the WSU Charter Academy contract with a third-party provider to collect, maintain, and have access to student data, the WSU Charter Academy shall ensure that the contract with the provider includes a provision that the data are the property of the student and that the data will not be redisclosed with the student’s consent. The WSU Charter Academy will ultimately monitor and maintain control of the data. All data will be maintained in accordance with the WSU Charter Academy Information Technology Systems Security Plan, as described in USBE Board Rule R277-487-2(11).

**5.2 Employee expectations and assurances.** Per USBE Board Rule R277-487-3, all employees, aides, and volunteers of the WSU Charter Academy shall maintain appropriate confidentiality pursuant to federal, state, local laws, and this and other WSU Charter Academy policies with regard to student performance data and personally identifiable student information.

An employee, aide, or volunteer may not share, disclose, or disseminate passwords that are used to access student performance data or any personally identifiable student information per USBE Board Rule R277-487-3(17).

WSU Charter Academy employees may only access student records pursuant to a legitimate educational purpose and consistent with their educator obligations under USBE Board Rule R277-515.

All WSU Charter Academy employees that have access to confidential data shall receive an annual training regarding data governance and student data privacy requirements as described in Section 9.1. School employees shall annually submit a certified statement to the WSU Charter Academy data manager upon completion of this training.

The WSU Charter Academy may use a nondisclosure agreement (NDA) or other methods to ensure that all WSU Charter Academy employees meet these expectations. Licensed educators in violation of this NDA, this data governance plan, or USBE Board Rule R277-487 may be subject to disciplinary action by the WSU Charter Academy or by the Utah State Board of Education.

## **6. Data Disclosures**

All disclosures of student data must be done in accordance with the Family Educational Rights and Privacy Act (FERPA) and the Utah Student Data Protection Act.

**6.1 Written parental consent.** Data may be disclosed to any party and in any case where the parent provides written parental consent. Per U.C.A §34 CFR 99.30, this consent must

- Specify the records that may be disclosed
- State the purpose of the disclosure
- Identify the party or class of parties to whom the disclosure will be made

Parents may request that a copy of disclosed records be shared with them. An electronic signature that identifies and authenticates the individual and their approval meets the requirement of written parental consent within 45 days of receiving an official request. WSU Charter Academy is not required to provide data that it does not maintain, nor to create education records in response to an eligible student's request.

Thirty days prior to reporting information to the state related to the Utah Registry of Autism and Developmental Disabilities WSUCA shall provide notice to the parent of each child for which the state board intends to share student data. The state board may not, for a particular child, share this student data if the child's parent requests that the state board not share the student data.

**6.2 Exceptions where written parental consent is not required.** FERPA in 20 USC §1232g and 34 CFR §99.31 and the Utah Student Data Protection Act provide for several cases where the WSU Charter Academy may disclose education records without prior written parental consent. Each exception specifies a different entity that may receive education records and what assurances and restrictions must be followed. These can be found in more detail in Table 2.

**6.2.1 External Research Review Process.** All external research requests must be submitted to the WSU Charter Academy external research review process to determine whether the research is for or on the WSU Charter Academy's behalf and whether it meets the requirements of FERPA found in 34 CFR §99.31(6). The WSU Charter Academy will then determine if the data may be shared with personally identifiable information, de-identified information, aggregated data, or not at all.

**6.2.2 Third-party contractors.** The WSU Charter Academy may contract services to third parties using the School Official exception in FERPA. When contracting with any third party, except for cases of general audience websites or where parental consent is obtained, the contract will specify the following:

- Requirements and restrictions related to the collection, use, storage, or sharing of student data by the contractor that are necessary for the education entity to ensure compliance
- A description of a person, or type of person, including an affiliate of the third-party contractor, with whom the third-party contractor may share student data
- Provisions that govern the deletion of the student data by the contractor
- Provisions that prohibit the redisclosure of the data
- A right-to-audit clause

**6.2.3 School Officials.** The WSU Charter Academy is authorized by and associated with Weber State University. The association gives the Charter Academy a wealth of expertise to draw from that is unique. The Charter Academy uses WSU faculty, administrators, and students to perform institutional services and functions including volunteer duties, consultation and oversight. The Charter Academy considers these persons “school officials” with whom education records may be shared without consent as allowed by 34 CFR 99.31(a). The Charter Academy uses reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests.

**6.4 Recordation.** All data disclosures will be recorded on the student’s record per FERPA’s recordation requirements found in 34 CFR §99.32. All third parties that receive data will be entered into the WSU Charter Academy’s Metadata Dictionary. A link to the Metadata Dictionary will be available on the WSU Charter Academy’s website.

EXCEPTION	WHO	ASSURANCES	REDISCLASURE RESTRICTIONS
Accreditation	Appropriate parties in connection with an emergency	Data may be shared as needed for the organization to carry out its accrediting functions.	No redisclosures without parent or student permission or in response to a judicial order/subpoena
Audit/Evaluation	An alternative school-related intervention run by the Department of Juvenile Justice Services per UCA 53G-8-211	Written agreement that specifies <ul style="list-style-type: none"> <li>● who the authorized representative is</li> <li>● the data to be shared</li> <li>● requirements to destroy the data once no longer needed</li> <li>● the time period to destroy the data</li> <li>● policies and procedures to ensure confidentiality and privacy.</li> </ul>	No redisclosures without parent or student permission or in response to a judicial order/subpoena
Caseworkers	Teachers and contractors, consultants, volunteers that perform a service or function for which	Caseworker must have a legal right to access the data, and the student must be under the care and protection	The Student Data Protection Act allows redisclosures to other caseworkers in order to

	the WSU Charter Academy would use its employees	of the caseworker per Utah law.	improve educational outcomes for youth.
Child Nutrition Data	Individuals who need to know in connection to sex offenders or other individuals required to register under the Violent Crime Control and Law Enforcement Act	The National School Lunch Program has higher restrictions on child nutrition program data.	No redisclosures without parent or student permission or in response to a judicial order/subpoena
Dependent Student	Officials of another school that the student is attending or seeks to enroll	Per WSU Charter Academy policy to determine the student is a dependent	None
Directory Information	Researchers working for or on the behalf of the WSU Charter Academy to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction	WSU Charter Academy must annually notify parents of their directory information policy. Parents must be given a reasonable amount of time to opt out.	None
Financial Aid	Individuals or agencies who need the student information to determine the eligibility, amount, and conditions of financial aid OR to enforce the terms and conditions of financial aid	None	No redisclosures without parent or student permission or in response to a judicial order/subpoena
Health or Safety Emergency	Appropriate parties in connection with an emergency	WSU Charter Academy must determine that there is a WSU Charter Academy and articulable threat.	No redisclosures without parent or student permission or in response to a judicial order/subpoena
Juvenile Justice	An alternative school-related intervention run by the Department of Juvenile Justice Services per UCA 53G-8-211	Student must be "prior to adjudication"	No redisclosures without parent or student permission or in response to a judicial order/subpoena
School Official	Teachers and contractors; consultants; volunteers; and WSU faculty, administrators, and students that perform a	Must be under direct control of the WSU Charter Academy, as defined by contract, NDA, physical or technical controls, or	No redisclosures without parent or student permission or in response to a judicial order/subpoena

	service or function for which the WSU Charter Academy would use its employees	other agreement specified by the WSU Charter Academy	
Sex Offenders	Individuals who need to know in connection to sex offenders or other individuals required to register under the Violent Crime Control and Law Enforcement Act	None	None
Student Transfer	Officials of another school that the student is attending or seeks to enroll	WSU Charter Academy must make a reasonable effort to notify the parent of the disclosure. This may be done in the WSU Charter Academy's annual FERPA notice.	No redisclosures without parent or student permission or in response to a judicial order/subpoena
Studies	Researchers working for or on the behalf of the WSU Charter Academy to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction	Written agreement that specifies <ul style="list-style-type: none"> <li>● purpose, scope, and duration of the studies that the data may only be used for the study</li> <li>● restrictions on personal identification of the data</li> <li>● a requirement to destroy the data at the end of the study.</li> </ul>	No redisclosures without parent or student permission or in response to a judicial order/subpoena
Subpoena/Judicial Order	Any judicial or legislative authority that issues a subpoena or judicial order	Parents must be notified of the subpoena/judicial order and given enough time to seek protective action.	None per FERPA. Utah's Student Data Protection Act, however, restricts the redisclosure for any purposes outside the subpoena/judicial order

## 7. Record Retention and Expungement

**7.1 Retention.** Records retention and expungement policies promote efficient management of records, preservation of records of enduring value, quality access to public information, and data privacy. WSU Charter Academy staff shall retain and dispose of student records in accordance with GRAMA, U.C.A. §63G-2-604, and the Student Data Protection Act, U.C.A. §53E-9-306, and shall comply with active retention schedules for student records per Utah Division of Archive and Record Services.

**7.2 Expungement.** Per U.C.A. §53E-9-306, the WSU Charter Academy shall follow Board Rule regarding the categorization, maintenance, and expungement of student disciplinary records, medical records, and behavioral test records. In order to ensure maximum student data privacy, the WSU Charter Academy shall also delete student data once administrative need has ended and in accordance with active records retention schedules and USBE Board Rule regarding the timeline and process for a prior student to request that records be expunged.

**7.2.1 Records that may not be expunged.** Per U.C.A. §53E-9-306, the following records may not be expunged:

- Grades
- Transcripts
- A record of the student's enrollment
- Assessment information

**8.1 Response.** The WSU Charter Academy shall follow industry best practices to protect information and data. In the event of a data breach or inadvertent disclosure of personally identifiable information, the WSU Charter Academy staff shall follow industry best practices outlined in the Agency IT Security Policy for responding to the breach.

Concerns about data breaches must be reported immediately to the IT security manager who will collaborate with appropriate members of the administration to determine whether a security breach has occurred. If the WSU Charter Academy determines that one or more employees or contracted partners have substantially failed to comply with The WSU Charter Academy's Agency IT Security Policy and relevant privacy policies, they will identify appropriate consequences, which may include termination of employment or a contract and further legal action. Concerns about security breaches that involve the IT Security Manager must be reported immediately to the Principal or Department Chair of Child and Family Studies.

**8.2 Notification.** The WSU Charter Academy shall follow best practices for notifying affected parties, including parents or legal guardians. The WSU Charter Academy shall always notify the parent (we serve only kindergarten children) in the case of a significant data breach, as defined by Board Rule.

## **9. Training, Technical Assistance, and Support**

**9.1 Training.** The Student Data Manager shall ensure that all employees, staff, and volunteers receive an annual training on data security and data privacy per U.C.A. §53E-9-204. The Data Manager shall maintain a list of employees who have completed the training and provide a

certified statement, signed by the employees, that verifies their completion. Employees who have not received this training will not be given access to student data.

Furthermore, the WSU Charter Academy will provide training opportunities for all staff, including volunteers, contractors, and temporary employees with access to student educational data or confidential educator records in order to minimize the risk of human error and misuse of information. The WSU Charter Academy may arrange for the State Student Data Privacy Trainer to provide trainings or training materials.

**9.2 Technical assistance and support.** The Student Data Manager will provide technical assistance and support to educators, staff, employees, and volunteers as needed.

## **10. Data Quality, Auditing, and Transparency**

**10.1 Data quality.** The Student Data Manager, IT Security Manager, and any other WSU Charter Academy employees as designated under the direction of the Board of Directors shall perform regular and ad hoc data auditing for quality assurance. Data sets and reports will be reviewed for reliability, validity, and presentation before they are disclosed.

Data quality is achieved when information is valid for the use to which it is applied, is consistent with other reported data and users of the data have confidence in and rely upon it. Good data quality is a function of appropriate data interpretation and use and the perceived quality of the data involving those auditing, cleaning and reporting the data, and data consumers. Data quality is addressed in five areas:



- a. **Data Governance Structure.** The WSU Charter Academy data governance policy is structured to encourage the effective and appropriate use of educational data. The WSU Charter Academy data governance structure centers on the idea that data is the responsibility of all WSU Charter Academy sections and that data informed decision making is the goal of all data collection, storage, reporting and analysis. Data informed decision making guides what data is collected, reported and analyzed.
- b. **Data Requirements and Definitions.** Clear and consistent data requirements and definitions are necessary for good data quality. WSU Charter Academy may report formative data to support strategic planning at monthly public board meetings, staff and subcommittee meetings to inform decision making. The annual report is provided to the WSU Board of Trustees and made publicly available on the websites. On the data reporting side, the production and presentation layers provide standard data definitions and business rules. All data released includes relevant data definitions, business rules, and are date stamped. Further, Data and Statistics produces documentation, trainings and FAQs on key statistics and reports, such as AYP, graduation rate and class size.
- c. **Aggregate Data.** Data that is reported at the cohort, group, school, school district, region or state level with at least ten individuals. Reporting cannot reveal personal identifiable child data and is collected in accordance with board rule (Appendix B).
- d. **Education Entity.** An education entity can include the board, a local school board, a charter school governing board, a school district, a charter school, the Utah Schools for the Deaf and the Blind or for purposes of implementing the School Readiness Initiative.
- e. **Data Breach.** Unauthorized release or access to personally identifiable child data that has been maintained by an education entity.

**10.1.1 Necessary Student Data.** Data that is required by state statute or federal law to conduct regular activities of an education entity. This information includes:

- a. name;
- b. date of birth;
- c. sex;
- d. parent contact information;
- e. custodial parent information;
- f. contact information;
- g. a student identification number;
- h. local, state, and national assessment results or an exception from taking a local, state or national assessment;
- i. courses taken and completed, credits earned, and other transcript information;

- j. course grade levels and grade point average;
- k. grade level and expected graduation date or graduation cohort;
- l. degree, diploma, credential attainment, and other school exit information;
- m. attendance and mobility;
- n. drop-out data;
- o. immunization record or an exception from an immunization record;
- p. race;
- q. ethnicity;
- r. tribal affiliation;
- s. remediation efforts;
- t. an exception from a vision screening required under Section 530-G-9-404
- u. information related to the Utah Registry of Autism and Developmental Disabilities
- v. student with injury information;
- w. a disciplinary record created and maintained as described in Section 53E-9-306
- x. juvenile delinquency records;
- y. English language learner status; and
- z. child find and special education evaluation data related to initiation of an IEP.

At least 30 days before reporting information to the state related to the Utah registry of Autism and Developmental Disabilities, WSUCA shall provide notice to the parent of each child for which the state board intends to share student data. The state board may not, for a particular child, share this student data if the student's parent requests that the state board not share the student data.

## **10.2 Auditing and monitoring**

**10.2.1** Third party audits. As permitted by U.C.A. §53E-9-309(2), the WSU Charter Academy shall seek evidence of compliance, up to and including an audit by the WSU Charter Academy or a designee, to verify that all third parties contracted by the WSU Charter Academy are in compliance with Federal and State law, this data governance plan, and all terms of the contract.

**10.2.2** WSU Charter Academy audits and evidence of compliance. The WSU Charter Academy shall annually provide to the State Superintendent evidence of compliance with Federal and State data confidentiality and disclosure laws to be reviewed by USBE's Chief Privacy Officer annually by October 1, per USBE Board Rule R277-487-3(13). The WSU Charter Academy shall furthermore coordinate with the USBE Student Data Privacy Auditor regarding ad hoc audits of the WSU Charter Academy compliance with Federal and State law and this data governance plan.

- **Transparency.** The WSU Charter Academy shall annually publish the following on its website:
  - This data governance plan
  - A URL link to the WSU Charter Academy Metadata Dictionary.

# Appendix

## **Appendix A. Weber State University Charter Academy and Employee Non-Disclosure Agreement**

As an employee of the WSU Charter Academy, I hereby affirm that: (Initial)

\_\_\_\_\_ I have read the Employee Non-Disclosure Assurances attached to this agreement form and read and reviewed the WSU Charter Academy Data Governance Plan and policy. These assurances address general procedures, data use/sharing, and data security.

\_\_\_\_\_ I will abide by the terms of the Weber State University and WSU Charter Academy's policies and its subordinate process and procedures;

\_\_\_\_\_ I grant permission for the manual and electronic collection and retention of security related information, including but not limited to photographic or videotape images, of your attempts to access the facility and/or workstations.

### **Trainings**

\_\_\_\_\_ I have completed Weber State University and WSU Charter Academy's Data Security and Privacy Fundamentals Training.

\_\_\_\_\_ I will complete Weber State University and WSU Charter Academy's Data Security and Privacy Fundamentals Training within 30 days.

### **Using WSU CHARTER ACADEMY Data and Reporting Systems**

\_\_\_\_\_ I will use a password-protected computer when accessing data and reporting systems, viewing child/staff records, and downloading reports.

\_\_\_\_\_ I will not share or exchange individual passwords, for either personal computer(s) or WSU Charter Academy's system user accounts, with WSU Charter Academy's staff or participating program staff.

\_\_\_\_\_ I will log out of and close the browser after each use of WSU Charter Academy's staff data and reporting systems.

\_\_\_\_\_ I will only access data in which I have received explicit written permissions from the data owner.

\_\_\_\_\_ I will not attempt to identify individuals, except as is required to fulfill job or volunteer duties, or to publicly release confidential data;

### **Handling Sensitive Data**

- \_\_\_\_\_ I will keep sensitive data on password-protected state-authorized computers.
- \_\_\_\_\_ I will keep any printed files containing personally identifiable information in a locked location while unattended.
- \_\_\_\_\_ I will not share child/staff-identifying data during public presentations, webinars, etc. I understand that dummy records should be used for such presentations.
- \_\_\_\_\_ I will delete files containing sensitive data after working with them from my desktop, or move them to a secured WSU Charter Academy's staff server.

### **Reporting & Data Sharing**

- \_\_\_\_\_ I will not redisclose or share any confidential data analysis except to other authorized personnel without WSU Charter Academy's staffs expressed written consent.
- \_\_\_\_\_ I will not publicly publish any data without the approval of the Superintendent.
- \_\_\_\_\_ I will take steps to avoid disclosure of personally identifiable information in state-level reports, such as aggregating, data suppression, rounding, recoding, blurring, perturbation, etc.
- \_\_\_\_\_ I will not use email to send screenshots, text, or attachments that contain personally identifiable or other sensitive information. If I receive an email containing such information, I will delete the screenshots/text when forwarding or replying to these messages.
- \_\_\_\_\_ I will not transmit child/staff-level data externally unless explicitly authorized in writing.
- \_\_\_\_\_ I understand that when sharing child/staff-identifying data with authorized individuals, the only approved methods are phone calls or WSU Charter Academy's staff's Secure File Transfer Protocol (SFTP). Also, sharing within secured server folders is appropriate for WSU Charter Academy's staff internal file transfer.
- \_\_\_\_\_ I will immediately report any data breaches, suspected data breaches, or any other suspicious activity related to data access to my supervisor and the WSU Charter Academy's staff Information Security Officer. Moreover, I acknowledge my role as a public servant and steward of child/staff information, and affirm that I will handle personal information with care to prevent disclosure.

### **Consequences for Non-Compliance**

\_\_\_\_\_ I understand that access to the WSU Charter Academy's staff network and systems can be suspended based on any violation of this contract or risk of unauthorized disclosure of confidential information;

\_\_\_\_\_ I understand that I may be disciplined including termination for violation of the policy or this agreement.

\_\_\_\_\_ I understand that failure to report violation of confidentiality by others is just as serious as my own violation and may subject me to personnel action, including termination.

### **Termination of Employment**

\_\_\_\_\_ I agree that upon the cessation of my employment from WSU Charter Academy's staff, I will not disclose or otherwise disseminate any confidential or personally identifiable information to anyone outside of WSU Charter Academy's staff without the prior written permission of the Student Data Manager of WSU Charter Academy's staff.

Print Name: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## **Appendix B. Protecting PII in Public Reporting**

### **Data Gateway Statistical Reporting Method for Protecting PII**

Public education reports offer the challenge of meeting transparency requirements while also meeting legal requirements to protect each student's personally identifiable information (PII). Recognizing this, the reporting requirements state that subgroup disaggregation of the data may not be published if the results would yield personally identifiable information about an individual student. While the data used by the WSU Charter Academy is comprehensive, the data made available to the public is masked to avoid unintended disclosure of personally identifiable information at summary school, or state-level reports.

This is done by applying the following statistical method for protecting PII.

1. Underlying counts for groups or subgroups totals are not reported.
2. If a reporting group has 1 or more subgroup(s) with 10 or fewer students.
  - The results of the subgroup(s) with 10 or fewer students are recoded as "N<10"
  - For remaining subgroups within the reporting group
    1. For subgroups with 300 or more students, apply the following suppression rules.
      1. Values of 99% to 100% are recoded to  $\geq 99\%$
      2. Values of 0% to 1% are recoded to  $\leq 1\%$
    2. For subgroups with 100 or more than but less than 300 students, apply the following suppression rules.
      1. Values of 98% to 100% are recoded to  $\geq 98\%$
      2. Values of 0% to 2% are recoded to  $\leq 2\%$
    3. For subgroups with 40 or more but less than 100 students, apply the following suppression rules.
      1. Values of 95% to 100% are recoded to  $\geq 95\%$
      2. Values of 0% to 5% are recoded to  $\leq 5\%$
    4. For subgroups with 20 or more but less than 40 students, apply the following suppression rules.
      1. Values of 90% to 100% are recoded to  $\geq 90\%$
      2. Values of 0% to 10% are recoded to  $\leq 10\%$
      3. Recode the percentage in all remaining categories in all groups into intervals as follows (11-19,20-29,80-89)
    5. For subgroups with 10 or more but less than 20 students, apply the following suppression rules.
      1. Values of 80% to 100% are recoded to  $\geq 80\%$

2. Values of 0% to 20% are recoded to  $\leq 20\%$
3. Recode the percentage in all remaining categories in all groups into intervals as follows (20-29,30-39,70-79)

## **Appendix C. Example Quality Control Checklist**

### Reliability (results are consistent)

1. Same definitions were used for same or similar data previously reported **or** it is made very clear in answering the request how and why different definitions were used
2. Results are consistent with other reported results **or** conflicting results are identified and an explanation provided in request as to why is different
3. All data used to answer this particular request was consistently defined (i.e. if teacher data and student data are reported together, are from the same year/time period)
4. Another WSU Charter Academy's staff data steward could reproduce the results using the information provided in the metadata

### Validity (results measure what are supposed to measure, data addresses the request)

5. Request was clarified
6. Identified and included all data owners that would have a stake in the data used
7. Data owners approve of data definitions and business rules used in the request
8. All pertinent business rules were applied
9. Data answers the intent of the request (intent ascertained from clarifying request)
10. Data answers the purpose of the request (audience, use, etc.)
11. Limits of the data are clearly stated
12. Definitions of terms and business rules are outlined so that a typical person can understand what the data represents

### Presentation

13. Is date-stamped
14. Small n-sizes and other privacy issues are appropriately handled
15. Wording, spelling and grammar are correct
16. Data presentation is well organized and meets the needs of the requester
17. Data is provided in a format appropriate to the request
18. A typical person could not easily misinterpret the presentation of the data

# Development and Ownership of Intellectual Property and Sharing of Material Created by Employees

Approved April 2, 2013  
Reapproved March 7, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of Public Law 96-517 as amended, "The Patent and Trademark Amendments of 1980" and to comply with Utah Administrative Code R277-111.

**Policy:** WSU Charter Academy will use the following Weber State University policies dealing with intellectual properties, copyright, patents, computer use:

PPM 4-35 Intellectual Property ([http://www.weber.edu/ppm/Policies/4-35\\_IntellectualProperty.html](http://www.weber.edu/ppm/Policies/4-35_IntellectualProperty.html))

## Sharing of Materials Created by Employees

All employees shall seek review and approval by WSU Charter Academy principal before sharing materials that were developed on WSU Charter Academy contract time or funding. On approval the employee may share materials but must follow the policy as outlined below.

### I. PURPOSE

To articulate rules regarding intellectual property.

WSU supports academic freedom principles including the right to freely publish scholarly works and research results that are not subject to confidentiality obligations. WSU is entrusted with the responsibility of administering its own intellectual property in the best interests of the public.

### II. REFERENCES

- Public Law 96-517, as amended, "The Patent and Trademark Amendments of 1980"
- WSU Policy 5-13
- WSU Policy 5-41

### III. DEFINITIONS

**Copyrightable Material.** The term "material" refers to all copyrightable works, including but not limited to, writings, lectures, musical or dramatic compositions, sound recordings, films, videotapes and other pictorial reproductions, computer programs, listings, flow charts, manuals, codes, instructions, and software, and various combinations thereof.

**Copyright Owner.** The term "owner" refers to the party who owns or controls the bundle of rights to copyrightable material and who has the right to sell, assign, distribute, license, or otherwise control the uses of such material.



Publication. Publication occurs when by consent of the copyright owner the original or tangible copies of a work are sold, leased, loaned, given away, or otherwise made available to the general public.

Sale. Sale occurs when copyrightable materials are made available for consideration.

#### **IV. POLICY**

- A. Creative works, such as discoveries, writings, instructional material, art works, know-how and inventions frequently result from WSU employee involvement in teaching, research and service activities. Creative works generally have certain intellectual property rights associated with their creation and existence.
- B. Sponsored projects with products and/or creative work resulting from the project work, are subject to all University Policies stated in WSU Policy 5-13 and 5-41.

PPM 10-2 Acceptable Use Policy for Computing and Network Resources

([http://www.weber.edu/ppm/Policies/10-2\\_AcceptableUse.html](http://www.weber.edu/ppm/Policies/10-2_AcceptableUse.html))

5-41 – Copyright Policy: Ownership

#### **POLICY**

##### **I. PURPOSE AND SCOPE**

###### **A. Purpose**

The purpose of the university's copyright policy is to outline the respective rights which members of the faculty, staff, and student body have in intellectual materials created while employed by or attending the university.

###### **B. Nature of Rights Protected by Copyright**

Copyright is a form of protection given by law to authors of intellectual works. Only authors or those to whom authors have assigned their rights may claim copyright. The owner of a copyright retains and controls a bundle of rights, including but not limited to the following: to print and reprint copies of the work; to sell or distribute copies of the work; to transform or revise the work; and to perform or display the work to the public.

###### **C. Scope of Works Protected by Copyright**

1. Literary works;
2. Musical works including accompanying words;
3. Dramatic works including accompanying music;
4. Pantomimes and choreographic works;
5. Pictorial, graphic, and sculptural works;
6. Motion pictures and audiovisual works;
7. Sound recordings; and
8. Computer programs and documentation.

The requirement the law places on the copyrightability of any of the above works is that the work must be in a form that can be perceived directly or by means of a machine or other device.

Both published and unpublished works are under statutory protection.

#### D. Limitations on Copyright Coverage

Copyright protection is not extended to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of how it is described, explained, illustrated or embodied.

#### E. Copyright Ownership

The university encourages the preparation and publication of copyrightable works that result from teaching, research, scholarly and artistic endeavors by members of the faculty, staff and student body by upholding ownership rights of authors in their writings and scholarship that result from usual teaching, research or artistic activities. Normally, the copyright of these works is held by the author.

However, because of advancing technology, new forms of educational materials are being developed which require a substantially greater level of direct support from the university than does the writing of a "traditional" textbook and the like. The extraordinary use or purchase of equipment and production facilities, computers, and the expertise of a variety of individuals with special training may be required to augment the talents of an author. When the investment of time and money by the author and the university differs substantially from that involved in the creation of customary educational material, as defined by departmental norms, such material shall be designated as university-sponsored and the university may claim copyright.

## II. DEFINITIONS

For purposes of this policy, the following definitions will apply:

- A. **Copyrightable Material.** The term "material" refers to all copyrightable works, including but not limited to, writings, lectures, musical or dramatic compositions, sound recordings, films, videotapes and other pictorial reproductions, computer programs, listings, flow charts, manuals, codes, instructions, and software, and various combinations thereof.
- B. **Copyright Owner.** The term "owner" refers to the party who owns or controls the bundle of rights to copyrightable material and who has the right to sell, assign, distribute, license, or otherwise control the uses of such material.
- C. **Publication.** Publication occurs when by consent of the copyright owner the original or tangible copies of a work are sold, leased, loaned, given away, or otherwise made available to the general public.
- D. **Sale.** Sale occurs when copyrightable materials are made available for consideration.

## III. OWNERSHIP

#### A. Individual Authors

The university does not claim copyright on material resulting from customary teaching,

research, scholarly and artistic activities such as scholarly articles, research bulletins, monographs, paintings, musical and dramatic compositions, sculptures, architectural designs, books, textbooks, submissions to scientific and technical journals, reference works and the like, and the preparation and taping of lectures or other instructional units. Exceptions to this are defined in Section B below.

### **University Sponsor**

1. The university may claim copyright under the following circumstances:
  - a. there is substantial support provided by any university department or unit established to furnish such support or assistance beyond the author's regular salary (including stipends, fellowships, grants), customary use of secretarial assistance, and the use of libraries, laboratories, studios, computers, or equipment; and
  - b. the university claims copyright as a condition of providing the support. Such works shall be regarded as university-sponsored works for hire. Such works shall be the property of the university and, at the university's option, shall be copyrighted in the name of the university, except for material produced or developed under grants from agencies of the federal government or other private sources (see Section C, following).
2. The university reserves the right to claim copyright in university-sponsored works subject to the procedures described in this paragraph. Decisions to claim copyright in the university's name will be made by the provost or his or her designee, following consultation and/or negotiation with the author(s), within sixty (60) days from receipt of written notice from the author(s) to the provost's office that he or she is creating a work which may be subject to this Section B.2. If, following consultation and/or negotiation with the author(s), the provost or his or her designee fails to assert a copyright claim in writing within the sixty day review period, the copyright will be released to the author(s). However, the university reserves the right to claim copyright in any work in which there is a substantial change in university support until the requisite notice of the change has been given to the provost's office and a new sixty day review period has run. Thus, any work in which the nature, scope or level of university support increases substantially during the course of the project must be renegotiated.
3. A substantial contribution, further is one which is significant in the context of the situation and the practices of particular disciplines, colleges and departments or other units of the university.
4. In all cases of substantial university support, an appropriate agreement shall be entered into by the university and the individual author(s). Questions whether particular copyrightable materials are considered university-sponsored should be addressed to the provost in consultation with appropriate departments or units.
5. Copyrightable material produced as the primary purpose of employment is considered a work-for-hire. In cases where the university hires work, a written work-for-hire

agreement shall be prepared outlining the respective rights of the parties to the copyrightable material.

6. For example, when the university, or one of its colleges, schools, departments, or units has assigned a member of the faculty, staff or student body to develop copyrightable material during time that is being compensated for by funds administered by the university, the university shall own the rights unless an agreement in writing to the contrary has been reached between the author and the university.

**B. External Sponsor**

Copyrightable material produced under grants from the federal or state government, or a private agency, shall be subject to conditions of the contract or grant with respect to ownership, distribution and use, and other residual rights.

If the funding agency does not claim copyright, such right shall vest in the university and Section B shall apply. If the funding agency desires to claim copyright, the university shall make reasonable efforts to negotiate sharing of royalty rights for the author and/or the university.

#### **IV. REVENUE SHARING**

**A. Individual Authors**

Authors of intellectual works described in III. A. above, own the copyrights in their works, and are free to publish them, register the copyright, and receive any resulting revenue from their sale.

**B. University Sponsor**

1. When the university, at its option, obtains a copyright for materials resulting from an effort regarded as university-sponsored, the author(s) may be allowed to share in any royalties which accrue from the sale or lease of such material provided an appropriate agreement is entered into. The agreement shall take into account the effort and contribution of the author(s) as well as the development costs to the university when setting the royalty rates and return of investment.
2. When an author(s) makes a gift of a personal work to the university, a written agreement accepting the contribution must be executed. The agreement shall take into account whether the author(s) shall share in any royalties resulting from the sale or lease of the contributed work. All such agreements shall be approved by the development office in consultation with the copyright coordinator.
3. When the university obtains a copyright and assumes the obligation of publishing and marketing a work, an agreement that sets forth a schedule for sharing royalty income between the university unit responsible for the production and the author(s), and summarizes commitments and/or promises made by either of the parties to the other shall be executed. Although each production effort will receive separate consideration depending on the respective contribution of the author(s) and the university, a general schedule for sharing income is as follows:

- a. Eighty percent of gross proceeds of any sale will be allocated to the University unit(s) incurring the direct cost of publishing and marketing the work. Twenty percent of gross proceeds will be distributed to the individual author(s) who may or may not elect to disclaim all or part of their individual share for the benefit of their home department or unit.
  - b. When the costs of publishing and marketing are recouped from the 80 percent share of proceeds, the balance of proceeds will be distributed so that the author(s) will receive 30 percent of the gross proceeds, and the balance will be divided equally between a university copyright development fund and the university unit responsible for commercializing the copyrighted work. The author(s) may or may not elect to disclaim all or part of their individual share as described in (a) above.
- 4. When the university does not act directly as the publisher of copyrighted materials, but merely contracts with a commercial publisher for that function on a royalty basis:
  - a. The author(s) generally will be allocated 80 percent of the royalty income paid by the publisher to the university, and the university copyright development fund will receive the balance.
  - b. The 80 percent allocation described in (a) above will be subject to modifications made by agreement between the university and the author(s). For example, the author(s) may agree that all or a part of their personal allocations be deposited in a department development account established to nurture and support further research and development of copyrightable materials or any other use.
  - c. The 80 percent allocation may be subject also to modification so that the university may recoup administrative and developmental costs beyond the ordinary.

#### C. External Sponsor

In cases of external funding, where the university and the funding agency have negotiated a reasonable sharing of any income resulting from the commercialization of sponsored copyrighted materials, the author may appropriately share in any income. The nature and extent of author participation in royalty income shall be subject to sponsor and university agreement.

### **V. USE OF UNIVERSITY-SPONSORED MATERIAL**

The university will consult or provide a reasonable opportunity for the author's consultation with respect to use made of a copyrighted work within the university or before any license for its use outside of the university is granted. When unresolved matters on use occur, the matter shall be referred to the provost for resolution or referral for binding arbitration.

### **VI. REVISION OF MATERIALS**

University-sponsored materials shall not be altered or revised without providing the author(s) a reasonable opportunity to assume the responsibility for the revision. If the author(s) decline(s) the opportunity to revise such material, the assignment of responsibility for the revision will be made by the provost in consultation with the appropriate department.

## **VII. WITHDRAWAL OF MATERIALS**

University-sponsored materials shall be withdrawn from use when such use is deemed obsolete or inappropriate by the author(s) or the appropriate department.

## **VIII. RELEASE**

The university may elect to release to the author(s) the right to any work copyrighted in the name of the university.

## **IX. LIABILITY**

An author of a work produced as a result of a special assignment or commission, or with substantial university or outside support, must warrant that the material does not infringe on any existing copyright or other legal rights; that work not identified as quotations or properly cited is the expression or creation of the author; that necessary permission for quotation and the like has been obtained; and that the work contains no libelous material nor material that invades the privacy of others.

## **X. PROCEDURES**

- A. The responsibility for coordinating matters involving copyright, including the making of contracts and the waiving or assigning of rights, is assigned to the university copyright coordinator in consultation with interested individuals and departments/units.
- B. The responsibility for the commercial marketing of most university-owned copyrighted materials, e.g., printed and media materials is assigned to an appropriate administrative office in cooperation with the copyright coordinator. The responsibility for maintaining appropriate fiscal records is assigned to the copyright coordinator.
- C. The copyright coordinator shall be responsible for ensuring the agreements required in III.B. are accomplished.
- D. Sample contracts are available through the office of the copyright coordinator and the office of legal counsel.
- E. All university-owned copyrights shall be protected by notice of copyright in the name, "Weber State University," and may be registered as such.

## **5-42 – Copyright Policy: Copying of Copyrighted Works**

### **I. PURPOSE**

To declare the university's policy regarding compliance with Copyright Revision Act of 1976.

### **II. REFERENCES**

Policy and Procedures No. 5-41, Copyright Policy: Ownership

### **III. DEFINITIONS**

Terms used in this Policy and Procedures have the same meaning as in Title 17, United States Code (see 17 U.S.C., Section 101), including:

- A. Audiovisual works are works that consist of a series of related images which are intrinsically intended to be shown by the use of machines or devices such as

projectors, viewers, or electronic equipment, together with accompanying sounds, if any, regardless of the nature of the material objects, such as films or tapes, in which the works are embodied.

- B. Broadcast programs are television programs transmitted by television stations for reception by the general public without charge.
- C. Copies are material objects, other than phonorecords, in which a work is fixed by any method now known or later developed, and from which the work can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. The term "copies" includes the material object, other than a phonorecord, in which the work is first fixed.
- D. Copyright owner, with respect to any one of the exclusive rights comprised in a copyright, refers to the owner of that particular right.
- E. Fair use is a reasonable noninfringing use, including reproduction, of copyrighted material for such purposes as criticism, comment, news reporting, teaching, scholarship or research, as determined from consideration of all relevant circumstances, including (1) the purpose or character of the use, e.g., for commercial purposes or for nonprofit educational purposes, (2) the nature of the copyrighted work, (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole, and (4) the effect of the use upon the potential market for or value of the copyrighted work.
- F. Literary works are works, other than audiovisual works, expressed in words, numbers, or other verbal or numerical symbols or indicia, regardless of the nature of the material objects, such as books, periodicals, manuscripts, phonorecords, film, tapes, discs, or cards, in which they are embodied.
- G. Phonorecords are material objects in which sounds, other than those accompanying a motion picture or other audiovisual work, are fixed by any method now known or later developed, and from which the sounds can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. The term "phonorecords" includes the material object in which the sounds are first fixed.
- H. Publication is the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. The offering to distribute copies or phonorecords to a group of persons for purpose of further distribution, public performance, or public display, constitutes publication. A public performance or display of a work does not of itself constitute publication.
- I. School days are school session days, not counting weekends, holidays, vacations, examination periods, or other scheduled interruptions.
- J. University, unless the context otherwise requires, includes the institution and its officers and employees acting in the scope of their office or employment.
- K. Work means a work of authorship that is capable of copyright protection, including literary, musical, dramatic, choreographic, pictorial, graphic, sculptural, motion picture, audiovisual, and sound recording works.

#### **IV. POLICY**

##### **A. Notices and Warnings**

1. A "Display Warning of Copyright" conforming to requirements specified by the

Register of Copyrights shall be displayed prominently, in such a manner and location as to be clearly visible, legible, and comprehensible to a casual observer within the immediate vicinity of each place on the university campus at which orders are accepted for the making of copies or phonorecords of copyrighted materials.

2. An "Order Warning of Copyrights" conforming to requirements specified by the Register of Copyrights shall be included on printed forms used by library patrons for ordering copies or phonorecords of copyrighted materials.
3. All unsupervised reproducing equipment located on university premises shall display a notice that the making of a copy of copyrighted materials may be subject to the copyright law. The notice is to be displayed prominently so that it is readily apparent to a person making a copy.

#### B. Copying for Personal Use

The making of a single reproduction or phonorecording of copyrighted matter, including works contained in the collections of the university libraries or archives or obtained by interlibrary loan, is permitted if:

1. the university reasonably believes that the reproduction is made without any purpose of direct or indirect commercial advantage;
2. the copy or phonorecord will become the property of the user;
3. the university has no notice that the copy or phonorecord will be used for any purpose other than private study, scholarship, or research; and
4. such reproduction or phonorecording, and intended use to be made of it, constitute fair use. Copyrighted material to be reproduced under this paragraph shall be deemed reasonable as to amount and substantiality if it does not exceed the following guidelines:
  - a. a chapter from a book; or
  - b. an article from a periodical or newspaper; or
  - c. a short story, short essay or short poem, whether or not from a collective work; or
  - d. a chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.

#### C. Copying for Classroom Use

The reproduction or phonorecording of copyrighted works for classroom or teaching laboratory purposes, such as criticism, comment, teaching, scholarship, or research, is permitted, if all of the following minimum fair use standards for permissible copying are observed:

1. Multiple copies prepared for class distribution do not exceed one copy per student in the particular course.
2. The copying meets the tests of brevity described in the following guidelines:
  - a. With respect to poetry, "brevity" is deemed to mean a complete poem if less than 250 words and if printed on not more than two pages or, if from a longer poem, an excerpt of not more than 250 words.



- b. With respect to prose, "brevity" is deemed to mean either a complete article, story or essay of less than 2,500 words, or an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words. These limits are not violated by the completion of an unfinished line of a poem or of an unfinished prose paragraph.
  - c. With respect to illustrations, "brevity" is deemed to mean one chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.
  - d. With respect to "special" works (i.e., certain works that combine language with illustrations, sometimes intended for children, and that fall short of 2,500 words in their entirety), "brevity" is deemed to mean an excerpt comprising not more than 10% of the words found in the text itself.
- 3. The copying meets the tests of spontaneity as described in the following guidelines:
  - a. The copying is at the instance and inspiration of the individual who orders or makes the reproductions or phonorecords to be prepared and distributed.
  - b. The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission from the owner of the copyright.
- 4. The copying meets the cumulative effect tests described in the following guidelines:
  - a. The copied material will be used in only one course offered in the college in which the instructor making the copies holds an academic appointment.
  - b. Not more than one short poem, article, story, essay or two excerpts may be copied from works by the same author, nor more than three from the same collective work or periodical volume, during the same quarter or semester.
  - c. Not more than nine instances of such multiple copying shall be made for any one course during the same quarter or semester.
  - d. The limitations stated in (b) and (c) do not apply to current news periodicals and newspapers and current news sections of other periodicals.

#### D. Copying of Music

Music may be reproduced by copy or phonorecord for educational use if the following minimum fair use guidelines are satisfied:

- 1. Emergency copying is permitted to replace purchased copies which are not available for an imminent performance, provided that purchased replacement copies shall be substituted in due course at the earliest reasonable opportunity.
- 2. For academic purposes other than performance:
  - a. Single or multiple copies of excerpts of works may be made provided that the excerpts do not comprise a part of the whole which would constitute a performable unit, such as a selection, movement or aria, but in no case more than 10% of the whole work. The number of copies shall not exceed one copy per student.

- b. A single copy of an entire performable unit (section, movement, aria, etc.) that is (1) confirmed by the copyright proprietor to be out of print or (2) unavailable except in a larger work, may be made by or for a teacher solely for the purpose of scholarly research or in preparation to teach a class.
- 3. Printed copies which have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exists.
- 4. A single copy of a sound recording (such as a tape, disc or cassette) of copyrighted music may be made from sound recordings owned by the university or an individual teacher for the purpose of constructing aural exercises or examinations if the copy is to be retained by the university or individual teachers. (The foregoing pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording.)

#### E. Off-air Recording

- 1. Off-air recording of any television broadcast (except pay television) is permitted provided that:
  - a. the recorded program is retained by the department or the faculty member,
  - b. the recorded program is retained no more than forty-five (45) calendar days after the date of recording, and
  - c. upon conclusion of the retention period, all off-air recorded programs are erased or destroyed.
- 2. Off-air recording of television programs may be made by individual instructors at the university provided that:
  - a. the recorded program is recorded no more than one time by individual instructors;
  - b. the recorded program is used once in the course of relevant teaching activities and is repeated once only when instructional reinforcement is necessary within ten school days of the taping;
  - c. recorded programs are shown in classrooms and similar places devoted to instruction within a single building, cluster or campus, or in the homes of students receiving formalized home instruction
  - d. recorded programs are used only during the first ten school days of the forty-five day retention period.

#### F. Computer Programs (Software)

- 1. The making of an exact copy or adaptation of a software package by a university department or unit which owns the copy is permitted provided that:
  - a. the new copy or adaption is made as an essential step or in the utilization of the software in conjunction with the machine, or
  - b. a new copy or adaption is made for archival purposes (not for use on any other machine) and will be destroyed when the original software is no longer in use.

#### G. Copying by University Libraries

- a. General reserve desks may circulate single reproduction copies of library-owned copyrighted materials, provided that in the preparation of such circulating copies, library personnel do not exceed the standards for permissible copying set forth in section C, above.
- b. With respect to interlibrary loans, university libraries as borrowing libraries shall keep and retain records of filled loan requests for three full years following the end of the calendar year in which the requests were made in order to insure that during said period of three years:
  - a. The library did not request and receive more than five articles per year from any copyrighted periodical title published within the five years immediately prior to the date of a request; and
  - b. the library did not request and receive more than five copies per year of or from any given copyrighted work, including a collection of copyrighted works, during the entire period such material was protected by copyright.
- c. University libraries as lending libraries may make isolated and unrelated reproductions of a single copy of the same copyrighted materials on separate occasions as long as the libraries and their personnel are not aware of and have no reason to believe they are engaging in related or concerted reproduction of multiple copies.
- d. University libraries shall refuse:
  - a. to fill an interlibrary loan request where prior contractual obligations prohibit copying of such copyrighted material;
  - b. to honor a request from a borrowing library which has not verified on its order form that the request conforms to the copyright law and guidelines.
- e. For the purpose of preserving and maintaining library collections, university libraries are permitted to make:
  - a. facsimile reproductions of unpublished works that are currently in the library-owned collection for purposes of preservation, security, or deposit in another library; and
  - b. a copy of a published copyrighted work to replace a work that is damaged, deteriorating, lost or stolen, if:
    - the library determines, after a reasonable effort, that an unused replacement cannot be obtained at a fair price, and
    - the copy includes a notice of copyright.

#### H. Prohibitions

In addition to compliance with applicable limitations on uses of copyrighted materials as provided herein, faculty and staff are expected to refrain from any of the following actions which are specifically prohibited by law:

1. Books and periodicals

Unless authorized in writing by the owner of the copyright to any book or periodical:

- a. Copying may not be used to create, or to replace or substitute for, anthologies, compilations or collections of copyrighted works. Replacement or substitution may occur whether copies of various works or excerpts there from are accumulated or are reproduced and used separately.
- b. There shall be no copying of or from copyrighted works intended to be "consumable" in the course of study or of teaching, such as workbooks, exercises, standardized tests, test booklets and answer sheets, and like consumable material.
- c. Copying may not:
  - be used as a substitute for the purchase of books, publishers' reprints or periodicals;
  - be directed by higher authority;
  - be repeated with respect to the same item by the same teacher in successive quarters or semesters.
- d. No charge may be made to a student for a single copy of copyrighted materials beyond the actual cost of reproduction.

## 2. Educational uses of music

Unless authorized in writing by the owner of the copyright to any music:

- a. Copying may not be used to create, or replace or substitute for, anthologies, compilations or collective works.
- b. There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching, such as workbooks, exercises, standardized tests and answer sheets, and like material.
- c. Copying may not be used for the purpose of performance, except as permitted for emergency copying under Section D 1.
- d. Copying may not be used as a substitute for the purchase of music, except as permitted under Sections D 1 and D 2, above.
- e. Copying is not permitted without inclusion of the copyright notice which appears on the printed copy of the music.

## 2. Off-air recording

Unless authorized in writing by the owner of the copyright in any television program:

- a. Television programs may not be regularly recorded in anticipation of instructor requests by any media services unit of the university.

## 3. Computer Programs (Software)

Unless authorized in writing by the owner of the copyright in any computer program:

- b. Copying computer programs may not be used as a substitute for purchase.

## I. Exclusive Rights

1. University faculty and staff members are expected to recognize and observe the exclusive rights of copyright owners.
2. This policy statement shall be construed liberally to carry out the dual purposes for which

specific limitations upon these exclusive rights were written into the law:

- a. to promote and facilitate educational uses of copyrighted materials, and
  - b. to reduce incidence of copyright infringements.
3. Under federal law (17 U.S. C., Section 106), the owner of copyright has the exclusive rights to do and to authorize any of the following:
- a. to reproduce the copyrighted work in copies or phonorecords;
  - b. to prepare derivative works based upon the copyrighted work;
  - c. to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership; or by rental, lease, or lending;
  - d. in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to perform or display the copyrighted work publicly.

## **V. PROCEDURES**

### **A. Posting Notices and Warnings**

Responsibility for assuring that required notices and warnings are properly posted or affixed under Section IV A rests with the appropriate vice presidents.

### **B. Enforcement of Minimum Compliance Standards**

1. Development of operating practices to assure compliance with minimum standards for copying rests with line management personnel, under the direction of the appropriate vice presidents, in consultation with the most directly affected group(s), (e.g., faculty, personnel officers, staff).
2. Operating practices for complying with legal requirements relating to performances of copyrighted musical, literary, and dramatic works shall be initiated by the relevant university operating units under the direction of the appropriate vice president.
3. Payment of royalties for copying or performance of copyrighted works, where required in the course of university business, shall be charged to an approved departmental account.
4. Violators of this policy will be subject to disciplinary sanctions as described in appropriate sections of the PPM.
5. Questions as to the interpretation of the Policy and Procedure, or as to other aspects of copyright law, should be addressed to the copyright coordinator or university counsel.

## **5-43 – Performance or Display of Copyrighted Works**

### **I. PURPOSE**

To declare the university's policy regarding compliance with provisions of the Copyright

Revision Act of 1976 concerning performance or display of copyrighted works.

## II. REFERENCE

- PPM 5-41, Copyright Policy: Ownership
- PPM 5-42, Copyright Policy: Copying of Copyrighted Works

## III. DEFINITIONS

- A. Audiovisual works are works that consist of a series of related images which are intrinsically intended to be shown by the use of machines or devices such as projectors, viewers, or electronic equipment, together with accompanying sounds, if any, regardless of the nature of the material objects, such as films or tapes, in which the works are embodied.
- B. Broadcast is an electronic transmission, in any medium, for reception by the general public with or without charge.
- C. Classroom means a place devoted to instruction, including a regular classroom, teaching laboratory, studio, workshop, gymnasium, training field, library, stage of an auditorium, or an auditorium itself when actually used for systematic instructional activities.
- D. Display means to show a copy of a work, in whole or in part, either directly or by means of film, slide, television image, or any other mechanical or electronic device or process, and, in the case of a motion picture or other audiovisual work, includes the showing of individual images nonsequentially.
- E. Dramatic rights, frequently called "grand rights," is a term referring to the rights of a copyright owner whose work is considered dramatic in nature, under which the owner has the exclusive right to perform, display, or present such copyrighted work publicly. Examples of dramatic works that are subject to dramatic rights include but are not limited to, plays, ballets, operas, operettas, oratorios, pantomime, revues, musical comedies, sketches, and dramatic scripts designed for radio and television broadcast.
- F. Ephemeral recording means a copy or phonorecord of a work made for the purpose of later transmission by a broadcasting organization legally entitled, either by license from the copyright owner or pursuant to statutory exemption, to transmit the work.
- G. Exempt performance or display means a performance, presentation, or display for which permission from and/or payment to the copyright owner are not required.
- H. Face-to-face teaching activities are defined as instructional performances and displays that are not transmitted by electronic means from other locations. This term does not require that the teacher and student be able to see each other, although it does require their simultaneous presence in the same general place. It excludes broadcasting from a remote location into a classroom, whether by radio or television on open or closed circuit.
- I. Full-Time Equivalent Enrollment (FTE) shall mean the sum of all full-time undergraduate and graduate students and the full-time equivalent of all part-time students calculated pursuant to the methods set forth and reported by the university to the Higher Education General Information Survey (HEGIS).
- J. Lawfully made copy means a copy obtained pursuant to permission from the copyright owner or a valid provision in a lease agreement, purchase contract, or other agreement.
- K. Motion pictures are audiovisual works consisting of a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

- L. Nonexempt performance or display means a performance, presentation, or display that is subject to licensing and payment or royalties, and for which permission from the copyright owner or duly authorized agent is required.
- M. Notice of objection is a written notice signed by the copyright owner or an authorized agent, for the purpose of preventing a noncommercial performance of a nondramatic literary or musical work. To be legally effective, the notice must be served on the person responsible for the planned performance at least 7 days prior to the performance, and must state the reasons for the objection.
- N. Perform means to recite, render, play, dance, or act a work, either directly or by means of any device or process or, in the case of a motion picture or other audiovisual work, to show its images in any sequence or to make the sounds accompanying it audible.
- O. Public performance or display means:
  - 1. To perform or display a work at a place open to the public or at any place where a substantial number of persons outside of the normal circle of family and its social acquaintances is gathered; or
  - 2. to transmit or otherwise communicate a performance or display of the work to a place specified by clause (1) above or to the public, by means of any device or process, whether the members of the public capable of receiving the performance or display receive it in the same place or in separate places and at the same time or at different times.
- P. Seating capacity means:
  - 1. The total number of seats permanently affixed in the facility where a performance occurs, plus any temporary seats added for a particular performance; or
  - 2. the total number of seats made available for a particular performance if the seating capacity of the facility has been altered to accommodate the performance, e.g., certain seats "roped off."
  - 3. The total number of persons attending a particular performance if the site does not have formal seating, e.g. ballroom or outdoors.
- Q. Transmission program means a body of material that, as an aggregate, has been produced for the sole purpose of transmission to the public in sequence and as a unit.
- R. Transmit means to communicate a performance or display by any device or process whereby images or sounds are received beyond the place from which they are sent.
- S. University Premises means the buildings and grounds of the university campus, or of any other facilities leased, engaged, or controlled by the university, or of any organization (including any fraternity, sorority, social club, or similar organization affiliated with the university) located off-campus but functioning under the university's auspices primarily for the benefit of the university's students. University "premises" shall also mean the facilities used to accommodate performances of music by persons and groups of persons organized or operating under the authority of the university, where the performance is offered or sponsored by a governmental agency or nonprofit organization.

#### **IV. POLICY**

- A. Exempt Performance or Display of Copyrighted Works
  - 1. Classroom Instruction

The exempt performance or display of copyrighted work is authorized on university premises if the performance or display is:

- a. in the course of face-to-face teaching activities;
- b. in a classroom; and
- c. in the case of a motion picture or other audiovisual work, is presented by means of a lawfully made copy.

This exemption does not permit the unauthorized reproduction of copies or phonorecords for purposes of classroom performances or displays in violation of the university's copyright policy, PPM 5-42.

## 2. Instructional Broadcasts

The exempt reading or presentation of a nondramatic literary or musical work, or the exempt display of a work by or in the course of an instructional broadcast transmission is permitted if the performance or display is:

- a. a regular part of systematic instruction;
- b. directly related and of material assistance to the teaching content of the transmission; and
- c. is made primarily for reception in classrooms.

The reading of a nondramatic literary work under this exemption does not extend to acting it out in dramatic form without permission from the copyright owner. See paragraph (c).

- a. In connection with a transmission authorized under paragraph (a) above, the cognizant operation unit of the university may make not more than 30 copies of phonorecords and may use such ephemeral recordings for transmitting purposes for not more than seven years after the initial transmission if:
  1. no further copies or phonorecords are reproduced from the authorized 30 copies originally made; and
  2. only one copy or phonorecord is preserved, exclusively for university archival purposes, and the rest are destroyed after the expiration of the seven year period.
- b. The performance of a dramatic musical work, such as opera or musical comedy, or of a dramatic work, motion picture, or other audiovisual work, by or in the course of a transmission is permitted only if permission from the copyright owner or duly authorized agent is obtained.
- c. The performance of a nondramatic literary work is permitted by or in the course of a transmission specifically designed for, and directed to, blind and other sight or hearing impaired persons if:
  1. the broadcast is made without any purpose of direct or indirect commercial advantage; and



2. the broadcast is made through the facilities of a noncommercial educational broadcast station, or a cable transmitting system.
- d. In connection with the transmission of a performance under paragraph (d) above, the cognizant operating unit of the university may make 10 copies of the transmission if:
  1. copies are retained and used solely by the university's operating unit (or by a nonprofit organization that is legally entitled to transmit such programs to the blind and deaf);
  2. the copies will be used solely for the same kind of transmission or for university archival purposes; and
  3. no charge is made for the use of the transmission or copies.

### 3. Public Performance

The exempt public performance of a nondramatic literary or musical work (except in a broadcast transmission to the public) is permitted if:

- a. The performance is provided without any direct or indirect admission charge, and no compensation is paid to any of its performers, promoters, or organizers, or
- b. all net proceeds derived through any direct or indirect admission charge are used exclusively for education, religious, or charitable purposes; and
- c. the copyright owner has not served a "notice of objection" concerning the performance at least 7 days in advance.

## B. Nonexempt Public Performances of Copyrighted Dramatic and Nondramatic Literary and Musical Works

### 1. Licensing Requirement

All public performances (other than exempt performances) which are presented on university premises or are sponsored by the university or any of its operating units or affiliated organizations are required to be licensed by the copyright owner or an authorized agent who holds the right to grant such license.

- a. University departments or operating units that either regularly or occasionally use copyrighted dramatic literary or musical works for nonexempt purposes must obtain individual permission from and are responsible for making payment to the copyright owner or authorized agent prior to presenting such dramatic literary or musical works to the public.
- b. The public broadcasting of nondramatic musical works and graphic works by noncommercial educational broadcast stations is authorized only to the extent such broadcasts are covered by license agreements with the copyright owners, including such agreements entered into by the Public Broadcasting Service (PBS) and National Public Radio (NPR) with BMI, SESAC, ASCAP, and Harry Fox.

2. University-wide License Agreements

With respect to public performances of nondramatic musical works on university premises, the university has entered into general licensing agreements with BMI, ASCAP, and SESAC. Under the terms of these agreements the university may permit the public nondramatic renditions of separate musical compositions in the repertory of each licensing society in live or recorded performances at concerts and dances, parties at fraternities, sororities, or social clubs, during athletic events, in university cafeterias and eating places, and elsewhere on university premises.

3. Limitations in University-wide License Coverage

- a. The right to perform (live or recorded) nondramatic musical compositions is not assignable or transferable and is limited to the university's premises.
- b. The university's license agreements do not cover:
  1. Broadcasting, telecasting or transmission by wire or otherwise of renditions of musical compositions to persons outside of the university's premises.
  2. Performances by means of cable TV, cable radio, closed circuit radio or television stations, and jukeboxes.
  3. Performances of dramatic musical works, whether in the entirety or in part (one or more compositions), and whether accompanied or unaccompanied by dialogue, pantomime, dance, stage action, or visual representation.
  4. Concert versions of dramatic musical works.

C. Payment of Fees

1. Fees required to be paid under the terms of license agreements shall be administered as follows:
  - a. The university's general license fee, based on full-time equivalent student enrollment (FTE), is the responsibility of the Central Administration and will be paid out of a special budgeted account.

D. Copyright Coordinator

1. The Copyright Coordinator will assist university officers and directors of relevant operating units in complying with copyright laws and policies, and in fulfilling contractual requirements of applicable licensing agreements.
  - a. The Coordinator will administer a special budgeted account for the purpose of paying the general license fees for general use of music.
  - b. The Coordinator is responsible for establishing in cooperation with concerned operating units, a consolidated file of available concert programs and other lists of musical works performed at concerts and musical attractions under university auspices.

E. Reporting of Performances

Under the terms of the university's general license agreements, reports are to be submitted by relevant operating units as follows:

Programs or other lists of musical works which are prepared for distribution to an audience, or for the use or information of the operating unit must be forwarded to the Copyright Coordinator when available.

F. Prohibitions

In addition to compliance with applicable limitations on performances or displays of copyrighted materials as provided herein, faculty and staff are expected to refrain from any of the following actions which are specifically prohibited by law:

Film or other audiovisual works. Unless the owner of the copyright or authorized agent of the copyright owner transfers the rights in a particular film or audiovisual work to the university, or to the individual faculty member or support staff employee, films rented, leased or purchased for classroom showing may not be:

- a. transmitted by television or other devices or processes;
- b. copied, recast, transformed, or adapted, in whole or in part, for any purpose;
- c. shown to an audience who has paid for admission; or
- d. permitted to be used by any other institution or individual.

**V. PROCEDURES**

A. Payment of Fees and Reporting

Responsibility for assuring required payment of general license fees, and for filing of required reports of musical programs, rests with Copyright Coordinator.

B. Enforcement of Contractual Obligations

Development of operating practices to assure meeting contractual obligations rests with line management personnel, under the direction of the appropriate vice presidents.

C. Exceptions

Exceptions to the guidelines contained in this policy must be approved by the responsible vice-president with the concurrence of university course

**Student Code ([http://www.weber.edu/ppm/Policies/6-22\\_StudentCode.html](http://www.weber.edu/ppm/Policies/6-22_StudentCode.html))**

Section C(16)(h) and D(2)(g)

C. As members of the Weber State University community, students shall avoid conduct which violates the provisions of paragraph IV.B. above. Examples of such prohibited conduct include but are not limited to the following:

16. Theft or other abuse of computer facilities and resources, including but not limited to:
  - a. Use of computing facilities and resources in violation of copyright laws.

D. In addition to the foregoing, as members of the Weber State University academic community, students shall:

2. Maintain academic ethics and honesty. To this end, the following activities are specifically prohibited:
  - a. Infringing on the copyright law of the United States which prohibits the

making of reproductions of copyrighted material except under certain specified conditions.

# Discrimination and Harassment Policy

No. 3-32	Rev. 12-23-98	Date 8-17-77
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## PREAMBLE

Weber State University is committed to providing an environment free from harassment and other forms of discrimination based upon race, color, ethnic background, national origin, religion, creed, age, lack of American citizenship, disability, status of veteran of the Vietnam era, sexual orientation or preference or gender, including sexual/gender harassment. Such an environment is a necessary part of a healthy learning and working atmosphere because such discrimination undermines the sense of human dignity and sense of belonging of all people in the environment.

Discrimination and harassment are prohibited by Titles IV, VI and VII of the 1964 Civil Rights Act and Title IX of the Education Amendments of 1972. They are also prohibited by the Utah Anti-Discrimination Act. In addition, various other constitutional provisions, statutes and common law causes of action prohibit such discriminatory conduct. It is the policy of the University to enforce these laws among its students and employees.

Conflicts between the sometimes competing values of anti-discrimination and freedom of speech require a delicate balancing of interests. Constitutionally protected speech and traditional notions of academic freedom are valued in higher education. These ideals help to create the stimulating and challenging learning environment which should characterize higher education. In the spirit of a true university environment, instructors are encouraged to invite, rather than inhibit, discourse on ideas. The University should never restrict speech because of the unpopularity, unpleasantness or even the hatefulness of the message communicated. Nor should the University attempt prior restraint of speech.

Weber State University is committed to eliminating incidents of illegal discrimination in personnel policies and practices within the institution through affirmative efforts at education and support. When violations of this policy occur, various forms of disciplinary action, where appropriate, may be imposed within the parameters of protected speech.

## I. POLICY

- A. No student or employee of the University may illegally discriminate on the basis of race, color, ethnic background, national origin, religion, creed, age, lack of American citizenship, disability, status of veteran of the Vietnam era, sexual orientation or preference or gender when assigning work-related or education-related benefits and burdens.
- B. No student or employee of the University may engage in illegally harassing conduct which creates a hostile work or learning environment for other students or employees of the University.
- C. No University employee may create the reasonable perception in the mind of a student or subordinate that the granting or withholding of tangible academic or job benefits shall be

based on the granting of sexual favors.

- D. University employees with supervisory responsibility who know or have reason to know that this policy is being violated must take action to correct the situation.
- E. It is the policy of the University to provide fair, expeditious and uniform procedures by which claims for such treatment may be investigated and resolved within the University community. It is also the policy of the University to safeguard the rights of those accused of discrimination. For that reason, sanctions shall not be imposed upon any students or employees of the University until they have received due process.

## II. REFERENCES

- PPM 3-1, Equal Opportunity and Non-Discrimination Employment
- PPM 3-10, Termination of Employment
- PPM 3-31, Employee Grievances (Non-Teaching Personnel)
- PPM 3-33, Discipline (Non-Teaching Personnel)
- PPMs 9-9 through 9-18, Academic Due Process
- PPMs 9-1 through 9-8, Faculty Rights and Responsibilities
- Student Rights and Responsibilities Handbook

## III. DEFINITIONS

- A. AA/EO  
Affirmative Action/Equal Opportunity
- B. Appropriate Vice President  
The vice president with direct line responsibility over the college, department, office, agency or other operational unit of the University in which the claimed discrimination occurred.
- C. Clearly Offensive Conduct  
That conduct, be it verbal or nonverbal, which, when perceived in its overall context, would be taken by a reasonable person to be strongly objectionable and distasteful.
- D. Complainant  
A person who files a written or oral complaint with the AA/EO Office.
- E. Confidential Information  
Information which can only be released by written authorization of the complaining party, the AA/EO director, or the University Attorney.
- F. Confront  
To verbally bring face to face and/or to contact regarding specific matters.
- G. Demeaning Behavior  
Behavior which lowers the status, dignity or standing of any other individual.
- H. Derisive Behavior  
Behavior which insults, taunts or otherwise belittles or shows contempt for another individual.
- I. Director  
The director of the AA/EO Office, or her/his appointee.
- J. Disability  
An individual's physical or mental impairment that substantially limits one or more

of the major life activities of such individual, a record of such an impairment, or being regarded as having such an impairment.

K. Discrimination

Conduct, including words, gestures and other actions, which unfairly disadvantages persons based upon their immutable characteristics such as race, ethnicity, religion, sex, sexual orientation, creed, national origin, ancestry, age or handicap.

L. Employee

A person in a teaching or non-teaching position who receives compensation for work or services from funds controlled by the University, regardless of the source of the funds, the duties of the position, or the amount of compensation paid.

M. Harassment

Unwelcome conduct that is demeaning or derisive of or occurs substantially because of the race, color, ethnic background, national origin, religion, creed, age, lack of American citizenship, disability, status of veteran of the Vietnam era, sexual orientation or preference or gender of a student or employee or groups of these individuals and which creates a hostile learning or work environment. Harassment shall include one or more of the three levels described below. Behavior described in Levels One and Two shall constitute harassment only when a pattern of such conduct continues after the harasser knew, or should have known, that the conduct was unwelcome, unless such conduct is "clearly offensive," in which case only one such incident is necessary.

1. Level One: Generalized Harassment

- a. Includes intentional behavior directed at an entire group which is based on demeaning or derisive stereotypes, is so pervasive that it creates a hostile learning or work environment and that is not a part of a discussion or exchange of an idea, ideology or philosophy.
- b. Examples include comments or jokes, physical gestures or visual displays such as posters, etc.

2. Level Two: Individually Targeted Harassment

- a. Includes intentional, non-criminal behavior which is targeted at an individual or particular members of a group adversely affecting the work or learning environment, which can be verbal, visual or physical.
- b. Examples include negative or offensive comments, jokes, suggestions or gestures directed to an individual's or group's race, ethnicity or national origin.

3. Level Three: Criminal Harassment

- a. Harassing behavior which violates state or federal criminal statutes.
- b. Examples include criminal harassment, criminal assault, sexual assault, rape, criminal mischief, arson and trespass.

N. Participant

A person, other than a student or employee, who is participating in or attempting to participate in, or is receiving or attempting to receive the benefits of any program or activity conducted under the auspices of the University, including, but not

limited to, applicants for employment, clients, spectators, visitors and volunteers.

O. Respondent

A person named in a discrimination complaint as having engaged in or being responsible for a discriminatory act or omission.

P. Retaliation

Any form of sanction 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 University 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.

Q. Sexual Harassment

Any unwelcome treatment that is sexual in nature or occurs substantially because of the gender of the victim which creates a hostile work or learning environment. There are two types of sexual harassment: 1) hostile environment sexual harassment, which consists of three levels (see definition of "Harassment" above) and 2) *Quid Pro Quo* sexual harassment (see definition below).

*Quid Pro Quo* Sexual Harassment is when a faculty member or supervisor's behavior creates the reasonable perception in the mind of a student or subordinate that the granting or withholding of tangible academic or job benefits shall be based on the granting of sexual favors.

R. Student

A person applying for admission to, admitted to and duly registered as a participant in, or formerly admitted to any program of instruction or training offered by the University at any level, whether or not for credit.

S. Subordinate

Placed below another in rank, authority, power, status, etc.

T. UADD

Utah Anti-discrimination Division of the Industrial Commission.

#### **IV. MANAGEMENT PROVISIONS**

A. Applicability

1. Protection of academic freedom is valued in higher education. Deference to this ideal requires delicate balancing when applying this policy in an instructional setting. Instructors' good faith selection of subject matter and methodology, and the content of class discussions will be exempt, therefore, from the provisions of this policy. This exemption shall not apply to harmful or offensive personal attacks substantially based on a person's race, color, ethnic background, national origin, religion, creed, age, lack of American citizenship, disability, status of veteran of the Vietnam era, sexual orientation or preference or gender.
2. Any student or employee of Weber State University who is or has been subjected to discrimination, or harassment in violation of this policy may use the complaint procedures described herein
3. Any supervisor or faculty who knows or has reason to know of violations

of this policy within her/his area of responsibility must take corrective action. Such action may be to attempt an informal resolution or to refer the matter to the AA/EO Office. (See V, A below)

4. Any student or employee who knows or has reason to know of violations of this policy in any activity conducted under the auspices of Weber State University is encouraged to report such conduct to the AA/EO Office.
5. Questions regarding discrimination or harassment may be directed to the AA/EO Office.
6. The initial notice or inquiry may be submitted either orally or in writing. If a notice or inquiry is submitted orally and no complainant is willing to file a written complaint, the director shall proceed with the investigation if he/she, in consultation with the appropriate vice president or presidential assistant, believes that the interests of the parties or the institution dictate. Regardless of whether a signed complaint or intake form is received, the director shall use her/his best efforts to resolve the problem.
7. Complaints should be brought as soon as possible after the event(s) which gives rise to the complaint. Complaints should be filed within six months of the most recent act which violates the policy. Where the interests of justice require, however, this time limit may be waived with the consensus of the director, the appropriate vice president or presidential assistant and the University counsel.

#### B. Options

1. Those who believe they are victims of discrimination or harassment, witnesses or others may address discrimination or harassment issues by utilizing one or more of the following options:
  - a. Consult with the AA/EO Office.
  - b. Seek to resolve issues directly with the individual(s) alleged to have discriminated or harassed.
  - c. Seek to resolve issues through supervisor personnel.
  - d. Register a complaint with the AA/EO Office.
2. Those who believe they are victims of discrimination or harassment, witnesses or others may also initiate outside legal action through private sources, the UADD or the appropriate federal enforcement agency. It is recommended that where time allows (before applicable statutes of limitations have run) grievance procedures within the University described above will be utilized.
3. The director may initiate an independent investigation into alleged discrimination or harassment which need not be based upon the alleged victim's choice of action.
4. If an investigation reveals evidence of criminal conduct in discrimination, or harassment, the director may refer the matter to the County Attorney's Office. This decision need not be based upon the alleged victim's choice of action.



5. Consideration shall be given to the alleged victim's requests in the investigation process and fact-finding hearing. University officials, however, reserve the right to override the alleged victim's preferences in handling complaints. The justification for any decision to override the alleged victim's preference shall be documented in writing.
6. The director, and others designated by the institution, may provide direction and assistance to those involved in a discrimination complaint.

#### C. Protection of the Parties

1. Complaint investigations shall be treated with discretion to protect the privacy of those involved, as permitted by law.
2. The intentional disparagement of a complainant, respondent or witness during the pendency of an investigation shall constitute a violation of this policy.
3. Complainants shall not be required during the investigation to confront respondents outside of the investigative hearing.
4. Neither the respondent nor her/his representatives shall contact the complainant regarding allegations of discrimination unless such contact is arranged by the responsible supervisor handling the complaint or the AA/EO Office with the permission of the complainant.
5. The University shall vigorously pursue this policy to protect against discrimination, or harassment.
6. The director shall promptly inform the respondent(s), in writing, of the existence and nature of the charge(s) filed against them as set out in V, B, 3 below.

#### D. Retaliation

1. Retaliation against any person who opposes a practice which is forbidden by this policy, or has filed a complaint, testified, assisted or participated in any manner in an investigative proceeding or hearing under this policy is prohibited.
2. Individuals found guilty of any retaliation may face disciplinary action up to and including termination or expulsion.

E. The following types of conduct on the part of a gender/sexual harassment complainant shall not constitute a complete defense for the alleged harassment, but may provide evidence that the respondent did not have notice that her/his conduct was unwelcome:

1. The fact that a gender/sexual harassment complainant did not complain at the time of the conduct.
2. The voluntary participation in the alleged harassing behavior by the gender/harassment complainant.
3. The behavior, speech, dress and/or demeanor on the job or in school claimed to be sexually provocative.

#### F. Education

1. Weber State University recognizes the importance of educating its students and employees regarding the prevention of discrimination or harassment, the

promotion of cultural pluralism, and the observance of high ethical standards in consensual relationships. Benefits from such a program include the following:

- a. Informing individuals of their rights under this policy.
- b. Notifying individuals of proscribed conduct.
- c. Informing supervisors/managers about the proper way to address complaints of violations of this policy.
- d. Helping to educate members of the campus community about the problems this policy addresses.

2. To these ends, the University will organize an ongoing educational program in this area. Notice of this policy will be widely distributed. Workshops will be periodically conducted for employees of the University regarding discrimination, harassment, including sexual harassment, cultural pluralism and consensual relationships.

#### G. Available Remedies

1. These complaint procedures do not set any limit on existing administrative discretion or powers. Remedies should be considered on a case-by-case basis.
2. Employees and students found guilty of discrimination or harassment may face disciplinary action up to and including termination or expulsion. Imposition of such discipline may not occur unless the respondent has been afforded due process.

#### H. Records

1. Records of all discrimination or harassment complaints shall be maintained and stored for a minimum of three years in the AA/EO Office.
2. All information contained in the complaint file is classified as confidential.
3. Participants in such complaint proceedings shall treat all information as confidential.

### **V. PROCEDURE**

#### A. Initial Contact

1. Any person who believes he or she is the victim of discrimination or harassment or who has knowledge of such conduct is encouraged to report that conduct directly to the AA/EO Office or to an appropriate supervisor. Appropriate supervisors include department chairs, deans, vice presidents or directors at the departmental level or higher, or teachers of classes.
2. Reports of discrimination or harassment may be oral or written.
  - a. If the report is not in writing, an attempt should be made to acquire the complainant's signature to the Discrimination/Harassment Intake Form.
  - b. If a complainant is unwilling to sign an Intake Form attesting to the truth of the allegations contained therein, the complainant should be informed that her/his refusal may prevent the AA/EO Office from conducting an investigation. Regardless of whether a signed complaint or intake form is received, the director shall use her/his best efforts to resolve the

problem.

- c. The Intake Form shall include the identities of respondents; the frequency, intensity and duration of the behaviors complained of; the emotional and/or physical damages the complainant alleges resulted from the conduct; and the remedial action sought by the complainant.
3. If the initial report is directed to a line supervisor of the respondent:
  - a. The supervisor shall complete the Intake Form after interviewing the complainant.
  - b. The supervisor may either refer the complaint to AA/EO or attempt to resolve the complaint directly with the parties.
  - c. If the dispute is resolved to the satisfaction of the parties, the agreement shall be documented in writing with all parties signing and receiving copies. The agreement shall then be sent to the AA/EO director to review its legal adequacy.
  - d. If the agreement is approved by the director, she/he shall review the complaint 90 days from the date of the agreement to verify that its terms have been carried out by all parties. If so, the complaint will be closed. If not, an investigation by the AA/EO Office shall be conducted.
  - e. If the AA/EO director, with the concurrence of the University attorney, determines that the agreement reached by the parties is inadequate, then the AA/EO director shall contact the supervisor and attempt to assist that supervisor and parties to reach an agreement that is adequate. If the director fails in that effort then the AA/EO Office shall conduct an investigation as defined below.
  - f. If the supervisor fails to resolve the complaint within thirty days of its receipt, she/he shall refer the complaint to the AA/EO Office for investigation as defined below.
4. If the initial complaint of a violation of this policy is received by any employee of the University other than a supervisor with line authority over the respondent, the person contacted will refer the complaint to the appropriate supervisor or the AA/EO Office in a timely fashion.
5. If the initial complaint is directed to the AA/EO Office or if an unresolved complaint is referred to the AA/EO Office:
  - a. The AA/EO Office shall complete the Intake Form and, if the complaint includes allegations which would constitute a violation of this policy, initiate an investigation as defined below.
  - b. The director shall attempt informally to facilitate an agreement satisfactory to the parties. As part of this effort, the director shall encourage the parties to meet for face-to-face negotiations. No party, however, shall be forced to meet with the other party at this stage of the complaint procedure.
  - c. Agreements towards resolution of complaints shall be documented in writing with all parties signing and receiving copies.

- d. The director shall inform dean level supervisors with line authority over the respondent(s) named in the complaint that an investigation has been initiated.

#### B. Investigation

1. When required by the above procedures, the AA/EO Office shall conduct an investigation of complaints. When conducting investigations, the AA/EO Office shall disclose its role as a neutral investigator for the institution, as distinguished from an advocate for any of the parties involved.
2. The extent of an investigation shall be determined by the director, but at a minimum shall include interviews with all complainants and respondents. It is within the director's discretion to determine the order of these interviews.
3. The director shall promptly inform the respondents, in writing, of the existence and nature of the charge(s) filed against them. This shall be done by providing a copy of one of the following: 1) the written complaint, 2) the Intake form described in V, A, 2, c above or 3) a written summary of the complaint. The director shall also inform the respondents of their rights and responsibilities during the investigation and shall overview the anticipated investigative procedures.
4. An investigation shall be completed as quickly as practicable, but in any event, within twenty-five working days of receipt of the complaint, unless a longer period of time is reasonably required. Reasonable cause for delay includes, but is not limited to the unavailability of key witnesses or the discovery of new evidence requiring further investigation. The director shall attempt to keep the parties informed of the progress of the investigation throughout its duration. When delays occur, the parties shall be informed of them as soon as practical.
5. Within ten working days of the conclusion of the investigation, the director shall make available to the parties a written report. The report shall review the complaint, response, evidence adduced from the investigation and findings. The findings shall indicate whether it was more likely than not that a violation of this policy occurred.
6. The parties shall then have ten working days to provide to the director their written responses to the investigation report. At the end of that ten day period the director shall file the report and any written responses received from the parties with the appropriate vice president or presidential assistant.

#### C. Remedial Action

1. If a complaint is found to be factually supported in whole or in part, the appropriate vice president or presidential assistant shall implement corrective and remedial steps necessary to eliminate the effects of the discrimination upon the complainant and upon any other person similarly situated.
2. The complainant and respondent shall be given a written copy of the specific corrective and remedial action ordered to be taken.

#### D. Sanctions

1. No sanctions of any kind may be imposed solely on the basis of a complaint

investigation by the AA/EO Office.

2. Once the appropriate vice president or presidential assistant has reviewed the report of the director along with any responses thereto filed by any of the parties, she/he shall determine whether to close the complaint, attempt informal conciliation between the parties or initiate disciplinary proceedings. These proceedings shall include due process rights for the respondent, as provided by the following policies. These policies also indicate the rights of complainants to appeal any decision to close the complaint without disciplinary sanctions being imposed.
  - a. Respondents who are staff employees (non-faculty) are entitled to due process as set out in PPMs 3-33 and 3-31. Completion of the investigative procedures of this policy may, at the discretion of the director of Human Resources, constitute completion of steps one and two of PPM 3-31.
  - b. Respondents who are faculty are entitled to due process as set out in PPMs 9-9 to 9-14. Completion of the investigative procedures of this policy may, at the discretion of the provost, constitute completion of a preliminary investigation as outlined in PPM 9-11.
  - c. Respondents who are students are entitled to due process as set out in the Student Policies and Procedures Manual. Completion of the investigative procedures of this policy may, at the discretion of the vice president for Student Services and the student(s) or student groups involved, constitute completion of informal resolution procedures outlined in Chapter VIII of that document.
  - d. Under circumstances which could otherwise result in multiple hearings, each of which would be investigating complaints arising from the same occurrence(s), these various hearings may be consolidated into one hearing. Such a hearing would be conducted before a panel composed of representatives of the groups which fairly reflect the parties involved in the complaint. The line supervisor most proximate to all complaining and responding parties, with the concurrence of the University attorney, and all parties involved with the complaint shall determine the necessity for such consolidation. If there is such agreement, the line supervisor most proximate to all complaining and responding parties, with the concurrence of the University attorney shall determine the composition of the hearing panel. If any of the parties are unwilling to consolidate, then separate hearings will be undertaken.

#### E. Complaint Review

1. Within 90 days following the resolution of a complaint or the imposition of sanctions resulting from a complaint, the AA/EO Office shall conduct a review to determine if the resolution of the case is being followed.
2. If the review indicates that the resolution is being followed, the matter shall be terminated and the case file closed.
3. If the follow-up review indicates that the resolution is not being followed, the case shall be referred back to the appropriate vice president or presidential

assistant for consideration of additional disciplinary action(s), including possible disciplinary action against violators and their supervisors who knew that the resolution was not being followed, or that the unacceptable behavior continued to exist, and failed to take corrective action.

## Due Process/Definition of Terms

No. 9-10	Rev. 04-14-09	Date 3-7-87
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### I. REFERENCE

PPM 9-20, Security at Weber State University Hearings

### II. POLICY

The following definitions have been accepted by the University to apply to the various terms used in describing the procedures of academic due process as outlined in PPMs 9-9 through 9-18:

#### A. Accuser

1. Any individual or group (e.g., faculty member, administrator, citizen, student, investigative team, etc.) who registers a complaint or files a formal charge. The individual who registers the complaint need not also be the individual who files an associated formal charge.

#### B. Administrative Disposition

1. The resolution of a complaint made at any stage of the proceedings in which a responsible administrator dismisses the complaint or institutes appropriate disciplinary action. An administrative disposition must be acceptable to both the respondent and the accuser and must fall within the range of disciplinary actions contained in Policy No. 9-14, Disciplinary Actions.

#### C. Administrative Officer

1. A faculty member, administrator, or other individual designated by the president and confirmed by the Executive Committee of the Faculty Senate to represent the University during the informal (optional) and formal hearing processes. This person shall serve as a neutral observer endeavoring to insure that due process is afforded to all parties in the proceedings. This person need not be the same individual in all cases.

#### D. Chair of the Faculty Board of Review

1. The individual responsible for conducting the formal hearing process. The chair receives the formal charge, conducts the prehearing conference, conducts the formal hearing, keeps records and minutes, and makes the Board's recommendation to the president.

#### E. University Counsel

1. The lawyer assigned to the University by the Attorney General's Office. The

University Counsel will serve as a representative of the University to provide advice at any stage of the academic due process procedure to the chair of the Faculty Board of Review in appropriate cases. It should be recognized by all parties, however, that in this assignment the University Counsel serves to protect the interests of the University.

#### F. Complaint

1. An informal accusation filed by an accuser (any person or group) to a responsible administrator of the University (e.g., department chair, dean, vice president) that a violation of University policy or procedure has allegedly occurred.

#### G. Disciplinary Action

1. Includes measures or sanctions which are imposed by the president following a formal hearing as a penalty for the violation of University policy or procedure. The disciplinary actions authorized under this code are defined in this document in Policy No. 9-14, Disciplinary Actions.

#### H. Faculty Board of Review

1. The Faculty Board of Review is described in the Faculty Senate Constitution as follows: An elected committee which performs the review functions of the faculty. It is composed of seven tenured members of the teaching faculty. The Faculty Board of Review is principally concerned with, but not limited to, retention of tenured faculty cases of academic due process with regard to granting of tenure/promotion, salary, work conditions and other pertinent matters of faculty concern.
2. In the event that the accuser is a student of Weber State University, two students shall be added to the Faculty Board of Review. Student representatives will be designated by the WSUSA Executive Officers and confirmed by the Executive Committee of the Faculty Senate. The student representatives need not be the same individuals in all cases.
3. The Faculty Board of Review will normally operate from the first day of fall semester to the last day of spring semester and be in recess during the summer. While in recess, all board action deadlines will be suspended until fall semester. In exceptional cases, the chair of the Faculty Board of Review, in consultation with the Executive Committee and upon availability of board members, may call a meeting(s) in the summer.

#### I. Formal Charge

1. A concise statement of the complaint, summarizing the facts, conduct or circumstances reported to constitute failure to comply with the standards set forth in this document (PPMs 9-3 through 9-8). The formal charge is issued to the chair of the Faculty Board of Review who in turn informs the respondent.

#### J. Formal Hearing

1. Conducted by the seven-member Faculty Board of Review as set forth in Article VI of the Weber State University constitutional by-laws. The function of this

hearing is to hear and evaluate evidence and to make a recommendation for appropriate action to the president.

**K. Informal Conciliatory Meeting**

1. Brings together in conference the respondent and a responsible administrator. The meeting is initiated and conducted by a responsible administrator. Attendance of the accuser and/or the administrative officer is optional and may be requested by either the respondent or the responsible administrator. The purpose for the meeting is to provide enough information to the responsible administrator to determine the validity and/or seriousness of the complaint. The outcome of this meeting may be dismissal of the complaint, an administrative disposition or the filing of a formal charge.

**L. Prehearing Conference**

1. A meeting held after a formal charge has been filed with the chair of the Faculty Board of Review. At this meeting, initiated and conducted by the chair, the issues to be examined at the formal hearing are delineated.

**M. Preliminary Investigation**

1. A fact-finding activity conducted following the receipt of a complaint, conducted by a responsible administrator or an appointed task force. The purpose is to determine whether a complaint merits further action.

**N. Procedural Due Process**

1. Refers to the receiving of adequate notice, right to an impartial forum, meeting of deadlines, completion of committee assignments and deliberative actions in accordance with established policies and other procedural matters, many of which are outlined in PPM 9-9, Due Process/General Statement. In general, procedural due process will be deemed to have been afforded when the preponderance of the evidence shows reasonable care in following established procedures. Reasonable care in the performance of the various committees and administrators (allowing for exigencies and unanticipated problems) is sufficient to meet the requirements for procedural due process. Therefore, only cases of prejudicial failure to meet procedural guidelines are to be considered cause for recommendations for rehearings.

**O. Reasonable Care**

1. The level of performance recognized in the profession as reasonable in light of obligations one has assumed, competing demands upon energy and time, the nature and quality of the work and all other circumstances which the academic community, after being fully informed, would properly take into account in determining whether the respondent was discharging responsibilities at an acceptable performance level.

**P. Representative**

1. Any individual selected by the respondent to attend the informal conciliatory meeting or the formal hearing, including counsel, if desired.



**Q. Respondent**

1. A faculty member or an administrator with a faculty appointment against whom a complaint has been made or a formal charge has been issued.

**R. Responsible Administrator**

1. The person who receives or is otherwise delegated to review a complaint about an individual's alleged non-compliance with policies set forth in this document. The responsible administrator may be a department chair, program director, supervisor, dean, vice president or other appointed administrator of the University. This person is responsible for preliminary investigation of the complaint and for conducting the informal conciliatory meeting. The responsible administrator may or may not have administrative may or may not have administrative jurisdiction over the respondent.

## **Employment of Relatives**

No. 3-6	Rev. 1-19-83	Date 8-17-77
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### **I. PURPOSE**

To outline the University's policy toward employment of relatives and to minimize the negative impact on productivity and job satisfaction created by nepotism or the perception of nepotism.

### **II. DEFINITION**

**Immediate Family**

For the purpose of this policy immediate family is defined as fathers, mothers, husbands, wives, sons, daughters, brothers, sisters, uncles, aunts, nieces, nephews, first cousins, fathers-in-law, mothers-in-law, brothers-in-law, sisters-in-law, daughters-in-law or sons-in-law.

### **III. POLICY**

- A. University policy prohibits any individual holding a position for which payment is made from funds administered by the University to employ, appoint or vote for the appointment of members of his/her immediate family, in or to any position or employment, when the salary, wages, pay or compensation of such appointee is to be paid out of such funds. Subordinate supervisors may not hire the immediate family of their superiors, neither may supervisors employ two individuals of the same "immediate family" to positions for which the supervisor is responsible.
- B. Exceptions to this policy require signature approval of the supervising vice president. If the exception pertains to a member of a vice president's immediate family, the exception must be approved by the president. Special consideration will be given in the case of tandem teams of faculty personnel involving husband/wife combinations where the employment of both offers a unique academic program advantage.

When exceptions are requested, a written request must be submitted to the supervising vice president explaining the family relationship and the reasons for the exception. This memo, with the vice president's approving signature, must accompany the payroll action request form used to implement the appointment. At the time an exception is granted, a clear, written understanding must be reached as to how salary changes will be implemented, how evaluations and promotions will be handled and how general supervision will be accomplished.

- A. In the event a pre-existing relationship is discovered or a new family relationship develops among employees, a clear, written understanding must be reached as to how salary changes will be implemented, how evaluations and promotions will be handled and how general supervision will be accomplished.

## Enrollment and Lottery

Approved November 2012  
Reapproved April 2, 2013  
Reapproved May 13, 2013  
Reapproved March 17, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Administrative Code R277-437, R277-472, and 53G-6-401-405.

WSU Charter Academy has established an official admission procedure for accepting applications for enrollment at WSU Charter Academy. This Policy and Procedures provides appropriate procedures to be followed in the enrollment and lottery process and is made in compliance with governing laws, rules, regulations, and guidelines.

**Policy & Procedures:** Admission to WSU Charter Academy will not be made and preference in admission will not be given on any basis that violates governing laws, rules, and regulations, including IDEA 2004 and civil rights laws.

Notice of the opportunity to submit an application and procedures for enrollment at the School will be published on the WSU Charter Academy website beginning no later than sixty (60) days before the open enrollment period. The open enrollment period will commence for each upcoming school year between **January 1 – February 28**. Lottery Application must be received by 11:59 p.m. on **February 28** to be included in the lottery. The lottery is locked after the closing date with no changes being made except to withdraw a child from the lottery. The website provides the following enrollment information: (1) a description of the procedures for applying for admission to the academy; (2) the opening date or the academy's calendar; and (3) a description of how a student may transfer from WSU Charter Academy to another charter school or district school.

Submission of Lottery Application during the open enrollment period does not guarantee admission of any child. If the number of applicants during the open enrollment period exceeds the academy's capacity, a random lottery will be held in accordance with state and federal law. The initial lottery of WSU Charter Academy will be held during the first part of March, 2013. The lottery will fill the number of spots available, and then a priority waitlists will be created with the remaining applicants. If seats open, they will be filled by the priority of the waitlist. After the lottery has been conducted, students wanting to be considered will be placed on the waitlist based upon date of application submission. The Charter Academy may, at the discretion of the administration and as is permitted by applicable law, continue to enroll students from waitlists throughout the school year to fill vacant seats when students withdraw.

Without preference except. to certain categories of students as permitted by applicable law. This preferential status shall be given in the following order and to the following categories of students:

- First Preference: to children of "Founders" (as defined below);
- Second Preference: to children of "Teachers" (as defined below) of the academy;
- Third Preference: to siblings of students presently enrolled in the academy; and
- Fourth Preference: to children of "Employees" (as defined below) of the academy.

A "Teacher" is defined as a licensed employee working in a teaching capacity for more than  $\frac{3}{4}$  of the school day.

An "Employee" is defined as an individual employed by WSU Charter Academy who works more than 20 hours per week for the School. "Employee" does not include contractors or subcontractors.

A "Founder" is defined as an individual who plays a significant role in the development of the school as determined and approved by WSU Charter Academy's Board of Directors. Prospective Founders must commit to provide at least sixty (60) volunteer hours before the opening of WSU Charter Academy and an additional thirty (30) hours during the move-in phase in fall 2013 to the development of WSU Charter Academy as determined by the Board. Founder status will not be conferred based on donations made to WSU Charter Academy. Individuals who fail to meet these requirements can have their Founder Status revoked.

Each Founder and each employee is allotted preferential enrollment for one (1) child. The "child" must be the "legal responsibility of" and "in the care and management of" the person listed in the preferential status.

No student shall be given priority notice or guaranteed admission to the academy. No more than 5% of the total student population will be enrolled as a result of priority based on Founder or employment status of the student's parent(s). Students selected through the random lottery will receive written notice from the academy within three (3) business days offering admission to WSU Charter Academy. The offer of admission will include, among other things, a deadline for accepting the offer. Failure to accept an offer of admission by the deadline will permit WSU Charter Academy to offer admission to another student identified through the random lottery.

Using bingo balls with a matched list of numbers assigned to students (multiple birth students will have the same number), the lottery will take place in a public forum. No preferential treatment, guaranteed admission, or denial of any student will be permitted for any reason other than age requirement for the beginning of the school year (age 5 by September 1). All students and their parents/guardians who have applied for the lottery will be invited to the forum, but attendance is not mandatory. This forum will originally take place on the Ogden campus of Weber State University.

**Admission and Notification:** Once a child has been accepted either through the lottery or the wait-list, parents/guardians will be notified via email, within 3 working days, and given the opportunity to accept or decline their child's admission and complete the necessary paperwork for registration. Upon notification of acceptance, an electronic and/or signed copy of an acceptance or rejection form must be returned to WSU Charter Academy.

WSU Charter Academy will attempt to contact parents/guardians regarding their child's admission a minimum of two times. If the parent cannot be contacted or is non-responsive within a designated time period, the available space may be offered to another waiting student. Response deadlines are calculated from the first attempted contact as follows:

Date of First Attempted Contact	Response Deadline
Lottery through June 30	2 weeks
July 1 through July 31	1 week
August 1 through First Day of School	48 hours (2 working days)
First Day of School through September 30	24 hours (1 working day)

Parents/guardians will be notified via e-mail. It is the responsibility of parents/guardians to ensure that the school has their current contact information and to respond by given deadline to an offer of admission.

**Final Registration:** Parents/guardians who accept admission are provided with required registration materials to complete student registration as well as a firm deadline for submission of all registration materials. If the designated registration deadline is not met, the available space may be offered to another waiting student.

The registration packet must be returned within five (5) weeks of the students' acceptance. Failure to return packet within this time period will result in student being dropped from the WSU Charter Academy.

# Faculty Responsibilities to Students

No. 9-5	Rev. 05-09-06	Date 3-7-74
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## I. REFERENCE

AAUP Statement of Professional Ethics (1966)

## II. POLICY

### A. Ethical Canons

1. As teachers, faculty encourage the free pursuit of learning in students. Faculty hold before themselves the best scholarly standards of their disciplines. They demonstrate respect for students as individuals and adhere to their proper role as intellectual guides and counselors. Faculty make every reasonable effort to foster honest academic conduct and to assure that the evaluations of their students reflect their true merits. Faculty respect the confidential nature of the relationship between faculty or student. They avoid any exploitation of students for private advantage and acknowledge significant assistance from them. Faculty protect their students' academic freedom (based upon the AAUP Statement of Professional Ethics, 1966).

### B. Standards of Behavior

1. The central responsibility of the faculty to students is to attempt to impart to them the knowledge and understanding of the faculty member's field of study and to encourage them to develop within themselves appropriate and relevant skills, particularly the ability to reason with and use this knowledge and to do so in accordance with the best standards of scholarship and pedagogy in the discipline.
2. The faculty at large has the right to determine course content. However, once approval for course offerings has been granted, the individual faculty member is obligated to teach the course in reasonable conformity with the course description, content and method announced in advance. The faculty member has the right to determine the manner of presentation. The academic freedom of the student as well as of the faculty member must be observed. While teachers are free to interrelate subject matter of their courses to contemporary issues which they find usefully relevant, they are primarily responsible for providing instruction in the announced subject matter and techniques of the course.
3. Faculty members have a responsibility to their students to entertain all relevant questions and to discuss controversial questions objectively and freely. Where faculty members find it pedagogically useful to advocate a position on controversial matters, they should exercise care to assure that opportunities exist for students to consider other views. Faculty members shall not reward agreement or penalize disagreement with their views on controversial topics, but they can reasonably expect their students to learn the rationale behind certain positions.
4. Prompt and regular meeting of classes, faithful keeping of appointments and, when assigned, academic, curricular and/or vocational advising are duties resting upon each faculty member. Alteration of schedules and cancellation or rescheduling of classes should

be done only for valid reasons. The faculty and the administration are obliged to fill commitments to students in terms of class offerings. Faculty members should make available a reasonable number of hours for student consultation or otherwise assure their accessibility to students. Faculty members at Weber State University should keep regular office hours for student consultation. They should conscientiously try to be in their offices during those hours.

- a. The hours should be scheduled at convenient times for students
  - b. The office hours should be posted on the office door of each faculty member at all times and should be honored at all times.
5. At the beginning of each course, faculty members, by means of the syllabi, should inform students of the general content, what is required and of the criteria with which performance will be evaluated. The general content of the course and the criteria for evaluating student performance should relate clearly to the legitimate academic purpose of the course. The faculty member shall hold all students responsible for meeting the requirements.
6. If there is a conflict between a student's core beliefs and the requirements or course content in a particular course, a student may request a resolution of such a conflict. The faculty member is not required to provide alternative requirements or modify the course content as long as the existing requirements and content have a reasonable relationship to the legitimate pedagogical goals of the course. However, the faculty members is required to grant such a resolution if denial of the request would be arbitrary and capricious or illegal. (See PPM 6-22, Part IV.D.9.)
7. Neither in nor out of the instructional setting or office do faculty members take advantage of their relationships with students to exploit them for the faculty members' own purposes. Faculty members do not plagiarize the work of a student. They give proper acknowledgment for original student contributions in their lectures or publications. Faculty members accept no gifts or favors where they have reason to believe that such gift or favor is motivated by a desire on the part of a student to secure some academic advantage.
8. The student has the right to expect substantive presentations or other means of instruction appropriate to the course. Repeated lack of preparation and/or unprofessional behavior which result in incompetent performance by the faculty member are legitimate grounds for student complaint.
9. With respect to the students, faculty members permit and encourage an atmosphere of original thinking, research and writing. In this regard, they seek to improve learning facilities and opportunities for students.
10. Faculty members do not reveal matters received by them in confidence from a student unless required by law. Confidential and personal records relating to students are not revealed unless authorized by the student or required by law. Faculty members may, however, report their assessment of the student's performance and ability to persons logically and legitimately entitled to receive such information.

11. The student has the right to an environment for learning free from unlawful discrimination. One type of unlawful discrimination is sexual/gender harassment. This has been defined in PPM 3-32. Any student who feels there has been a violation of this policy has the right to take action according to the provisions of that policy.
12. Serious conflicts of interest between a faculty member and a student, including but not limited to sexual or financial relationships, are prohibited. A complaint alleging violations of this policy may be initiated by any person according to the provisions of PPMs 9-11 and 9-12 (see also PPM 3-32)

## General and Crosscutting Assurances

Approved October 1, 2013  
Reapproved March 7, 2017

**Purpose:** The purpose of this policy is assurances that crosscutting programs have been provided as specified in The Elementary and Secondary Education Act, Part C — Coordination of Programs; Consolidated State and Local Plans and Applications, Sec. 9304. General Applicability of State Educational Agency Assurances.

**Policy:** Weber State University Charter Academy will follow all required steps in providing assurances for crosscutting programs that have been provided by law as listed.

### SEC. 9304. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.

- a. ASSURANCES - A State educational agency, in consultation with the Governor of the State, that submits a consolidated State plan or consolidated State application under this Act, whether separately or under section 9302, shall have on file with the Secretary a single set of assurances, applicable to each program for which the plan or application is submitted, that provides that —
  1. each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;
  2. (A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, a nonprofit private agency, institution, or organization, or an Indian tribe, if the law authorizing the program provides for assistance to those entities; and (B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer those funds and property to the extent required by the authorizing law;
  3. the State will adopt and use proper methods of administering each such program, including
    - A. the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program;

- B. the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and
    - C. the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of the programs;
  - 4. the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;
  - 5. the State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;
  - 6. the State will —
    - A. make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such program; and
    - B. maintain such records, provide such information to the Secretary, and afford such access to the records as the Secretary may find necessary to carry out the Secretary's duties; and
  - 7. before the plan or application was submitted to the Secretary, the State afforded a reasonable opportunity for public comment on the plan or application and considered such comment.
- b. GEPA PROVISION- Section 441 of the General Education Provisions Act shall not apply to programs under this Act.

## General Education Provisions Act (GEPA)

Approved October 1, 2013  
Reapproved March 7, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of the General Education Provisions Act (GEPA), Section 427, enacted as part of the Improving America's Schools Act of 1994 (Public Law (P.L.) 103-382).

**Policy:** WSU Charter Academy will identify steps to ensure access to federally assisted programs have been provided as specified in the General Education Provisions Act (GEPA), Section 427.

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs. This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, the applicant should determine whether these or other barriers may prevent students, teachers, etc., from such access or participation in the Federally-funded project or



activity. The description in the application of steps to be taken to overcome these barriers need not be lengthy; the application may provide a clear and succinct description of how the applicant plans to address those barriers that are applicable to their circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it eliminate barriers it identifies.

## Government Records Access Management Act (GRAMA)

Approved March 7, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of Weber State University and Utah State Code 63G-2-101, *et. seq.*,

**Policy:** WSU Charter Academy follows the GRAMA Policy for Weber State University. University Records as governed by a variety of laws, including the Family Education Rights and Privacy Act, 20 U.S.C. § 1232g (“FERPA”), the Government Records Access and Management Act (“GRAMA”), Utah Code Ann. Section 63G-2-101, *et. seq.*, and other privacy laws. All data owned by the University must be retained, disclosed, managed and disposed of in accordance with these laws and University policies.

Requests. All records requests must be in writing and sent to the following:

University Records Officer  
Weber State University  
3850 Dixon Parkway, Dept 1014  
Ogden, UT 84408-1014  
or [grama@weber.edu](mailto:grama@weber.edu)

Requestors should use the following form to make a request: [GRAMA Request for Records.pdf](#)  
The request shall include the requester's name and signature, mailing address, daytime telephone number, e-mail address if available, the date of the request and a description of the record requested that identifies the record with reasonable specificity. Requests must include the fee as required under the fee section of this policy. Requesters of nonpublic information shall adequately identify themselves and their status prior to receiving access to nonpublic records.

### Retention of Records

The University follows the retention schedule for the University approved by the State Records Committee, found under Weber State University

at: <http://archives.utah.gov/recordsmanagement/rclist-t.html#w>. For the retention of any record not found under the University's approved retention schedule, the University follows the Utah State Agency general retention schedule, found here: <http://archives.utah.gov/recordsmanagement/grs/stgrslist.html>.

# Grievance and School Complaint

(NAEYC Standard 10B.20)

Approved April 2, 2013

Reapproved March 7, 2017

**Purpose:** The purpose of this policy is to give information concerning School Complaints and to comply with the requirements Utah Administrative Code R277-483-9 and Utah Code 53G-8-303.

WSU Charter Academy places high value on courtesy, respect and responsibility. The Academy recognizes that occasionally stakeholders of the school will encounter difficult situations. This policy sets forth the steps that parents, staff members, and other stakeholders should follow in addressing complaints involving the school.

## **Policy:**

1. The individual should discuss the complaint with the person that has direct responsibility for the problem.
  - a. Within one (1) week, take the complaint directly to the staff member involved (for violations of law or issues with school-wide policies, the Principal would be the appropriate staff member) to resolve the problem through discussion.
  - b. WSU Charter Academy is committed to using communication to work out problems; therefore, the two parties involved may request mediation from the staff member's immediate supervisor if direct communication fails or would be inappropriate.
  - c. If the aggrieved person is not satisfied, the person should move to step 2 within one (1) week.
2. Discuss the complaint with the staff member's immediate supervisor.
  - a. If the two parties involved cannot reach a solution, then the issue should be taken to the staff member's immediate supervisor for discussion and possible mediation.
  - b. If the original complaint was with the Principal and discussion (as mentioned in step 1) has not worked, move directly to step 3.
  - c. This process should be followed through the chain of command until the complaint has been discussed with the Principal.
  - d. If the complaint has not been satisfactorily addressed after talking with the Principal, move to step 3. This should occur no later than one (1) month from the original complaint.

3. Submit the complaint in writing to the Principal
  - a. The Principal may speak to all parties involved and will try to resolve the issue through discussions with those people. Otherwise, within two (2) weeks, the Principal will give a written decision concerning the complaint, giving the reasons for the decision.
  - b. If the Principal's written decision is unsatisfactory, move to step 4 within one (1) week of when the decision was received.
4. Submit the complaint in writing to the Chair of the Board of Directors.
  - a. Upon receiving the written complaint, the Board Chair will request copies of all written communications from Step 3.
  - b. The Board Chair will convene a complaint review committee consisting of Board members (with no fewer than 3 board members) that will meet within ten (10) working days to discuss the issues. Those involved in the complaint will have a right to attend the meeting.
  - c. The complaint review committee will decide on the matter by majority vote and will respond in writing to the person issuing the complaint and the Director no later than thirty (30) days from the receipt of the complaint.
  - d. If the complaint review committee is unable to reach a decision and/or the complaint is of such a nature that it is not appropriate for the Board of Directors to address or addressing the issue might interfere with the normal functions of the school, then the committee may refuse to address the complaint or may bring this matter to the full board for consideration if appropriate. The Board will review the complaint at the next scheduled Board meeting after receipt of the request. The Board's decision shall be final and shall be made within ten (10) working days of the hearing.

#### **Exceptions to Procedural Steps**

WSU Charter Academy recognizes that there may be circumstances where it would be inappropriate to resolve a problem as prescribed above. Therefore, the following exceptions are instances where some of the steps above may be bypassed to seek a resolution by the next higher authority: (1) The complaint or problem involves a known or suspected violation of the law; (2) The complaint or problem is clearly not within the authority of the staff member's supervisor to resolve; or (3) The complaint falls under the scope of IDEA, Utah Code Ann. §§ 53E-7-202 through 53E-7-208, or other rules or regulations protecting disabled individuals.

## **Informal Procedures and the Informal Conciliatory Meeting**

No. 9-11	Rev.	Date 12-1-87
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#### **I. REFERENCE**

## II. POLICY

### A. Initial Action Following Receipt of Complaint

On many occasions individuals or groups present informal complaints to responsible administrator(s) of the University. Responsible administrators, upon hearing such complaint(s), shall in their administrative positions determine whether the complaint merits further action or investigation. In order to obtain additional information concerning the complaint, the responsible administrator may take such actions as the following:

1. Discussion with the respondent to obtain additional information
2. Informal fact finding by the responsible administrator
3. The appointment of a task force (panel, investigative team)

### B. Preliminary Investigation

Most matters are routinely handled between administrators, accusers and respondents. Occasionally, however, there is need for investigation of charges of failure of an individual to exercise reasonable care in compliance with standards of professional behavior (see PPMs 9-3 through 9-8). The purpose of the preliminary investigation discussed herein is to determine whether a complaint merits further action.

1. A preliminary investigation may result in immediate dismissal of the complaint, an administrative disposition or the filing of a formal charge.
2. Such preliminary investigations shall recognize the need for discretion and protection of the respondent's rights to due process and protection from unnecessary extension of the investigation.
3. However, when a respondent has allegedly committed a serious violation of the standards contained in PPMs 9-3 through 9-8 and this requires preliminary investigation to determine the merit of the alleged infraction, the president may order non-disclosure of the complaint to the respondent if the president determines that such non-disclosure is necessary to avoid interfering with the investigation. In all cases the preliminary investigation shall be limited to the shortest possible time necessary to obtain the facts required to determine the next appropriate step.

### C. Informal Conciliatory Meeting

1. As soon as the responsible administrator has determined that sufficient information is available, a meeting shall be held with the respondent. The attendance of the administrative officer and the accuser are optional, but either or both should be in attendance if requested by anyone involved. An agreement or settlement at this level may preclude the filing of a formal charge. If a formal charge is not filed, the issue is deemed to be settled. The proceedings of this investigation may result in one of the following dispositions:
  - a. Dismissal of the complaint, if acceptable to both the respondent and the accuser.
  - b. Determination that the complaint is valid and a formulation of an administrative disposition which is acceptable to the responsible

administrator, the respondent and the accuser. The administrative disposition shall be limited to those disciplinary actions contained in PPM 9-14, Disciplinary Actions, Section A.

- c. Determination that the complaint warrants the filing of a formal charge.
2. Any records, material or information gathered in the preliminary investigation of the complaint shall be destroyed at the end of five years or otherwise maintained as provided in PPM 9-15, Reports and Records.
3. When the responsible administrator determines that there is reasonable cause to believe that a violation of University policy has occurred, an administrative disposition may be sought by all involved. The responsible administrator overseeing the case shall see that the provision of this administrative disposition is equitable and appropriate for the violation and reflects consideration of the relevant aspects of the incident(s) leading up to the meeting. If the conditions of the administrative disposition are acceptable to both the respondent and the accuser no further proceeding shall be necessary. If the administrative disposition results in a disciplinary action other than verbal censure, a written copy of the administrative disposition shall be signed by the respondent, accuser and responsible administrator. If no objection is raised by any of the parties within five working days of signing the disposition, it becomes final.
4. If the complaint is handled by administrative disposition (other than dismissal of the complaint), a written statement of the complaint, informal minutes or a descriptive account of the proceedings, and a statement of the action taken will be provided to the respondent and the accuser. These records shall be maintained in accordance with PPM 9-15, Reports and Records.
5. If the complaint is not dismissed or is not resolved by administrative disposition during the informal conciliatory meeting, the matter shall move forward to a formal hearing, if one of the parties files a formal charge.
6. In the event that no settlement is reached, the accuser may prepare the written charge consisting of a concise statement of the facts, conduct or circumstances reported to constitute failure to comply with the standards contained in this document and, within ten working days of the informal conciliatory meeting, deliver copies of the formal charge to the chair of the Faculty Board of Review. Failure to meet this deadline will result in dismissal of the complaint. Exceptions to this ten-day deadline may be made only upon showing good cause.

#### D. Respondent's and Accuser's Rights

1. In the informal conciliatory meeting, the respondent has the right to written notice of the complaint and to receive copies of material or documents gathered during investigation of the complaint. However, the responsible administrator, in consultation with University Counsel, may withhold confidential information

- (e.g., concerning the identity of witnesses and informants) throughout the duration of the informal procedures.
2. The respondent may request that the accuser attend the informal conciliatory meeting. The respondent and the accuser, as well as any other person legitimately involved, may request of the responsible administrator that the administrative officer attend the informal conciliatory meeting. The role of the administrative officer is to serve as a neutral observer endeavoring to insure that due process is afforded to all parties in the proceedings. Other parties may attend upon mutual agreement of the parties involved.
  3. Both the respondent and the accuser have the right to representation. However, if either the respondent or the accuser invokes the right to have a representative present during the meeting, the informal conciliatory meeting may be omitted at the discretion of the responsible administrator and the process will shift to the formal hearing level if a formal charge is filed.
  4. In the conduct of a preliminary investigation on the merits of the complaint, the responsible administrator shall exercise reasonable care to uphold the respondent's rights to due process. All investigations shall be conducted in a fair and reasonable manner in order to protect and/or minimize the damage to the respondent's or the institution's reputation.

## **Prohibiting Discrimination in the Public Schools Policy**

Approved April 2, 2013

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Administrative Code R277-112-3

**Policy:** WSU Charter Academy, it's employees, staff, administration, and board of directors are prohibited from discriminating on the basis of race, creed, color, national origin, religion, age, sex, or handicap.

This policy has two parts, Part I Employee Discrimination and Harassment and Part II Student Discrimination and harassment.

Weber State University Charter Academy will use Weber State University PPM 3-32 Discrimination and Harassment  
[http://www.weber.edu/ppm/Policies/3-32\\_DiscriminationHarassment.html](http://www.weber.edu/ppm/Policies/3-32_DiscriminationHarassment.html)

### **Part I Employee Discrimination and Harassment**

## **INITIAL CONTACT:**

Any person who believes he or she is the victim of discrimination or harassment, or who has knowledge of such conduct is encouraged to report that conduct directly to the AA/EO office or to an appropriate supervisor. Appropriate supervisors include department chairs, deans, vice president, or directors at the departmental level or higher, or teachers of classes.

The AA/EO office is located in the Miller Administration Building, Room 101. The office telephone number is (801) 626-6239.

## **Part II.**

### **Student Discrimination and Harassment**

**Policy:** Weber State University Charter Academy is committed to providing an educational environment that is free from illegal harassment and other forms of discrimination based upon sex, race, color, ethnic background, national origin, religion, gender, creed, age, citizenship, or disability.

### **II. Administration Policy**

No student or employee of the Weber State University Charter Academy may engage in illegally harassing conduct that creates a hostile learning environment for students or staff of the district. It is the policy of Weber State University Charter Academy to provide fair, expeditious and uniform procedures for investigation and resolution of claims of illegal harassment or discrimination.

### **III. Definitions**

A. Clearly Offensive Conduct: That 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.

B. Complainant: A person who files a written or oral complaint about illegal harassment.

C. Compliance Officer: Person or persons designated by the Superintendent to receive and process complaints of discrimination.

D. Confront: To have a face-to-face discussion and/or contact regarding specific matters.

E. Demeaning or Derisive Behavior: Behavior which substantially lowers the status, dignity or standing of another individual, or which insults or otherwise belittles or shows contempt for another individual.

F. Disability: 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.

G. Discrimination: Conduct, including words or gestures and other actions, which adversely affects a student's learning environment or results in disparate treatment based upon their immutable characteristics such as sex, race, color, ethnic background, national origin, religion, gender, creed, age, citizenship, or disability.

H. Harassment: Unwelcome conduct of an offensive nature that is demeaning or derisive or occurs substantially because of the race, color, ethnic background, national origin, religion, gender, creed, age, citizenship or disability and which creates a hostile educational environment. Harassment shall include one or more of the three levels described below. If conduct is clearly offensive only one incident may be necessary to establish harassment:

1. Level One—Generalized Harassment: Includes intentional behavior directed at an entire group which is based on demeaning or derisive stereotypes, and is so severe or pervasive that it creates a hostile learning environment.

Examples include comments or jokes, physical gestures or visual displays such as posters, etc.

2. Level Two—Individually Targeted Harassment: Includes intentional, non-criminal behavior which is targeted at an individual or particular member of a group, which can be verbal, physical or visual that is so severe or pervasive that it adversely affects the learning environment.

Examples include negative or offensive comments, jokes, suggestions or gestures directed to an individual's or group's race, ethnicity or national origin.

3. Level Three—Criminal Harassment: Harassing behavior which violates state or federal criminal statutes.

Examples include criminal harassment, criminal assault, sexual assault, rape, criminal mischief, stalking, arson or trespass.

I. Respondent: A person named in a discrimination complaint as having engaged in or being responsible for, a discriminatory act or omission.

J. Retaliation: 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 district, 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.

K. Sexual Harassment: A form of sex (gender) 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.



1. Submission to such conduct is made either explicitly or implicitly as a term or condition to educational benefit.
2. Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student's educational program.
3. Such conduct has the purpose or effect of unreasonably interfering with a student's educational performance or creating an intimidating, hostile, or offensive learning environment.

There are two types of sexual harassment:

- a. 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.
- b. Harassment that culminates in a tangible action which alters the conditions of the educational programs (previously called quid pro quo).

#### **IV. Complaint Procedure**

- A. Any student or employee who knows of a violation of this policy is expected to report such conduct to a teacher, administrator or the District Compliance Officer.
- B. The initial allegation of harassment may be submitted either orally or in writing.
- C. Complaints must be made to the immediate supervisor/administrator or the District Compliance Officer within 45 calendar days after the date of the alleged act of discrimination.

#### **V. Complaint and Investigative Procedures**

- A. The following procedure is available for those who believe they are victims of harassment or discrimination, or who witness such acts:
  1. Seek to resolve issue directly with the accused.
  2. Seek to resolve issues through administrative personnel.
  3. Register a formal complaint with the District Compliance Officer who will initiate an investigation.
- B. If an investigation reveals evidence of criminal conduct, the matter will be referred to local law enforcement. The district will conduct its own internal investigation independent of law enforcement officials.
- C. All investigations will be treated with discretion to protect the privacy of those involved. All efforts will be made to treat the information confidentially; however, absolute confidentiality of all information obtained through an investigation cannot be guaranteed.

D. The accused may not contact the alleged victim during an investigation without intervention by the district and with the permission of the complainant.

E. When conducting investigations, the District Compliance Officer 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.

F. An investigation shall be completed as quickly as practicable, but within 30 days of receipt of the complaint, unless extenuating circumstances require a longer period. All parties shall be notified of the extension of time.

G. Within 10 working days of the conclusion of the investigation, the District Compliance Officer shall provide all parties a written disposition of the complaint.

H. The parties will then have 10 working days to provide written responses to the report and have them considered by the District Compliance Officer.

## **VI. Retaliation**

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

## **VII. Records**

Records of all discrimination or harassment complaints shall be maintained by the District Compliance Officer. 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.

## **VIII. Outside Reporting Procedures**

Nothing in this policy shall prohibit a person from filing an education discrimination claim with the Office of Civil Rights: Department of Education, Region VIII, Federal Office Building, 1244 Speer Blvd., Suite #310, Denver, CO 80204-3582.

# **Reading Achievement Plan**

Approved April 2, 2013  
Reapproved March 7, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Annotated Code 53E-4-306.

## **Policy & Procedures:**

### **Formation of a Task Force**

In compliance with Utah State law, the Board of Directors shall designate a task force to develop a Reading Achievement Plan.

### **Composition of the Task Force**

The Board of Directors shall establish the task force designated to develop a Reading Achievement Plan. The Principal, teachers, and members of the FIC will be invited to provide input or participate.

### **Reading Achievement Plan**

The Reading Achievement Plan shall be designed to reach the state's long-term goal of having all students in the school reading on or above grade level by the end of the third grade. The Task Force shall develop a Reading Achievement Plan for the school that shall be submitted to the WSU Academy Board of Directors for review and approval prior to implementation. The plan shall be reviewed and approved by the Board of Directors annually. In developing this plan, the Task Force shall consult regularly with the Charter Academy curriculum committee and administration. Additionally, the Academy Board of Directors or the subcommittee appointed for the purpose of academic and professional excellence, shall be granted access to all necessary materials to complete the plan, except that data which reveals the identity of students.

Following approval by the Board of Directors, the Reading Achievement Plan shall be implemented by the administration, teachers, and other appropriate staff. The administration shall take primary responsibility to provide leadership and allocate resources and support for teachers and students, most particularly for those who are reading below grade level, to achieve the reading goal.

The Reading Achievement Plan shall include the following components:

1. An assessment component that focuses on ongoing formative assessment to measure the five domains of reading (phonological awareness, phonics, fluency, comprehension, and vocabulary) and inform instructional decisions, and includes a reading assessment selected from a list recommended by the State Board of Education. The assessment component may only allow the administration, teachers, and other appropriate school staff to have access to information that identifies those students reading below grade level. The assessment component shall make use of U-PASS and local assessment information to determine students' instructional needs, and shall be consistent with exemption provisions for scores of students with disabilities or with limited English proficiency (see Utah Code 53E-4-302(3)(c)).
2. An intervention component that provides adequate and appropriate interventions focused on each student attaining proficiency in reading skills; is based on best practices identified through proven researched-based methods; provides intensive intervention, such as focused instruction in small groups, implemented at the earliest possible time for students having difficulty in reading; provides an opportunity for parents to receive materials and guidance so that they will be able to assist their children in attaining proficiency in

reading skills; and, as resources allow, involves a reading specialist.

3. A reporting component that includes reporting to parents their child's literacy profile, which documents ongoing formative assessment results, and, at the end of third grade, their child's reading level. The reporting component shall also be consistent with the data to be included in the school's performance report required under Utah Code 53A-3-602.5.

## School Improvement Plan

Approved November 2012

Reapproved April 2, 2013

Reapproved March 7, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Code 53G-7-1204.

**Policy & Procedures:** The Board of Directors of the WSU Charter Academy will meet annually to evaluate the academic needs of the students attending WSU Charter Academy and develop a school improvement plan.

As a kindergarten, WSU Charter Academy will not have U-PASS data to evaluate derived from state standard curriculum-referenced tests (CRTs) which are administered at the beginning in first grade. In place of state CRTs, the WSU Charter Academy's Board of Directors will consult with the Principal, teacher and parents in the program to:

1. Identify the most critical academic needs of the children attending the academy;
2. Recommend a course of action to meet the identified needs;
3. List any programs, practices, materials, or equipment that the school will need to implement its action plan to have a direct impact on the instruction of the students; and
4. Describe how the school intends to enhance academic instruction, including how financial resources available to the school, such as School LAND Trust Program money received under Section 53F-2-404 and state and federal grants will be used to enhance or improve academic instruction.

The school improvement plan developed by the WSU Charter Academy Board of Directors shall focus on the school's most critical needs for improving academic instruction. These identified needs may include classroom resources, improvements to the community environment for students, or other needs relating to improving academic success identified by the Board of Directors. The plan developed and implemented may be a multi-year plan for improving educational success in the WSU Charter Academy, but must be reviewed annually.

The administration of the WSU Charter Academy will make the school budget and other needed data available to the Board of Directors to help develop the school improvement plan.

In the event that the scope of the WSU Charter Academy is extended to include elementary

grades, the annual evaluation of academic needs used to form the Academy's academic improvement plan will include a review of children's performance on state standard CRTs. In the event that elementary grades are included in the academy and CRT data is used to form the academic improvement plan, Board of Directors members will have no access to information that could be used to identify individual students.

## **Staff Employee Grievances (with provision for certain hourly employees)**

(NAEYC Standard 10E.6)

No. 3.31	Rev. 11-18-98	Date 8-17-77
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### **I. PURPOSE**

To ensure fair treatment for non-faculty staff members who seek to resolve work-related grievances.

### **II. REFERENCES**

- PPM 3-32, Discrimination Complaint
- PPM 3-14, Hourly Employment (Non-Teaching Personnel)
- PPM 3-2, Personnel Definitions

### **III. DEFINITIONS**

#### **A. Staff Member**

- a. A classified or professional employee in a non-faculty position who receives compensation for work or services from funds controlled by the institution, regardless of the source of the funds, the duties of the position, the amount of compensation paid or the percent of time worked.

#### **B. Employment Grievance**

- a. A grievance concerning interpretation or application of personnel policies or practices, working conditions, employee-supervisor relationships, termination or non-retention or other personnel matters. Grievances filed under this policy are to relate to non-faculty employment. Staff members who hold tenure from previous faculty employment may choose to file grievance under Section 9 of the Policy and Procedures Manual if the personnel action in question affects that tenure status. If the personnel action in question does not affect the tenure status, it will be regarded as a "staff" issue and will be dealt with under PPM 3-31. In the case of a Section 9 grievance, no action will be taken under PPM 3-31.

C. Final and Binding Decision

- a. A final administrative decision. The complainant cannot take the matter any further administratively.

D. Final and Binding Decision-Maker

- a. The president of Weber State University.

E. Immediate or First-Level Supervisor or Supervision

- a. The lowest level of exempt salaried supervision of the employee as defined in the Fair Labor Standards Act and Department of Labor regulations.

F. Office of Human Resource Administration

- a. That office or individual charged with the administration and record maintenance of personnel matters, or such other person as may be specially designated by the institution president to administer the grievance procedures of this policy.

G. Personnel Relations Committee

- a. A committee established by institutional policy with membership from the staff, administration and faculty as a cross section of the college or University community. Such members are to be selected for their objectivity and fairness in personnel matters and will serve staggered terms. Where possible, a chair is selected who has knowledge of general employment practices, with perhaps a background in business, law or social work.

**IV. POLICY**

- A. Problems or complaints involving a claim of discrimination on the basis of race, color, national origin, religion, sex, age, handicap or veteran's status are processed through the provisions of PPM 3-32.
- B. Staff members should first attempt to resolve employment grievances through informal discussions with their immediate supervision. A staff member may contact the Office of Human Resources administration to assist in the informal resolution of the problem. Employees may not be subjected to intimidation or reprisal for assertion of the employment grievance.
  - 1. A staff member may be accompanied by a friend, fellow employee or relative during informal discussions of an employment grievance.
  - 2. If a staff member insists on representation in the informal process by an employee organization representative, legal counsel or other similar professional, the institution may either proceed with the meeting between the staff member, such representative and the first level supervision, or determine that the parties should proceed directly with the formal employment grievance review process.
- C. A formal employment grievance review process is available to all staff members who are not satisfied with the results of an informal discussion. A staff member has the right to be

accompanied by another employee or a person of his or her choice during the formal grievance process. Employees may not be subjected to intimidation or reprisal for initiating a formal grievance review.

- D. Staff members still within the initial 90-day probationary period and hourly wage employees and hourly student employees have access to the employment grievance policy up to and including formal Step 2 in V, B, 2 above. The Step 2 solution becomes the final binding decision for such employees.
- E. The Office of Human Resources administration serves in an advisory capacity with respect to procedural questions which may be asserted by either the complainant or the supervisor. The Personnel representative designated by the Office of Human Resources administration monitors the employment grievance procedure and gives particular attention to the avoidance of unreasonable delays at each level of the process.
- F. If any steps provided for in V, B, 2 above. are impractical for any reason, the Office of Human Resources administration, normally after consultation with the staff member, may prescribe an alternative process which, to the maximum practicable degree, assures to the aggrieved staff member the fair and adequate consideration of the problem or complaint provided, however, that a staff member's right to a hearing before the Personnel Relations Committee is not denied nor abridged.
- G. Reasonable time off with pay during scheduled working hours are provided to the employee, the employee's representative, or any witnesses called to give information, for time spent participating in proceedings leading to resolution of the complaint. Time spent by the employee or representative in such activities outside scheduled working hours is non-compensable. Neither time-off with pay nor compensation is provided for time or money spent in preparation for such proceedings.
- H. A proposed resolution of a complaint that involves an exception to an applicable institutional policy or regulation requires the prior approval of the supervising vice president.
- I. Time limits provided for the conduct of the grievance procedure are guidelines and may be extended by (1) mutual agreement between the Office of Human Resources administration and the aggrieved employee or (2) extraordinary circumstances that make it inadvisable or impossible to meet the time limits. Time limits stated refer to normal work days.

## **V. PROCEDURE**

### **A. Informal Review**

- 1. All persons involved in an employment grievance should attempt to resolve their differences in an informal manner at the lowest level of supervision.
- 2. To facilitate the informal settlement of the grievance, staff members and supervisors are encouraged to discuss with the Office of Human Resources administration, on an informal basis, any employment problems or questions pertaining to personnel policy and practice.

3. The complaint should be presented orally by the staff member to his or her immediate supervisor within twenty (20) days of the event of action prompting the grievance. If the matter cannot be prudently discussed or resolved with the immediate supervisor, an exception to this procedure may be approved by the Office of Human Resources administration.

#### **B. Formal Review**

1. A formal complaint is filed in writing by a staff member when the issue cannot be resolved through informal discussions.
2. The following steps, procedures and time limits shall be observed by the aggrieved staff member and by administrative personnel in processing a formal review of the complaint:

##### **Step 1**

The immediate supervisor has seven (7) days from the last informal review or discussion with the aggrieved staff member to reach a mutually satisfactory agreement. If by that time a mutually satisfactory agreement cannot be reached, then the aggrieved staff member may refer the grievance, including the remedy sought, to the next level of supervision by putting it in writing and delivering it to the appropriate office within an additional seven (7) days. The second-level supervisor should normally schedule a meeting in which the staff member and first level supervisor are present. The second-level supervisor conducts the meeting in a manner deemed beneficial in determining the facts. Both the employee and supervisor should be allowed to bring witnesses on their behalf if so desired. The employee and first-level supervision should bring forth all known material facts relevant to the events or occurrences complained of. A written decision by the second-level supervisor is given to the aggrieved staff member within seven (7) days of receipt of the written grievance or the Step 1 meeting, if one is held. Copies of the written grievance with the remedy sought, and the decision are forwarded to the Office of Human Resources administration.

##### **Step 2**

If the second-level supervisor's decision resulting from Step 1 is not satisfactory to the aggrieved staff member, he or she personally reviews the case, within seven (7) days of receipt of such decision, with the Office of Human Resources administration or with the person specially designated by the institution president to hear Step 2 employment grievances.

The Office of Human Resources administration or the person designated by the institution president to hear Step 2 employment grievances within seven (7) days of the personal review with the aggrieved employee, prepares a written summary of the issues, and a proposed solution.

This is the final and binding decision for a grievance of a part-time, temporary or probationary staff member. The solution is deemed acceptable by the staff member and his or her supervisor unless written notice to the contrary is received by the Office of Human Resources administration in accordance with Step 3 procedures.

##### **Step 3**

If the staff member or other party to the grievance is not satisfied with the solution proposed as per Step 2, the dissatisfied party respond to the Office of Human Resources administration in writing within seven (7) days, setting forth the reasons why the proposed solution is not acceptable. The Office of Human Resources administration, within three (3) days, refers the case to the Personnel Relations Committee chair. The Personnel Relations Committee schedules hearings on



the case within a reasonable time, generally twenty (20 days) except in unusual circumstances. Each party to the complaint is notified, has the right to be accompanied at the hearings by a person of his or her choice in an advisory capacity, has the right to hear the presentations of the other parties and the right to be heard by the Committee.

A Committee member is excused from participation in any grievance deliberation where he or she may be influenced by personal relationships with the parties, by bias concerning the circumstances giving rise to the complaint, or by any other material influence which would appear to inhibit the member's ability to render an unbiased judgment. The chair shall decide on any questions regarding a Committee member's participation.

Within twenty (20) days after the conclusion of the hearing, the Committee submits a written report of its findings and recommendations to the final and binding decision-maker. The final decision-maker may refer the grievance back to the Personnel Relations Committee if he/she feels that the Committee needs to consider additional factors. In such a circumstance, the Committee has an additional (7) days to submit a written report of its findings and recommendations to the final and binding decision-maker.

#### **Step 4**

The final and binding decision-maker reviews the written report and the findings and recommendations of the Committee. Based upon such review and without conducting further hearings, he or she, within ten (10) days informs all parties of the final decision.

## **Succession Planning**

Approved March 7, 2017

**Purpose:** The purpose of this policy is to establish a procedure which clearly states the succession of authority for school leadership and communication.

**Policy:** If the Principal is temporarily absent or cannot be reached, the succession of authority and responsibility of the position authority is as follows: 1) Teacher assigned by the Principal 2) Board of Director Chair 3) Board of Director Vice Chair 4) Child and Family Study Department Chair.

# **FINANCE**

# Donations and Gifts

Approved November 2012  
Reapproved April 2, 2013  
Reapproved March 7, 2017

**Purpose:** The purpose of this policy is to comply with donations and gifts requirements under 501(c)(3) laws and Utah Administrative Rule R277-113.

**Policy & Procedures:** Weber State University Charter Academy will use the following guidelines and Weber State University policies and procedures manual (PPM) for fundraising:

Financial contributions or other forms of donation are always welcome so that the school may continually grow and strengthen for the students of the future.

As permissible by law, WSU Charter Academy may make donation requests to supplement the school's limited funds. These requests will follow Weber State University PPM 1.2 and 2.2. All donation requests are strictly voluntary, and must be worded as such. Students may not be excluded from activities or penalized in any way because they did not make donations. At no time will the names of those who did not make donations be revealed, although those who make major donations may be honored. All donations are tax-deductible.

The philosophy of Weber State University Charter Academy stresses, in part, the encouragement by the administration of the continuing improvement of new curriculum and instructional programs and practices.

In keeping with this philosophy, the Board of Directors is receptive to outside financial support to aide in coordination, implementation, and maintenance of existing and new programs as mfiay be initiated consistent with the statements below. The Board of Directors reserves the right to turn down any outside funding that is inconsistent with the above-stated philosophy or other Board of Directors policies.

## **Basic Principles**

The administration will actively seek both public and private supplemental income sources. All funds received will be under the control and supervision of WSU Charter Academy. Outside funds will not dictate the direction of new or existing programs nor in any way hamper their objective evaluation. All proposed gifts will be properly investigated by WSU Accounting Services to ensure that such encumbrances do not exist.

Outside funds will not be used to substitute for regular funding requirements, but rather to enrich and supplement the regular sources. Projects to be funded in this manner should be only those in WSU Charter Academy's short-range and long-range interest.

Specific items may be contributed to WSU Charter Academy subject to the review or inspection by the Dean of the Moyes College of Education regarding their propriety and applicability. The Dean of the Moyes College of Education is authorized to accept gifts on behalf of the Board of

Directors. Donors will be officially thanked in writing in the Board of Director's name. All major gifts will be reported to the Board of Directors.

To the extent that the receipt, implementation, or use of any funds or item donated requires the expenditure of any school funds or services, the acceptance of the gift will be without any promise, express or implied, by the Board of Directors, other than to use the gift to meet proper educational objectives. When a donor expresses the wish that a gift carry with it some legal and reasonable limitation upon its use, the Board of Directors will honor that wish, if and only for so long as the Board of Directors determines, at its sole discretion, that the inclusion or continuation of such limitations is appropriate.

Periodic reports of activities resulting from gifts, grants, or bequests will be given to the Board of Directors by the Business Manager. All funds received will be audited in accordance with appropriate state statutes and school auditing policies.

### **Instructional Materials**

The Board of Directors welcomes gifts of library books and other instructional material provided they meet the same standards of selection as those applied to school-purchased materials. The school also retains the right to dispose of these materials if they become outdated or if cost of their maintenance or repair is prohibitively expensive.

### **Solicitation of Gifts from Private Sources**

No. 2-1	Rev.	Date 4-20-77
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### **POLICY**

The Office of University Development is responsible for coordinating the fundraising activities of the University and for the receiving and acknowledging of all private gifts in cash, real property and securities or kind received by the University from the public sector.

All fundraising contacts, projects or activities directed to the private sector, i.e., individuals, foundations, businesses, corporations, service clubs, organizations, etc., must be coordinated through and approved in advance by the Office of University Development.

### **Authorization to Accept Gifts**

No. 2-2	Rev. 12-13-11	Date 4-20-77
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## **I. REFERENCES**

PPM 1-2, Board of Trustees, Role of

## **II. POLICY**

- A. The president has the authority to accept gifts of any nature which, in his/her judgment, will be beneficial to the University. Such gifts are subject to ratification by the Board of Trustees.

- B. The University will not establish a value for gifts-in-kind.

### **III. PROCEDURE**

- A. All gifts are to be receipted through the Office of Advancement Services. Gift reports are distributed to the President and Board of Trustees.
- B. All individuals receiving gifts in the name of Weber State University should deliver the donation or evidence of the donation to the Office of Advancement Services and notify the Development Office immediately so the donation will be deposited and the appropriate recognition of the donor and expression of appreciation of the University for the gift will be initiated.
- C. Upon receipt of a gift of cash, securities or kind, the Office of Advancement Services will generate a receipt that is sent to the donor. The gift, or its proceeds, are deposited with Accounting Services through the Cashier's Office following their established procedures.
- D. Most gifts made directly to the University through the Office of Advancement Services are subject to review as to the desirability, value and function of the gift. If there is a question concerning the utilization or practicality of any gifts, it is referred to President's Council and the Board of Trustees. There are occasions when donors may leave or deliver to the University certain gifts, particularly in kind, without receiving prior approval in which case the University will act in the best interest of the donor as is practical. The vice president for University Advancement coordinates and follows through on all such matters brought to his/her attention.
- E. The University Development Office is the official department authorized by the Board of Trustees to solicit private gifts, bequests, properties, etc., for the University. These gifts are administered by the assigned responsible campus entity pursuant to terms of Gift Agreements established by the donor, the appropriate campus unit(s), and the Development Office.

It is the policy of the Development Office that gifts of kind or any other unusual or special nature are subject to the review of the vice president for University Advancement, President's Council, and Board of Trustees. If necessary, final decision on questionable gifts are referred to President's Council or the Board of Trustees.

- F. Donors of gifts of an unusual or substantial amount receive a letter either from the vice president for University Advancement or the president of the University. The president of the University receives an Advice of Gift notification on all gifts received by the University which carries a notation as to which gifts should receive presidential acknowledgement.
- G. All donations to the University receive a personally signed correspondence from the vice president for University Advancement in addition to an acknowledgement and gift receipt, unless the donor requests no recognition or acknowledgement.

- H. The Office of Advancement Services reviews all gifts to assure proper acknowledgement has been sent. Accounting Services reviews deposits of gifts to make sure they are deposited to appropriate accounts.
- I. A variety of special awards or acknowledgements are provided by the Development Office including citations, resolutions, plaques, recognition dinners, apparel, personal tokens, parking privileges, and presentations appropriate to the amount and nature of the gift.

## **Fiscal Accountability Policy**

Approved March 7, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Administrative Code R277-113, Utah Code 53G-7, Utah Code 63A-3-401-406, and Weber State University. WSU Charter Academy is required to establish and maintain adequate accounting records and internal control procedures. Internal control consists of five components: control environment, risk assessment, control activities, information and communication, and monitoring. The WSU Charter Academy and all levels of administration 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 of the resources of the school. Internal control policies provide WSU Charter Academy the foundation to properly safeguard its assets, implement management's internal policies, provide compliance with state and federal laws and regulations and produce timely and accurate financial information.

### **Policy & Procedures:**

Weber State University

As outlined in the By-Laws of the Charter, Weber State University manages and provides services as outlined in the Cooperation agreement with Weber State University. WSU Charter Academy follows the policies and procedures outlined in [Section 5- Business Affairs](#) for Weber State University.

The Board of Directors will oversee all financials, including but not exclusively the following:

- 1) establishing a budget, reviewing it monthly, aligning budget to strategic plan,
- 2) annually review fundraising activities to determine if the activities are supported by WSU Charter Academy,
- 3) annually review an internal audit program that provides internal audit services,
- 4) receive a report of the risk assessment process undertaken by the WSU Charter Academy in conjunction with internal audit, if applicable;
- 5) ensure WSU Charter Academy properly develops and adheres to a sound system of

documented internal controls;

- 6) develop a process to review WSU Charter Academy's financial reporting practices, financial statements, LEA financial position, and LEA and individual school records on a regular basis;
- 7) report the fiscal position to the Board monthly;
- 8) review the independent audit and make recommendations to the LEA board on the results of the procurement process;
- 9) facilitate regular direct communication with independent auditors, receive independent audit report and financial statements, ensure management implements corrective actions, assess performance of the independent auditors, and review disagreements between independent auditors and management;
- 10) communicate with Weber State University Financial Services and make recommendations to the Board;
- 11) prioritize internal audit plan, receive audit reports from internal auditors or contractors providing internal audit services and other regulatory bodies, and provide an independent forum for internal auditors or internal audit contractors or other regulatory bodies to report findings of management abuse or control override;
- 12) conduct or advise the Board in an annual evaluation of internal audit personnel or contractor;
- 13) ensure that issues and exceptions reported by external audits, internal audits, or other regulatory bodies are resolved in a timely manner;
- 14) present the annual audit reports and findings or other matters communicated by the external auditor or other regulatory bodies to the Board in a public meeting, and
- 15) make records of activities available to parents, students, donors and ensure records are sufficient in detail to track individual contributions and expenditures as well as overall financial outcomes.

### **WSU Charter Academy and Weber State University Cooperation Agreement**

The Charter Academy has had a cooperation agreement with Weber State University since its inception. This agreement was entered with the University to provide resources and services to the Charter Academy in furtherance of the missions of both entities.

### **Services provided by the University**

Weber State University provides the following services:

- Accounting and annual audit
- Purchasing & Procurement

- Legal
- Space for Charter Academy classrooms, offices, playground, etc
- Human resources and payroll
- Other services as are mutually agreed upon between the University and Charter Academy.

#### **Services provided by the Charter Academy**

The Charter Academy provides the following services:

- Collaborate with the University in providing training for student teachers at

#### **Charter Academy**

- Provide opportunities for University professors and students to do research relating to the School. The services will be provided without charge, inasmuch as training of teachers and research relating to the School will provide benefits to the Charter Academy, as well as the University.

## **Fundraising Policy**

Approved April 2, 2013

Reapproved March 7, 2017

**Purpose:** The purpose of this policy is to comply with fundraising requirements under 501(c)(3) laws and Utah Administrative Code R277-1113.

**Policy & Procedures:** Weber State University Charter Academy will use the following guidelines and Weber State University policies (PPM) for fundraising:

Weber State University Charter Academy benefits and relies on various forms of fundraising. All fundraising activities engaged in by WSU Charter Academy and the Family Involvement Committee (FIC) will remain in harmony with the standards and values of the school, as well as in compliance with state and federal law. In an effort to minimize ongoing fundraising efforts within the school, the Family Involvement Committee will organize and sponsor a minimum of two major special events annually to raise money which it will designate toward the enrichment of the school.

Fund drives for purposes other than school activities or school projects shall not be conducted in Weber State University Charter Academy.

Any organization which is in any way connected with WSU Charter Academy or which is attempting to raise funds for any school activity through any type of community fund drive must have such drives approved by the Board of Directors in advance. School fund raising projects may be approved:



- a) If they are found to have worthwhile educational value for those who participate.
- b) If they do not interfere in any way with the regular classroom procedure or if they do not have a derogatory affect upon teacher and pupil relationships.
- c) If such drives do not result in competition with established businesses unless proper clearance has been received in advance from those affected.
- d) If the drives are not of a nature of soliciting for direct contributions without the exchange of labor or goods.
- e) If the money being raised is for a worthy school purpose.

Approval must be obtained before written announcements or brochures are handed out or posted.

## Purchasing Policies and Procedures

Approved April 2, 2013  
Reapproved March 7, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of Weber State University and Utah Administrative Rule R277-113 and Utah Procurement Code 63G-6a.

**Policies & Procedures:** The following are the WSU Charter Academy policies and procedures:

### Purchasing Policies and Procedures

- University Procurement/General (PPM 5-25a)
- Requisition Preparation and Processing (PPM 5-25b)
- Small Purchases and Emergency Procurement (PPM 5-25c)
- Restricted Purchases and Special Procurement (PPM 5-25d)
- Solicitation of Bids, Proposals and the Award of Procurement Contracts (PPM 5-25e)
- Lease or Rental of Property for University Use (PPM 5-25f)
- Receiving (PPM 5-25g)
- Procurement From Vendor in which University Employee (PPM 5-25h)
- Purchasing Cards (PPM 5-25i)
- Stores (PPM 5-26)
- Surplus Property (PPM 5-27)
- Fixed Asset Accounting (PPM 5-28)
- Mail Service (PPM 5-30)
- Food Services (PPM 5-30a)

### University Procurement/General

No. 5-25a	Rev. 07-10-01	Date 2-23-83
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### I. PURPOSE

To set forth general purchasing policies and responsibilities of the University, Weber

State University subscribes to and is governed by the Utah Procurement Code.

The following rules and regulations have been developed by Weber State University as required by and to supplement the Utah Procurement Code Section 63G-6a Utah Code Annotated, 1953. These rules and regulations are subject to all applicable state laws.

The Utah Procurement Code and these rules and regulations apply to all monies expended by the University, whether state appropriated, federally appropriated or received in the form of a gift, grant or contract.

It is the intent of Weber State University to actively pursue cooperative buying arrangements with other public procurement units for supplies and services where advantage to Weber State University may result. The terms of such arrangements shall be negotiated with cooperating parties on a contract-by contract basis. Weber State University may participate in contract negotiations, specification preparation, contract administration or any other function of such cooperative contracting.

## **II. REFERENCES**

Utah Procurement Code, 1953 Utah Code Annotated, SS63-56-1 et. seq. [PPM 5-25b \(http://www.weber.edu/ppm/Policies/5-25b\\_RequisitionPrep.html\)](http://www.weber.edu/ppm/Policies/5-25b_RequisitionPrep.html), Requisition Preparation and Processing [PPM 5-25d \(http://www.weber.edu/ppm/Policies/5-25d\\_RestrictedPurchase.html\)](http://www.weber.edu/ppm/Policies/5-25d_RestrictedPurchase.html), Restricted Purchases and Special Procurement [PPM 5-25h \(http://www.weber.edu/ppm/Policies/5-25h\\_ProcurementEmployeeInterest.html\)](http://www.weber.edu/ppm/Policies/5-25h_ProcurementEmployeeInterest.html), Procurement From a Vendor in Which University Employee Has An Interest [PPM 5-25i \(http://www.weber.edu/ppm/Policies/5-25i\\_PurchasingCards.html\)](http://www.weber.edu/ppm/Policies/5-25i_PurchasingCards.html) Purchasing Cards [PPM 5-32 \(http://www.weber.edu/ppm/Policies/5-32\\_Travel.html\)](http://www.weber.edu/ppm/Policies/5-32_Travel.html) Travel

## **III. DEFINITIONS**

The following terms shall have the same meaning as in the Utah Procurement Code as adapted to Weber State University:

- A. Architect-Engineer Services  
Those professional services within the scope of the practice of architecture as defined in section 58-3-6, or professional engineering as defined in section 58-22-2, Utah Code Annotated, 1953.
- B. Business  
Any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture or any other private legal entity.
- C. Change Order  
A written order signed by the procurement officer, directing the contractor to suspend work or make changes, which the appropriate clauses of the contract authorize the procurement officer to order without the consent of the contractor or any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity or other provision of any contract accomplished by mutual action of the parties to the contract.
- D. Construction  
The process of building, renovating or demolishing any University structure or building, major development or landscaping of University real property. It does not include the

routine operation, repair or maintenance of existing structures, building or real property.

E. Contract

Any University agreement for the procurement or disposal of supplies, services or construction.

F. Grant

The furnishing by the state or by any other public or private source of assistance, whether financial or otherwise, to any person to support a program authorized by law. It does not include an award whose primary purpose is to procure an end product, whether in the form of supplies, services or construction; a contract resulting from such an award is not a grant but a procurement contract.

G. Invitation for Bids

All documents, whether attached or incorporated by reference utilized for soliciting bids.

H. Person

Any business, individual, union, committee, club, other organization or group of individuals not including a state agency or local public procurement unit.

I. Procurement

Buying, purchasing, renting, leasing or otherwise acquiring any supplies, services, or construction. Procurement also includes all functions that pertain to the obtaining of any supply, service or construction including description of requirements, selection and solicitation of sources, preparation and award of a contract and all phases of contract administration.

J. Procurement Officer

The director of purchasing or any person duly authorized by him/her to enter into and administer contracts and make written determinations with respect thereto. It also includes an authorized representative acting within the limits of authority.

K. Purchase Description

The words used in solicitation to describe the supplies, services or construction to be purchased and includes specifications attached to or made a part of the solicitation.

L. Request for Proposals

All documents, whether attached or incorporated by reference, utilized for soliciting proposals.

M. Responsible Bidder or Offer

A person who has the capability in all respects to perform fully the contract requirements and who has the integrity and reliability which will assure good faith performance.

N. Responsive Bidder

A person who has submitted a bid which conforms in all material respects to the invitation for bids.

O. Services

The furnishing of labor, time or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance. It does not include employment agreements or collective bargaining agreements.

P. Specification

Any description of the physical or functional characteristics or of the nature of a supply, service or construction item. It may include a description of any requirement for inspecting, testing or preparing a supply, service or construction item for delivery.

Q. Supplies

All property, including but not limited to equipment, materials, printing and leases of real property excluding land or a permanent interest in land.

R. Surplus Supplies

Any supplies that are no longer needed for University use. It includes expendable supplies, scrap materials and non-expendable supplies that have completed their useful life cycle.

## **IV. POLICY**

### **A. Purchasing Department Responsibilities**

1. The Purchasing Department is responsible for the procurement of all supplies and services required by Weber State University and all its departments and auxiliaries except for (a) purchases specifically exempted under paragraph B, below and (b) procurement relating to building construction and architect-engineer services obtained by the Utah Department of Facilities Construction and Management.
2. The Purchasing Department shall establish operating procedures with which to locate and ensure adequate and continuing sources of supply consistent with legal, budgetary and delivery requirements of using departments; to provide the necessary assistance to acquire such supplies and services on a timely and economical basis; to assure compliance with all applicable state, federal and University regulations during the procurement process; and to provide assistance, consultation and advice regarding all procurement needs of the University.
3. In discharging its responsibilities, the Purchasing Department may do the following:
  - a. Initiate, conduct and conclude negotiations for the purchase of goods and services for the University
  - b. Obligate the University for the purchase of goods and services
  - c. Recommend changes in quality, quantity or kind of material requisitioned and to suggest appropriate alternatives
  - d. Fill requisitions with items of equal usability and quality that are currently available in the inventories of the University
4. The selection of suppliers in accordance with legal requirements is the responsibility of the Purchasing Department. However, suggestions by departments will be considered whenever they are competitive with other sources.

### **B. Exceptions**

By virtue of their special needs and the roles they fill at the University, the following operating units are authorized to solicit bids and award purchase orders without going through the Purchasing Department:

1. Stewart Library (books and periodicals only)
2. University Bookstore (items for resale only)
3. Telecommunications Department (for installation of telecommunication equipment)

#### C. Limitations and Restrictions on Procurement

1. The University is prohibited from making purchases of personal items for university employees or students.
2. The University may not purchase goods or services from University personnel or from business firms in which University personnel serve as officers or directors or hold a substantial financial interest unless special procedures are followed to avoid a violation of the Utah Public Officers' and Employee's Ethics Act. (See PPM 5-25 ([http://www.weber.edu/ppm/Policies/5-25\\_UnivProcurement\\_TOC.html](http://www.weber.edu/ppm/Policies/5-25_UnivProcurement_TOC.html)) )
3. Unless specifically approved in writing by the director of Purchasing or his/her authorized representative, purchasing orders or commitments for procurement by university employees are not binding on the University. Individuals who do not comply with University policy when placing procurement orders may become personally liable to the vendor for the contract price. (See also PPM 5-4a ([http://www.weber.edu/ppm/Policies/54a\\_ContractDisbursing.html](http://www.weber.edu/ppm/Policies/54a_ContractDisbursing.html)) , Contract and/or Disbursing Officers).

#### C. Procedures

1. Purchases made under federal contracts and grants during the final weeks prior to the end of the contract period may be disallowed. (See PPM 5-25b ([http://www.weber.edu/ppm/Policies/5-25b\\_RequisitionPrep.html](http://www.weber.edu/ppm/Policies/5-25b_RequisitionPrep.html)) , IV, B)
2. Advance payments may not be made, except to specified government agencies, vendors with minimum prepayment requirements and in certain other cases as determined appropriate by the Director of Purchasing.
3. Any departmental correspondence relating to acquisition of goods or services must be processed through the Purchasing Department in order to avoid any unnecessary confusion or delay in the procurement process.
4. University commitment to affirmative action extends to all aspects of its affairs, including the purchasing function. As a vital part of this commitment, emphasis will be placed on locating and encouraging minority business enterprises to participate as suppliers of University procurement needs on a continuing and mutually satisfactory basis, subject to applicable legal requirements and limitations. The Purchasing Department will utilize procedures that ensure maximum practicable opportunity for small and socially disadvantaged enterprises to participate in meeting the procurement needs of the University on

a reasonable competitive basis consistent with the ability of such vendors to supply those needs.

5. Gifts of supplies, equipment or materials (other than samples) furnished without charge to the University may be accepted but must be reported to the University Development Office to assure that the gift is recorded and an appropriate acknowledgement provided to the donor. Donated equipment should also be reported to the Property Management Department to assure that the items are properly inventoried.
6. Information is available for inspection in the Purchasing Department relative to legal and contractual remedies available to the University, or vendors contracting business with the University, suspension of bidding privileges, vendor debarment procedures, waiver of immunity, claims procedures and other legal provisions binding upon the University under the Utah Procurement Code, 1953 Utah Code Annotated SS63-56-45 to 63-56-50 and 63-56-59 to 63-56-63.
7. Questions regarding existing orders, vendors, product availability or other procurement problems should be directed to the Purchasing Department. Reports of delays and suggestions for improvement of the purchasing process should be directed to the Director of Purchasing.

## **Requisition Preparation and Processing**

No. 5-25b	Rev. 10-14-03	Date 2-23-83
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### **II. PURPOSE**

To set forth requirements and instructions for preparing and processing requisitions.

### **II. REFERENCES**

Utah Procurement Code, 1953 Utah Code Annotated, SS63-56-22 PPM 5-25a ([http://www.weber.edu/ppm/Policies/5-25a\\_UnivProcurementGeneral.html](http://www.weber.edu/ppm/Policies/5-25a_UnivProcurementGeneral.html)) , University Procurement PPM 5-25d, ([http://www.weber.edu/ppm/Policies/5-25d\\_RestrictedPurchase.html](http://www.weber.edu/ppm/Policies/5-25d_RestrictedPurchase.html)) Restricted Purchases and Special Procurement

### **III. DEFINITION**

Requisition

A form used to initiate the procurement of supplies and services. Requisitions are not purchase orders and shall not be used or represented as such.

### **IV. POLICY**

#### **A. Use of Requisitions**

1. Except as provided in paragraph 2 below, a requisition must be submitted to

initiate the procurement of supplies and services by the Purchasing Department.

NOTE: University operating units that are authorized to engage in direct procurement without going through the Purchasing Department are listed in PPM 5-25a ([http://www.weber.edu/ppm/Policies/5-25a\\_UnivProcurementGeneral.html](http://www.weber.edu/ppm/Policies/5-25a_UnivProcurementGeneral.html)) , IV.

2. Items or services not requiring a requisition include the following:
  - a. Petty cash purchases
  - b. Purchases from other campus service centers, such as printing, bookstore (non-capital items), etc.
  - c. Travel by University employees
  - d. Purchases with university purchasing cards
3. Needs which are of an urgent nature may be placed by telephone call to the Purchasing Department. Telephone request must be followed up by a written requisition.
4. Drawing accounts are not allowed unless approved by the Purchasing Department. They may not be used to purchase capital equipment items.
5. It is improper under state law to divide or split procurement transactions into small units that are artificially devised to avoid the bidding requirements and other procedures applicable to larger unit transactions. (See 1953 Utah Code Annotated SS63-56-22)

B. Requisitions for Purchases Charged to Restricted Grants and Contracts will not be processed after the contract or grant has terminated.

C. Each requisition must include as a minimum the following information:

1. An accurate description for every article listed, including catalog numbers, size, color, etc.
2. Delivery instructions as appropriate
3. Possible sources of supply, if known
4. Appropriate signature or electronic approval:
  - a. This signature, i.e., Vice President, Dean, Department chair, grantee or gift fund manager, etc.; shall be assumed to verify that funds are available and that the expenditure is in the best interests of the University and in compliance with activities or projects under his/her purview
  - b. Immediate supervisor level signatures are required on supporting documentation for:
    - (1) Registration and membership fees
    - (2) Entertainment requests
  - c. Supporting documentation for reimbursements to individuals for

legitimate university expenses must be reviewed by immediate supervisor and signed by appropriate vice president.

## **Small Purchases and Emergency Procurement**

No. 5-25c	Rev. 03-30-09	Date 2-23-83
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### **I. PURPOSE**

To establish policy for small purchases and for handling procurement requirements in emergency conditions.

### **II. REFERENCES**

1953 Utah Code Annotated SS63-56-22 PPM 5-25a  
([http://www.weber.edu/ppm/Policies/5-25a\\_UnivProcurementGeneral.html](http://www.weber.edu/ppm/Policies/5-25a_UnivProcurementGeneral.html)) , University Procurement Appendix I - Small Purchases

### **III. DEFINITIONS**

#### **A. Small Purchase**

The procurement of supplies or services as defined in Appendix I.

#### **B. Emergency**

A condition that threatens public health, welfare or safety, arising from natural forces (e.g. fire, wind, flood, storm, earthquake, epidemic or other natural disasters); from riot, unlawful assembly or mob violence; or from hostile acts of a public enemy.

#### **C. Petty Cash**

[The procurement of supplies or services made with personal funds as defined in PPM 5-11 \(\[http://www.weber.edu/ppm/Policies/5-11\\\_PettyCash.html\]\(http://www.weber.edu/ppm/Policies/5-11\_PettyCash.html\)\) , Schedule I.](http://www.weber.edu/ppm/Policies/5-11_PettyCash.html)

### **IV. POLICIES**

#### **A. Small Purchases**

##### **1. Informal Procurement**

Small purchases of goods, services and construction may be effected by the Purchasing Department on an informal basis, using either written or oral bids, or without bidding, when determined appropriate by the Director of Purchasing or his/her designee.

##### **2. Splitting of Purchases Is a Violation of State Statute**

Procurement requirements may not be artificially divided among two or more small purchase orders in order to avoid normal bidding procedures.

#### **B. Emergency Procurement**

Emergency purchases shall be limited to only such items necessary to address the emergency condition. A written determination stating the basis of the emergency procurement may be required by the Director of Purchasing to be attached to the requisition.



## APPENDIX I SMALL PURCHASES

1. Small Purchases (non-construction less than \$20,000 and construction less than \$30,000). The Director of Purchasing shall adopt operational procedures for the procurement of small purchases. Such operational procedures shall provide for obtaining adequate and reasonable competition, properly accounting for funds to facilitate auditing, and for timely procurement of low cost items.

2. Small Purchases of Services of Professionals, Providers, and Consultants.

a. If the expected cost for services of professionals, providers and consultants is less than \$20,000 or \$30,000 in the case of construction; the operational procedures referenced above will be used.

b. [For Architect-Engineer Services see PPM 25e \(http://www.weber.edu/ppm/Policies/525e\\_SolicitationBids.html\) , Appendix I.](http://www.weber.edu/ppm/Policies/525e_SolicitationBids.html)

3. Purchases less than \$1,500 using the university purchasing card. Computers may not be purchased with purchasing cards.

### **Restricted Purchases and Special Procurement**

No. 5-25d	Rev. 10-14-03	Date 2-23-83
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#### **I. PURPOSE**

To set forth University policies including prohibitions, special approvals, limitations and restrictions governing the procurement of supplies and services.

#### **II. REFERENCES**

PPM 5-25a ([http://www.weber.edu/ppm/Policies/5-25a\\_UnivProcurementGeneral.html](http://www.weber.edu/ppm/Policies/5-25a_UnivProcurementGeneral.html)) , University Procurement PPM 5-25b ([http://www.weber.edu/ppm/Policies/5-25b\\_RequisitionPrep.html](http://www.weber.edu/ppm/Policies/5-25b_RequisitionPrep.html)) , Requisition Preparation and Processing PPM 5-25g ([http://www.weber.edu/ppm/Policies/5-25g\\_Receiving.html](http://www.weber.edu/ppm/Policies/5-25g_Receiving.html)) , Receiving

#### **III. POLICY**

##### **A. Prohibited Acquisitions**

1. The Purchasing Department will not make personal purchases for any employee or student.
2. With the exception of authorized holders of university purchasing cards, all University purchases must be made by authorized Purchasing Department personnel. Orders placed by employees or students directly with vendors will not be recognized as University obligations and responsibility for payment will be that of the individual who placed the order.
3. The use of University funds to acquire supplies or services for personal use is prohibited.
4. Alcoholic beverages shall not be acquired with state appropriated University funds.

## B. Acquisitions That Require Special Approvals

1. Repairs to personal property damaged while its owner is engaged in University business may not be procured unless the requisition bears the authorizing signature/s. (See Section 5-4b)
2. Organizational or association memberships may be procured by either university purchasing cards or requisitions. When by:
  - a. Requisition, the backup and/or supporting documentation is to be signed by the immediate supervisor (department chair, dean or vice president). (See Section 5-25b IV C. 5)
  - b. University purchasing card, the supervisor's signing of the cardholder's monthly statement will serve as approval for the membership.
3. Material for remodeling or renovation of buildings (including carpeting) requires approval of Facilities Management.
4. Coin-operated vending equipment requires approval of Student Life/Business Services.
5. Printing, Duplicating and Photocopying Equipment  
Printing equipment may be acquired for use by departments only after coordinating with and evaluation by the Director of Printing Services.

## C. Acquisitions Funded by Grants, Contracts and Other Fund Sources

Acquisitions funded by other than state appropriated monies shall be subject to the same purchasing policies and procedures as those funded by state appropriated funds.

## D. Acquisitions Subject to Special Limitations or Procedures

### 1. Narcotics and Controlled Substances, Radioactive Materials and Radiation Generating Equipment, and Select Agents and Toxins

- a. Acquisitions of narcotic and controlled substances must be approved by the Radiation and Controlled Substances Compliance and Safety Committee.
- b. Acquisitions of radioactive material require prior approval of the Radiation Safety Officer.
- c. Acquisitions of select agents and toxins require prior approval of the Bio Safety Committee.
- d. Requisitions for narcotics and controlled substances, radioactive materials and radiation generating equipment, and select agents and toxins must be initiated by the WSU Office of Environmental Health and Safety only.

### 2. Tax-free Alcohol

- a. Tax-free alcohol must be obtained from Science Stores to be used only for:
  - (1) Preserving specimens
  - (2) Experimental, research and laboratory work for scientific purposes
  - (3) Preparation of laboratory solutions

- b. The use of tax-free alcohol for purposes other than defined in paragraph (a) is prohibited and violation is subject to federal law.

### 3. Import Items

All matters pertaining to import items, customs, etc. will be handled by the Purchasing Department.

## E. Acquisition of Government Property

1. Surplus University Property Surplus University property is available through Property Control.

2. Property available through the Utah State Agency for Surplus Property (USASP)

- a. USASP property is available for purchase by any University department.
- b. The Purchasing Department maintains a list of authorized Weber State University representatives. Inclusion of any interested employee on this list is encouraged. A phone call to Purchasing will accomplish the addition of a name to the authorized list.
- c. Property may be inspected at the USASP facility in Salt Lake City.
- d. All property selected by authorized representatives will be picked up by a designated person.
- e. A standard requisition form is required to facilitate payment of selected items. Requisitions must be sent to the Purchasing Department which will arrange for items to be picked up at the USASP facility.

### 3. Excess Federal Property

Excess federal government property may be available at little or no cost for use on federal government contracts or grants. Excess federal government property is normally obtainable at little or no cost other than transportation charges. A standard requisition is required to pay transportation costs. (See PPM 4-27 ([http://www.weber.edu/ppm/Policies/4-27\\_OfficeSponsoredProj.html](http://www.weber.edu/ppm/Policies/4-27_OfficeSponsoredProj.html)) )

## Solicitation of Bids, Proposals and the Award of Procurement Contracts

No. 5-25e	Rev.10-14-03	Date 2-23-83
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### I. PURPOSE

To establish policy and procedures for the solicitation of bids and proposals and award of University procurement contracts consistent with the provisions of the Utah Procurement Code.

### II. REFERENCES

- Utah Procurement Code, 1953 Utah Code Annotated, SS63-56-1 et. seq.
- PPM 3-36 ([http://www.weber.edu/ppm/Policies/3-36\\_ConflictInterest.html](http://www.weber.edu/ppm/Policies/3-36_ConflictInterest.html)) , B, 3 and 5, Conflict of Interest
- PPM 5-25a ([http://www.weber.edu/ppm/Policies/5-25a\\_UnivProcurementGeneral.html](http://www.weber.edu/ppm/Policies/5-25a_UnivProcurementGeneral.html)) , University Procurement

- PPM 5-25c ([http://www.weber.edu/ppm/Policies/5-25c\\_SmallPurchaseEmergency.html](http://www.weber.edu/ppm/Policies/5-25c_SmallPurchaseEmergency.html)) , Small Purchases and Emergency Procurement
- Appendix I, this section, Architect-Engineer Services, Limits and Process
- Appendix II, this section, Public Advertising of Bid and Proposal Solicitations

### **III. POLICY**

#### **A. Competitive Bidding**

1. Except as otherwise provided in this policy, procurement of items, the amount of which exceeds the publicly advertised dollar limit (see Appendix II), will be awarded only after advertised solicitation of sealed competitive bids or proposals.
2. Bids and proposals shall be invited from the widest practical selection of firms with proven performance, from whom, in the judgment of the Purchasing Department, the procurement needs of the University can be satisfied.
3. Procurement of items, the amount of which qualify it as a "Small Purchase," shall be processed pursuant to PPM 5-25c ([http://www.weber.edu/ppm/Policies/5-25c\\_SmallPurchaseEmergency.html](http://www.weber.edu/ppm/Policies/5-25c_SmallPurchaseEmergency.html)) .

#### **B. Specifications**

1. The Purchasing Department is responsible for preparation, issuance, revision, maintenance and monitoring of specifications for supplies, services and construction required by the University. In the preparation of specifications, the director of Purchasing may obtain the advice and assistance of requisitioning departments as needed and, in connection with construction contracts, shall request such advice and assistance from the Assistant VP of Facilities Management.
2. All specifications shall seek to promote overall economy and best use of the purposes intended, shall encourage competition when applicable in satisfying University needs and shall not be unduly restrictive.
3. Subject to the non-restrictive policy stated in paragraph 2, specifications and/or requests for bids or proposals may designate a brand name "or equal" as a means to identify the performance or other specific requirements of a procurement. When so used, the salient features of the named brand that must be met by bidders/offers shall be clearly specified.
4. An individual who has participated in the preparation of a specification shall not be eligible to participate in or receive a contract award for any University procurement using such specification. Exceptions to this rule may be granted by the vice president for Administrative Services or his/her designee upon recommendation of the director of Purchasing if (a) an exception is justified by the existence of emergency conditions (see Section E, 3 below), (b) there is only one practicable source of supply for the contract requirements (see Section E, 2 below) or © it is not practicable or advantageous to the University to deny an award to the individual or to a bidder/supplier with which that individual is associated. Such exception shall be in writing and shall be attached to the bidding documents.

### C. Bidding Procedures

1. The director of Purchasing is responsible for assuring that all bidding procedures are in compliance with the requirements of the Utah Procurement Code and University policies.
2. Public notice of invitations to bid shall be given a reasonable time prior to the date for opening of bids. Such notice shall include publication in a newspaper of general circulation.
3. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. All bidding documents shall be available for public inspection.
4. Correction or withdrawal of inadvertently erroneous bids prior to the date for opening of bids shall be allowed provided requests for correction or withdrawal shall be received at the Purchasing Department prior to the date and time for opening of bids and provided such requests are in writing and clearly labeled.
5. Correction or withdrawal of inadvertently erroneous bids after the opening of the bids, based on such bid mistakes, cannot be made except by authorization of the vice president for Administrative Services or his/her designee. Requests for such action must be made in writing accompanied by full documentation of the facts leading to the presentation of the erroneous bid. The decision to permit the correction or withdrawal of a bid or to cancel an award or contract based on an alleged bid mistake shall be in writing, with a statement of reasons. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the University or fair competition will be permitted.
6. When due to lack of information it is considered impractical to prepare a purchase description or specification to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers. This is to be followed by an invitation for bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.
7. An invitation for bids, a request for proposals or other solicitation may be canceled, or any or all bids or proposals may be rejected, in whole or in part, under the following conditions:
  - a. When the need for items as requested on the bid, proposal or other solicitation no longer exists
  - b. When a bid or bids are received after the specified due date and/or time
  - c. When it is in the best interests of the University whether for budgetary reasons or other good and sufficient reasons to terminate the entire transaction
  - d. When a bid is not responsive to the requirements of the specification
  - e. When a bid proposes an unacceptable alternate item

### D. Requests for Proposals

1. The use of competitive sealed proposals for a particular procurement contract or for particular types of recurring procurement contracts shall be entered into when advantageous to the University.

2. The director of Purchasing is responsible for the preparation, issuance, giving of notice, opening, registering, evaluating, negotiating and awarding of contracts pursuant to requests for proposals. This is providing that all such proceedings shall be in conformity with the Utah Procurement Code and, in order to assure maximum practicable competition, shall be subject to the applicable time limitations and other procedures specified in Section III, C above relating to competitive bidding.
3. Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the University, taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation.

#### E. Exceptions/Procurement Without Competition

1. Small purchases  
[Small purchases shall be processed in accordance with PPM 5-25c \(http://www.weber.edu/ppm/Policies/5-25c\\_SmallPurchaseEmergency.html\) .](http://www.weber.edu/ppm/Policies/5-25c_SmallPurchaseEmergency.html)
2. Sole Source Contracts  
A contract may be awarded for a supply, service or construction item without competitive bidding when the director of Purchasing, with the approval of the vice president for Administrative Services or his/her designee, determine in writing that there is only one practicable source for the requisitioned item.
3. Emergency Procurement  
When emergency conditions exist that create a threat to public health, welfare or safety, procurement without full competition may be authorized pursuant to PPM 5-25c ([http://www.weber.edu/ppm/Policies/5-c\\_SmallPurchaseEmergency.html](http://www.weber.edu/ppm/Policies/5-c_SmallPurchaseEmergency.html)), IV, B.

#### F. Pre-Qualification

When determined to be necessary or appropriate by the Purchasing Department, prospective suppliers may be prequalified for particular types of supplies, services and construction. Solicitation mailing lists of potential contractors shall include but shall not be limited to prequalified suppliers.

#### G. Contractual Terms

1. Any contractual terms permitted by law may be used for University procurement purposes, as the best interests of the University may require, except that the use of a cost-plus-a-percentage of cost contract is prohibited.
2. The director of Purchasing is responsible for assuring compliance with procedural requirements of the Utah Procurement Code applicable to the terms and provisions of procurement contracts including requirements that specified determinations be made as a condition precedent to the inclusion or modification of specified contractual provisions (see Utah Code Annotated SS63-56-32, 63-56-40) or the use

- of change orders (see Utah Code Annotated SS63-56-41).
3. When the best interests of the University so require, the director of Purchasing may include in University procurement contracts any or all contract clauses, so far as relevant, that are authorized by the Utah Procurement Code (Utah Code Annotated SS63-56-40 to 63-56-41) with respect to adjustments in price, time of performance, scope of contract work, variations between estimated and actual quantities, site conditions, remedies and other contract provisions.
  4. The Purchasing Department shall develop, modify and maintain a file of standard contract clauses to be used in University procurement contracts pursuant to paragraph 3 above and such clauses shall be deemed incorporated herein by reference. The director of Purchasing may modify any such clause for inclusion in any particular contract upon written determination that such variation will promote the interest of the University or encourage fair and open competition provided that notice of any such material variation must be given in invitation to bid or request for proposals.

#### H. Procurement of Construction Work

1. Construction contracts will be entered into with responsible licensed contractors subject to the provisions of the Utah Procurement Code. (See Utah Code Annotated SS63-56-36 to 63-56-39) For the purpose of this provision, the term "construction" has the same meaning as in the Utah Procurement Code, Utah Code Annotated SS65-56-5(4) and includes remodeling, renovation and landscaping.
2. Construction and remodeling contracts, the amount of which qualify them as "Small Purchases," shall be processed pursuant to PPM 5-25c ([http://www.weber.edu/ppm/Policies/525c\\_SmallPurchaseEmergency.html](http://www.weber.edu/ppm/Policies/525c_SmallPurchaseEmergency.html)) .
3. Bid Security
  - a. Bid security in amount equal to at least five percent (5%) of the amount of the bid shall be required, unless waived, for competitive sealed bidding for construction contracts the amount of which exceeds that of a "Small Purchase" pursuant to PPM 5-25c ([http://www.weber.edu/ppm/Policies/5-25c\\_SmallPurchaseEmergency.html](http://www.weber.edu/ppm/Policies/5-25c_SmallPurchaseEmergency.html)) . Bid security shall be a bond provided by a surety company authorized to do business in this state, the equivalent in cash or any other form satisfactory to the University and consistent with the Utah Procurement Code.
  - b. When a bidder fails to comply with the requirement for bid security set forth in the invitation for bids, the bid shall be rejected unless the director of Purchasing determines in writing that the failure to comply with the security requirements is non-substantial.
4. Performance and Payment Bonding
  - a. When a construction contract is awarded and performance and payment bonding is stipulated in the bid solicitation, performance and payment bonds or other evidence satisfactory to the University must be delivered to the University and shall be binding on the parties upon the execution of the contract subject to the provisions of the Utah Procurement Code. (See

Utah Code Annotated SS63-56-39.)

- b. The form of the performance and payment bonds shall be substantially the same as provided in rules and regulations applicable to construction contracts awarded by the Utah Department of Facilities, Construction and Management (DFCM).
- c. When in the best interest of the University, the director of Purchasing may require performance and payment bonds on small contracts or may waive the requirement for such bonds.
- d. When a bidder fails to comply with the requirement of a performance or payment bond, the bid shall be rejected unless the director of Purchasing determines in writing that such bonding is deemed unnecessary for the protection of Weber State University.

#### I. Architect-Engineering Services

(See Appendix I for limits and process)

1. It is the policy of Weber State University to announce on an annual basis requirements for architect-engineer services and to negotiate contracts for architect-engineering services on the basis of demonstrated competence and qualification for the type of services required at fair and reasonable prices. This paragraph does not affect the authority of and does not apply to procedures undertaken by the University to obtain the services of architects or engineers in the capacity of employees.
2. In the procurement of architect-engineer services, the Assistant VP of Facilities Management shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data responsive to published criteria approved by the director. A selection committee for architect-engineer services contracts appointed by the Assistant VP of Facilities Management or his/her designee, shall evaluate current statements of qualifications and performance data on file together with those that may be submitted by other firms in response to the announcement of a proposed contract. The selection committee shall where feasible consider not less than three firms and shall select therefrom, based upon the established criteria, not less than three of the firms deemed to be the most highly qualified to provide the services required.
3. The Purchasing Department shall award a contract to a qualified firm at compensation which the selection committee determines to be fair and reasonable to the University after taking into account the estimated value, scope, complexity and professional nature of the services to be rendered. Should Purchasing be unable to agree to a satisfactory contract with the firm first selected, at a price determined to be fair and reasonable to the University, discussions with that firm shall be formally terminated and discussions shall then be undertaken with a second qualified firm. Failing accord with the second firm, discussion shall be formally terminated and discussions shall then be undertaken with a third qualified firm. Should agreement not be reached or should the University be unable to award a



contract at a fair and reasonable price with any of the selected firms, Purchasing, upon recommendation of the committee, shall undertake discussions with additional firms until an agreement is reached.

## APPENDIX I

### PROCUREMENT OF ARCHITECT-ENGINEER SERVICES, LIMITS AND PROCESS

1. Under the provisions of the State Procurement Code and Purchasing Policy for the State of Utah and the University, advertisement for architect-engineer services should be made once a year to allow for letters of interest to be submitted to the University. The Purchasing Department should be involved in process of soliciting these letters of interest.
2. From those responding to the advertisement, and any others that submit proposals during the year, an architect-engineer will be selected without competition for projects estimated to be under \$300,000 and when the fees for the architect-engineer services do not exceed \$30,000.
3. For projects exceeding \$300,000 and when fees are anticipated to exceed \$30,000, three architects-engineers will be chosen and evaluated for any given project after the solicitation of formal written proposals. Those anticipated to exceed \$50,000 must also be publicly advertised. The architect-engineers responding to the RFP will be ranked based on predetermined criteria which are selected by an evaluation committee established by Facilities Management.
  - a. A proposal which includes fees will be requested from the top rated firm.
  - b. If the prospective architect-engineer can perform the work as requested and the fee is acceptable, a purchase order can be awarded to the architect-engineer. If a reasonable agreement cannot be made with the selected architect-engineer, then a proposal will be requested from the next architect-engineer on the list. The third architect engineer on the list will be asked to provide a proposal if the second's proposal is not acceptable.
  - c. Facilities Management must send a copy of all documentation involved in the selection of an architect-engineer to the Purchasing Department before a purchase order can be issued. These documents should include: (1) a copy of the RFP; (2) a copy of the architect/consultant's proposal; (3) a copy of the decision matrix used in selecting the three firms; and (4) a conflict of interest form signed by each member of the selection committee stating that they have no connection with the architect/consultant.

## APPENDIX II

### PUBLIC ADVERTISING OF BID AND PROPOSAL SOLICITATIONS

Any solicitations for bids and/or proposals where the expected cost may be \$50,000 or more must be publicly advertised.

## **Lease or Rental of Property for University Use**

No. 5-25f	Rev. 10-14-97	Date 2-23-83
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### **I. PURPOSE**

To outline University policy regarding the lease or rental of property for University use.

### **II. REFERENCES**

1953 Utah Code Annotated, SS 63-56-1 et. seq.

PPM 5-25c ([http://www.weber.edu/ppm/Policies/5-25c\\_SmallPurchaseEmergency.html](http://www.weber.edu/ppm/Policies/5-25c_SmallPurchaseEmergency.html))  
, Small Purchases and Emergency Procurement

### **III. POLICY**

#### **A. Leases of Real Property**

1. No lease or rental of real property, including any interest in land, buildings, office space, laboratory space, storage space or water or mineral rights, may be entered into or will be binding upon the University unless the provisions of this policy and procedure are satisfied.
2. Any request for leasing or for the extension or renewal of a lease of real property for University purposes must be submitted and processed as follows:
  - a. A written request shall be submitted by the requesting department chair, principal investigator, director or other officer through the direct line of administrative authority to the cognizant vice president. This request must include or be accompanied by the following information:
    - (1) A description of the real property proposed to be leased or of its general location and character
    - (2) An explanation of the need for such space
    - (3) A detailed factual justification for entering into the lease
    - (4) A proposed lease agreement (a standard lease form used by landlord may be acceptable) which includes, among other things, the following:
      - (a) Term of lease
      - (b) Monthly rental
      - (c) Responsibility for utilities, maintenance, snow removal, custodial, grounds care, etc.
      - (d) Parking arrangements
      - (e) Responsibility for structural and roof maintenance and repairs
      - (f) Responsibility for insurance of structure, operation and general liability insurance
      - (g) Responsibility for property taxes, other taxes and assessments and ownership of any improvements made

b. Upon approval by the cognizant vice president of any lease or extension or the renewal of any lease the cognizant vice president shall forward to the vice president for Administrative Services for review and evaluation the following information:

- (1) The initial request for lease of space with additional information required under section  
(a) above
- (2) A letter of approval from the cognizant vice president including the proposed source of funding for lease costs
- (3) The proposed lease agreement
- (4) A letter from the requesting party addressing the adequacies of power supplies, air handling equipment and general physical structure and floor plan; estimated costs of any modifications or remodeling necessary to meet user needs should also be included indicating sources of funding for any such modification or remodeling
- (5) A letter from the Associate VP for Facilities Services or designee commenting upon and making recommendations relative to the proposed lease and the availability of space in existing facilities to meet the described need in a timely manner

c. If the vice president for Administrative Services, after review and evaluation of the request and supporting justification and documentation, approves the proposed lease, appropriate implementing steps shall be undertaken pursuant to subsection d below. If the vice president for Administrative Services concludes that the proposed lease is not in the best interest of the University, he/she shall discuss the reasons for that conclusion with the vice president who originally approved the request. If the two vice presidents are unable to agree on the disposition of the request, it shall be submitted to the president for a decision. The request to lease space must reach the vice president for Administrative Services at least 30 days before the commencement of the proposed lease term.

d. Any lease duly authorized under subsection c above shall be negotiated and executed under the direction of the vice president for Administrative Services in accordance with applicable requirements of the Utah Procurement Code, 1953 Utah Code Annotated SS63-56-1 et. seq., as amended and implementing University regulations. After approval as to form by the attorney general, the lease may be signed by the vice president for Administrative Services or designee for and on behalf of the University and thereafter shall be binding on the University.

e. The vice president for Administrative Services may prescribe forms and operating instructions relative to leases of real property as may be necessary or appropriate to carry out the purposes of this policy and procedures statement.

## B. Leases of Equipment or Other Types of Property

1. Lease agreements relating to equipment or other types of personal property and for which the total of all lease payments to be made from University funds during any fiscal year included in whole or in part within the stated term of the lease (exclusive of any extension) does not exceed the amount of a "Small Purchase" may be entered into by the Purchasing Department pursuant to PPM 5-25c ([http://www.weber.edu/ppm/Policies/5-25c\\_SmallPurchaseEmergency.html](http://www.weber.edu/ppm/Policies/5-25c_SmallPurchaseEmergency.html)) . Departments other than the Purchasing Department are not authorized to enter into such lease agreements.
2. Requests for lease agreements relating to equipment or other types of personal property and providing for total payments of more than the amount of a "Small Purchase" during any fiscal year included in whole or in part within the stated terms of the lease must be submitted and processed as follows:
  - a. All such requests, together with the written approval of the cognizant vice president, shall be forwarded to the Purchasing Department.
  - b. A written statement must accompany the request setting forth the following information:
    - (1) The need for the equipment, together with a declaration that after reasonable investigation the requesting officer has determined that similar equipment or equipment of equivalent capability is not currently available for use elsewhere within the University
    - (2) Justification for the proposed lease, including a comparison of lease costs with purchase costs and stating the estimated interest cost associated with leasing, calculated on a simple interest basis
    - (3) Alternate methods of financing, other than leasing, which have been investigated and the relative merits of such methods
  - c. After evaluating the requests, the director of Purchasing will forward it to the vice president for Administrative Services together with his/her comments and recommendations. If the vice president for Administrative Services concludes that the proposed lease is in the best interests of the University, implementing steps shall be taken pursuant to subsection d below. If the vice president for Administrative Services concludes that the proposed lease is not in the best interests of the University, he/she shall discuss the reasons for that conclusion with the vice president who originally approved the request. If the two vice presidents are unable to agree on the disposition of the request, it shall be submitted to the president for a decision.
  - d. Any lease of equipment or other personal property duly authorized under subsection c above shall be negotiated and executed under the direction of the vice president for Administrative Services in accordance Code Annotated SS63-56-1 et. seq., as amended, and implementing University regulations.

### C. General Provisions Relating to Leases

1. All leases for which payments are or may be made in whole or in part from funds controlled by the University, including funds derived from federal grants and contracts, shall include the following clause: It is understood and agreed that this agreement does not obligate lessee to make any payments hereunder except from funds currently available for the purpose, or from time to time appropriated to lessee by the Utah State Legislature, or allocated by the federal government in the form of grants or contracts for such purpose. This agreement shall not in any way be construed to create a general obligation of the state or federal government nor to impose any obligation upon either the state, the federal government or the lessee not authorized by law.
2. Unless an exception is specifically authorized by the president on recommendation of a vice president, long-term (one year or longer) leases to own or lease purchase plans are not permitted as substitutes for capital equipment purchases made with general funds provided through regular academic and administrative operating budgets. When funded through federal grants or contracts, acquisition of capital equipment through lease purchase plans requires the prior written approval of the funding agency, the vice president for Administrative Services, and the cognizant dean or vice president.
3. Requests for renewals and extension of leases that provide for total payments of more than the amount of a "Small Purchase" during any fiscal year included in whole or in part within the stated term of the lease shall be submitted and reviewed by the vice president for Administrative Services in the same manner and under the same standards as the original lease request.
4. The vice president for Administrative Services shall maintain a complete file of all real property leases entered into by the University. The Purchasing Department shall maintain a file of all leases of other property.
5. University operating units other than the Purchasing Department are not authorized to enter into leases of real or personal property unless express prior authorization to do so is given in writing by the vice president for Administrative Services.

### Receiving

No. 5-25g	Rev. 10-14-97	Date 2-23-83
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### I. PURPOSE

To outline procedures and responsibilities for the receipt of materials and supplies and processing of damage and other contractual claims arising from purchasing transactions.

### II. POLICY

- A. The Receiving Department is responsible for the receipt and distribution of all materials ordered for delivery through central receiving.
- B. After receiving and inspecting purchased materials, the Receiving Department will transport such items to the appropriate delivery point and obtain appropriate signatures.
- C. The Receiving Department will inspect all shipments for obvious damage, irregularities or other discrepancies. However, the requisitioning department is ultimately responsible for the acceptance of the merchandise and should take the following steps upon discovery of any damages, irregularities, non-conformity with specifications or other discrepancies.

1. Notification of damage should be given immediately to the Receiving Department with the following information:

- a. Vendor name and purchase order number
- b. Date received
- c. Item or items damaged or affected by discrepancies, irregularities or non-conformity with specifications together with a detailed description thereof
- d. Condition of parcel upon receipt
- e. Location of parcel

2. Departments must report any damaged shipment to the Receiving Department not more than 10 (ten) days after receipt of the shipment to allow time for the preparation and filing of a claim.

3. All damaged materials should be preserved in the condition in which received and must be kept in the original shipping containers until instructions for disposal are received from the Receiving Department.

D. It is the responsibility of the Receiving Department to arrange the filing of all claims for damaged materials.

D. The return of any supplies or materials to the vendor, whether due to damage, misshipment or other reasons, should be arranged through the Receiving Department.

### **Procurement From Vendor in which University Employee has an Interest**

No. 5-25h	Rev. 10-14-97	Date 2-23-83
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#### **I. PURPOSE**

To outline University policy and procedures relating to procurement of supplies, services and construction from a business firm in which a University officer or employee has an interest.

## **II. REFERENCES**

- Utah Public Officers' and Employees' Ethics Act, 1953 Utah Code Annotated, SS67-16-1 et. seq.
- Utah Procurement Code, 1953 Utah Code Annotated, SS63-56-1 et. seq.
- PPM 3-36 ([http://www.weber.edu/ppm/Policies/3-36\\_ConflictInterest.html](http://www.weber.edu/ppm/Policies/3-36_ConflictInterest.html)) , Conflicts of Interest
- PPM 5-25a ([http://www.weber.edu/ppm/Policies/5-25a\\_UnivProcurementGeneral.html](http://www.weber.edu/ppm/Policies/5-25a_UnivProcurementGeneral.html)) , University Procurement

## **III. DEFINITIONS**

### **A. Business Entity**

A sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation or other organization or entity used in carrying on commercial business activities for profit-making purposes.

### **B. Compensation**

Anything of economic value however designated which is paid, loaned, granted, given, donated or transferred to any person or business entity for or in consideration of personal services, materials, property or any other thing whatsoever.

### **C. Substantial Interest**

The ownership, either legally or equitably, by an individual, his/her spouse or his/her minor children, of at least ten percent of the outstanding capital stock of a corporation or ten percent interest in any other business entity; or

The holding of a position in a business entity as an officer, director or employee.

### **D. Transaction**

A formal or informal contract or agreement, express or implied, to which the University is a party that involves any transfer of consideration or payment of compensation.

### **E. University Officer or Employee**

A person permanently employed by the University on full- or part-time basis; this does not include members of the Board of Trustees or of any other advisory commission, board or committee serving on a part-time basis.

## **IV. POLICY**

A. It is the policy of the University to comply fully with all applicable provisions of the Utah Public Officers' and Employees' Ethics Act. (See PPM 3-36 ([http://www.weber.edu/ppm/Policies/3-36\\_ConflictInterest.html](http://www.weber.edu/ppm/Policies/3-36_ConflictInterest.html)) ) The statements of detailed policies and procedures set forth herein are intended to provide notice to the University community of the requirements of that Act as applied to the procurement of supplies, services and construction pursuant to the Utah Procurement Code, as amended, and related University regulations. (See PPM 5-25a to 525i inclusive)

### **B. Scope**

1. The policies and procedures set forth herein apply to all transactions (including

small purchases and emergency procurement transactions -- see PPM 5-25c ([http://www.weber.edu/ppm/Policies/525c\\_SmallPurchaseEmergency.html](http://www.weber.edu/ppm/Policies/525c_SmallPurchaseEmergency.html)) ) to which the University, or any department or operating unit of the University, is or may be a party without regard for the amount of consideration to be paid thereunder or the source of funding.

2. For the purpose of applying the policies and procedures herein set forth, any reference to "director of Purchasing" shall be construed to mean University director of Purchasing or, when appropriate, the responsible officer of any University department or operating unit that is authorized to engage in contracting or procurement activities without going through the Purchasing Department. (See PPM 5-25a ([http://www.weber.edu/ppm/Policies/5-25a\\_UnivProcurementGeneral.html](http://www.weber.edu/ppm/Policies/5-25a_UnivProcurementGeneral.html)) , IV, B)

#### C. Prohibitions

1. A University officer or employee is forbidden to participate in his/her official capacity with respect to any transaction between the University and a business entity in which the officer or employee has a substantial interest.
2. A University officer or employee is forbidden to receive compensation (in addition to regularly budgeted salary or wages for services to the University) as a result of, or in connection with, any transaction between the University and a business entity in which the officer or employee has a substantial interest.

### V. PROCEDURES

#### A. Duty of Disclosure

It is the duty of every University officer or employee to disclose to his/her immediate supervisor and to the University director of Purchasing the existence of a substantial interest which he/she has in any business entity which the officer or employee knows or has reason to believe may submit a bid or sealed proposal for, or otherwise seek to enter into, a transaction with the University.

#### B. Procurement Procedure

1. The Purchasing Department shall process requisitions in accordance with established University procurement procedures and shall attempt to secure bids or proposals from, and to negotiate with, qualified vendors including vendors in which the existence of a substantial interest on the part of a University officer or employee has been disclosed or otherwise called to the attention of the purchasing agent.
2. All bids and proposals and the proposed terms and conditions of all negotiated agreements shall be subjected to technical and price evaluation in accordance with established University procurement criteria and procedures, provided, however, that the director of Purchasing and all other personnel involved in the evaluation and award process must take appropriate steps to assure that there is no participation therein, direct or indirect, by any University officer or employee who is known to have a substantial interest in any business entity whose bid or proposal is under consideration.



3. If the director of Purchasing determines that in the best interest of the University and in accordance with established criteria the proposed procurement contract should be awarded or entered into with a business entity in which a University officer or employee is known to have a substantial interest, the following steps must be taken before the contract is executed:

- a. If the proposed contract price will be paid in whole or in part with funds derived from a federal contract or grant, the proposed contract must be submitted to the office of Grants & Contracts together with a statement of the circumstances and a request that any required waivers be obtained from the cognizant federal officers or agencies permitting the contract to be entered into as proposed. In such cases the contract may not be executed on behalf of the University until the director of Purchasing has received a written memorandum indicating that the requested waivers have been granted.

- b. In all cases, the director of Purchasing must request and receive from the University officer or employee who has a substantial interest in the business entity designated as a party of the proposed contract a duly executed affidavit in substantially the following form:

I, (name) , hereby declare that in my official capacity, I have not participated in, and that I have not and will not receive compensation (other than my regularly budgeted salary or wages from the University) as a result of, or in connection with, proposed contract (or purchase order) number .

(date) (signature)

#### C. Remedies

If any transaction is entered into in violation of the policies and procedures set forth herein:

1. The officer or employee who violated the prohibitions specified in section IV, C or who knowingly executed and submitted a false affidavit when requested under section V, B, 3, b shall be subject to appropriate disciplinary action including possible dismissal from University employment as provided in the Utah Public Officers' and Employees' Ethics Act.
2. The University shall have the right to rescind or nullify any contract or subcontract entered into in respect to such transaction or subcontract entered into in respect to such transaction without returning any part of the consideration that may have been received by the University pursuant thereto.

#### Purchasing Cards

No. 5-25i	Rev. 03-06-07	Date 2-23-83
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#### I. PURPOSE

To outline the policies for the Purchasing Card program, which allows individuals to have a credit card issued to them for the purpose of making purchases in behalf of Weber State University. The University is responsible for paying the issuing financial institution for purchases made using purchasing cards.

## **II. REFERENCES**

- Policy and Procedure 5-11, Reimbursement for Petty Cash Purchases ([http://www.weber.edu/ppm/Policies/511\\_PettyCash.html](http://www.weber.edu/ppm/Policies/511_PettyCash.html))
- Policy and Procedure 5-25d, Restricted Purchases and Special Procurement ([http://www.weber.edu/ppm/Policies/5-25d\\_RestrictedPurchase.html](http://www.weber.edu/ppm/Policies/5-25d_RestrictedPurchase.html))
- Policy and Procedure 5-25h ([http://www.weber.edu/ppm/Policies/5-25h\\_ProcurementEmployeeInterest.html](http://www.weber.edu/ppm/Policies/5-25h_ProcurementEmployeeInterest.html)) and 3-36 ([http://www.weber.edu/ppm/Policies/3-36\\_ConflictInterest.html](http://www.weber.edu/ppm/Policies/3-36_ConflictInterest.html)) , Procurement from a Vendor In which a University Employee has an Interest /Conflict of Interest
- Policy and Procedure 5-25e, Solicitation of Bids, Proposals, etc./Procurement Contracts ([http://www.weber.edu/ppm/Policies/5-25e\\_SolicitationBids.html](http://www.weber.edu/ppm/Policies/5-25e_SolicitationBids.html))

## **I. DEFINITIONS**

A. Cardholder - A person to whom a University Purchasing Card has been issued.

B. Default Account - The accounting code assigned to a cardholder. All charges made with a purchasing card will be posted into that card's default account by the issuing financial institution unless the purchase is reallocated.

C. Issuing Financial Institution - The financial institution with whom the University has currently contracted for the purchasing cards.

D. Purchasing Card - A credit card issued to an individual employee of Weber State University for the purpose of making authorized purchases on its behalf. The University is responsible to make payments for all charges made using properly issued purchasing cards.

E. Purchasing Card User's Guide ("Guide") - The document that contains instructions and guidelines for the use of the purchasing card.

F. Reconciler - The person assigned to review a cardholder's monthly statement and paper work for completeness. He/She may review more than one cardholder's account at the discretion of the Responsible Person. A reconciler may or may not be a cardholder. A cardholder cannot be His/Her own reconciler.

G. Responsible Person ("RP") - The person to whom the cardholder reports related to transactions made with the purchasing card.

## **IV. POLICY**

### **A. Background**

A major purpose of the purchasing card program is to reduce the amount of paperwork incurred when making certain types of purchases for the University. This reduces costs in many ways including reduction of the number of purchase orders and checks that must be printed and issued, and reducing the number of invoices that must be matched and paid.

### **B. Description of Responsibilities**

1. The Director of Purchasing, or his/her designee, is responsible for contracting with an issuing financial institution to support this program.
2. The Purchasing Card Program Coordinator, and/or their assistant(s) are responsible for:
  - a. Updating the University's information with the issuing financial institution when necessary (such as updating the list of signers that are authorized to approve limit increases, new applications, etc.).
  - b. Training cardholders and reconcilers.
  - c. Obtaining and verifying appropriate authorization signatures and completed application forms for each purchasing card that is requested.
  - d. Continually updating the Guide, Program Policies and Procedures, and obtaining appropriate approvals for all changes from all entities affected.
  - e. Assisting cardholders, reconcilers and others as necessary with problem resolution.
  - f. Serving as the primary liaison with the issuing financial institution, Administrative Computing, suppliers, using departments and any other parties that are involved in the program.
  - g. Responsible for designing all forms and other documents that are used, and for obtaining appropriate approvals for these as necessary, such as from Internal Audit and/or the Director of Purchasing.
  - h. Responsible for notifying the director of Purchasing, Internal Audit, and appropriate supervisor of the cardholder of violations or fraudulent card use.
  - i. Maintaining the following documents:
    - Properly signed application forms
    - Memos listing approved exceptions to any limitations (approved by the Director of Purchasing)
    - Copies of forms submitted to the issuing financial institution
  - j. Preparing and sending management reports to the Director of Purchasing, Internal Audit and others as needed.
  - k. Providing assistance to companies that may not currently accept purchasing cards to get signed up with their respective financial institutions.

1. Assisting suppliers and using departments with problem resolution on specific transactions.
3. The Accounting Services Department is responsible for:
  - a. Managing the electronic flow of transaction information from the issuing financial institution to the University's accounting system, including feeding the detailed transactions to the on-line review/reallocation system on a daily basis whenever possible.
  - b. Ensuring that the monthly electronic payment to the issuing financial institution balances with the daily transaction records.
4. The Responsible Person ("RP", refer to definition) for the default account that is assigned to a purchasing card is responsible for:
  - a. Selecting appropriate individuals within their department to receive purchasing cards
    - (i.e. those with the responsibility of making the purchases and those who are backups for that function). The Department Head must also approve each person selected to be a cardholder (a space for his/her signature is included on the application form).
  - b. Establishing processes within their department or area to support the purchasing card system.
  - c. Notifying the Program Coordinator or his/her assistant(s) promptly of any known or suspected inappropriate or fraudulent use of a purchasing card.
  - d. Taking appropriate disciplinary measures with cardholders under their supervision who inappropriately or fraudulently use their purchasing cards (refer to section IV - E).
  - e. Reviewing, approving and signing the monthly statement for each cardholder under him/her in a timely manner. The signing of the monthly statement is a certification that the purchases are appropriate and in compliance with university policy.
  - f. Never requesting or directing a cardholder or reconciler to make a purchase or reallocation which violates any portion of the policy and procedures, the Guide, or any other relevant rules, regulations or guidelines.
5. The Reconciler is responsible for:
  - a. Maintaining the following documentation for four (4) years in their office and/or in archives in a manner that allows for efficient retrieval for auditing purposes:
    - Logs, receipts and telephone order records.
    - Monthly cardholder statements that have been signed by the cardholder and the default account's RP.

- b. Reviewing transactions on a regular basis and reallocating charges to appropriate and allowable accounting codes as necessary.
  - c. Notifying the Program Coordinator or his/her assistant(s) promptly of any known or suspected inappropriate or fraudulent use of a purchasing card.
  - d. Acting as a liaison between the Program Coordinator and his/her assistant(s) as needed by forwarding information to each cardholder upon request.
  - e. Never requesting or directing a cardholder to make a purchase which violates any portion of the policy and procedures, the Guide, or any other relevant rules, regulations or guidelines.
  - f. Being up-to-date with the current version of the Guide.
6. The Cardholder is responsible for:
- a. Using the purchasing card in accordance with all pertinent policies, procedures, guidelines, etc. and insuring that purchases are in the best interest of Weber State University.
  - b. Promptly submitting monthly statements along with supporting documentation, such as receipts, telephone order records, transaction logs, and any reallocation information to the reconciler.
  - c. Being up-to-date with the current version of the Guide, and promptly requesting a new copy if theirs is lost.
  - d. Insuring that sales tax is not charged at the time of purchase, or requesting a credit promptly from the supplier, if sales tax is included in error.
  - e. Willingly surrendering the card upon termination of employment, or upon change in employment that no longer includes the purchasing function, or upon request from the Program Coordinator, Internal Audit, or from their supervisor.
  - f. Notifying the Program Coordinator promptly of any known or suspected inappropriate or fraudulent use or loss of a purchasing card.
  - g. Promptly reporting to the Program Coordinator (confidentially, if necessary) any request or direction by his/her supervisor(s) to use the card in an unallowed or fraudulent manner.

#### C. Responsible Person/Cardholder Relationships

1. There shall not be a reciprocal approval-of-statement relationships between a cardholder and a responsible person. The responsible person must always be higher in the organizational unit than the cardholder.
2. All cardholder/responsible person relationships are subject to review and approval of Division Heads or Deans and the Purchasing Department.
3. If due to unique circumstances, a responsible person that meets the above criteria cannot be identified, the cardholder's purchasing activity will be subject to audit at least annually.

#### D. Management Reports

The Program Coordinator and/or assistant(s) are responsible for generating and distributing monthly, quarterly and annual management reports to the director of Purchasing, and others as needed, in a timely manner to facilitate the continuous review of the program. The reports which can be generated are maintained by the Program Coordinator and may, from time to time, be updated as software capabilities allow and as circumstances require.

#### E. Purchasing Card User's Guide

1. The Guide is written and maintained on the Purchasing Department website by the Program Coordinator. The current Guide and any appendixes are incorporated into this policy by this reference. Notification of all changes to the Guide will be forwarded in a timely manner to each cardholder, reconciler and other pertinent individuals and departments, such as Internal Audit.
2. The purpose of the policies and procedures listed in this section are to outline items that are not referenced in the Guide. The Guide includes:
  - a. Name of the currently contracted issuing financial institution.
  - b. Phone numbers for customer service for the issuing financial institution and for the University.
  - c. Instructions for keeping the purchasing card secure while in the cardholder's possession.
  - d. Information and form regarding the University's sales tax exemption status.
  - e. Detailed list of limitations on all cards and on each individual card.
  - f. General purchasing guidelines.
  - g. Forms and instructions regarding the handling of disputed transactions.
  - h. Instructions regarding the relevant accounting and reallocation procedures.

#### F. Inappropriate or Fraudulent Use of Purchasing Cards

In the event that a purchasing card is used inappropriately or fraudulently, the procedures described below must be followed:

1. The Program Coordinator will be notified promptly, who will in turn notify in writing the director of Purchasing, Internal Audit and the cardholder's appropriate supervisor.
2. If it appears that the misuse was intentional or fraudulent, an audit and/or investigation will be conducted to determine the full extent of misuse or fraud. During the audit or investigation the cardholder's card will be temporarily deactivated. (See Appendix I for audit and/or investigation process.)
3. The cardholder will be disciplined in one or more of the following ways:
  - A letter of reprimand in the employee's personnel file.
  - Requiring reimbursement from a cardholder.
  - Temporary or permanent loss of the purchasing card.

- Termination of employment.

#### G. Canceling a Purchasing Card

1. Reasons for canceling a Purchasing Card
  - a. Voluntary termination
  - b. Involuntary termination
  - c. Transferring to position or department which no longer requires use of purchasing card
  - d. Disciplinary action
2. Process for canceling
  - a. Voluntary termination: The Cardholder must surrender their purchasing card to the Program Coordinator or/assistant at time of termination.
  - b. Involuntary termination or transferring to a department which no longer requires use of card: The Cardholder's Supervisor must 1) Take possession of the cardholder's purchasing card and 2) Return the card to the Program Coordinator with written notice that the card should be canceled.
3. Disciplinary Action
  - a. Permanent - same as b. above.
  - b. Temporary - Program Coordinator or assistant will deactivate the card for the specified probationary period and only reactivate with written request of supervisor.
  - c. The Program Coordinator must 1) Wait an appropriate time for all purchases that were made with the card to be processed by merchants (approximately 4 days) and 2) Submit a form to the issuing financial institution to cancel.

#### H. Employee Transfers

1. If a cardholder is transferred to a new position within the department or another department and will still need to make purchases using a purchasing card, the same card should be used. The Cardholder's Supervisor or his/her designee, must promptly notify the Program Coordinator if there are changes to be made (such as the cardholder's address, default account, etc.).
2. If a cardholder is transferring to a new position within the department, but will not have the same supervisor, and/or will no longer be purchasing items for the department the card must be retrieved and canceled as described in section IV - F2.

#### I. Certification Training

1. All cardholders and reconcilers shall take web-based training periodically and be

certified by Purchasing. Cardholders who fail to re-certify will have their cards deactivated. If a reconciler fails to re-certify, they and the cardholders for whom they reconcile will have their cards deactivated.

2. All responsible persons shall take web-based training periodically and be certified by Purchasing. Failure to do so will result in their card and the cards of those whom they supervise being deactivated restricting purchases and travel.

## APPENDIX I WSU PURCHASING CARD PROGRAM

### Process To Follow In The Event of Suspected Credit Card Intentional Misuse or Fraud

1. Upon the first notice of suspected credit card abuse, the Department should IMMEDIATELY advise Purchasing and Internal Audit.
2. Purchasing will have Internal Audit initiate and coordinate an investigation of the suspected credit card abuse. As soon as practicable, Internal Audit will furnish a preliminary status report to the cognizant Vice President, with copies to the Director of Purchasing & Support Services, Assistant Vice President of Human Resources, University Legal Counsel, and the College or Department.
3. The employee shall be given an opportunity to respond to the allegations described in the preliminary report.
4. The College or Department shall consult with Human Resources and University Counsel regarding the interview with the employee regarding the allegations and the employee's leave status pending the outcome of the investigation. Human Resources shall assist the College or Department in the preparation of appropriate paperwork, if any.
5. Following the interview with the employee and completion of the investigation, Purchasing shall issue a final written report to the cognizant Vice President and Assistant Vice President of Human Resources, with copies to University Counsel and the College or Department.
6. University Counsel shall consult with Purchasing, Internal Audit, Assistant Vice President of Human Resources, and University Police regarding a recommended disciplinary course of action for the employee and possible referral of the case for criminal investigation and prosecution.
7. The Assistant Vice President of Human Resources shall forward a copy of the final Internal Audit report along with a recommendation for disciplinary action to the cognizant Vice President. Employee disciplinary action shall be determined on an individual, case by case basis.
8. Human Resources will prepare the necessary and appropriate paperwork related to the recommended disciplinary action in consultation with University Counsel.



## **Stores**

No. 5-26	Date 8-17-77	Date
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### **I. GENERAL**

Stores provides a stocking facility to meet the usual, ongoing needs of the campus community. Frequently used items are carried in Stores' stock so that faculty and staff can draw upon them for their departmental needs.

A basic stock of desks, chairs, file cabinets, storage cabinets and typewriters are also carried in stock.

### **II. PROCEDURE**

A. Purchase requisitions for Stores items may be taken directly to Stores for filling.

B. Stores will bill the respective departments with a fund invoice through the Computer Center.

## **Surplus Property**

No. 5-27	Rev. 09-11-07	Date 8-17-77
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### **I. PURPOSE**

To outline Weber State University policy for declaring property of the University "Surplus Property" and for disposal of property when it has been so declared.

### **II. REFERENCES**

- PPM 4-27 ([http://www.weber.edu/ppm/Policies/4-27\\_OfficeSponsoredProj.html](http://www.weber.edu/ppm/Policies/4-27_OfficeSponsoredProj.html)) , Property Acquired Through Government Grants or Contracts
- PPM 5-28 ([http://www.weber.edu/ppm/Policies/5-28\\_FixedAssetAcct.html](http://www.weber.edu/ppm/Policies/5-28_FixedAssetAcct.html)) , Fixed Asset Accounting

### **III. DEFINITIONS**

#### **A. Property**

Equipment, material or supplies purchased with any funds administered by Weber State University, including property donated by individuals, corporations or government agencies.

#### **B. Surplus Property**

Property no longer useful to the department and/or the University.

#### **C. Redistribution**

The transfer of property from one department to another.

#### IV. POLICY

- A. Surplus property will be redistributed or disposed of in a manner to maximize return to Weber State University.
- B. A department may sell property to another department at a mutually agreed upon price by means of an interdepartmental billing. Property Control must be notified of such transfers by the transferring department.

Property surplus to a department's needs is declared surplus by the person responsible for the property. Any department declaring surplus property must do so by notifying Property Control.

Property Control will investigate possible redistribution of the declared surplus property to other potential campus users and will retain the property for ten (10) days before the property is offered for public sale. In cases where redistribution to another campus user takes place, Property Control will transfer the property and make appropriate entries in the fixed asset system of the University.

Property that cannot be redistributed to other campus users will be stored, sold or disposed of by Property Control to serve the best interest of Weber State University in accordance with Utah State law. Property Control will be responsible for selling or disposing of all University surplus property. When requested, proceeds from the sale will be returned to the originating department if the sale is over \$100 after full costs of disposal are recovered. Property Control can work cooperatively with a department to conduct a sale at the department site.
- C. Disposal of Weber State's surplus property must be through sealed bidding, public auction or at a fixed price determined by Property Control (sold on a first come-first served basis). Selling prices may also be determined by the declaring department in concert with Property Control. A minimum acceptable sale price may be established for surplus property.
- D. Upon request, Property Control will arrange for pick up of declared surplus property. Property Control cannot pick up property exceeding the weight and dimensions that two people can reasonably handle. Large items and hard-to-handle materials may require special handling. When special arrangements must be made, Property Control will determine whether to dispose of said materials at the site or make special arrangements to deliver the materials to the Surplus Property Warehouse. Property Control will determine if additional help is needed from either Facilities Management or outside movers. Any moving costs will be the responsibility of the selling department.
- E. All surplus property sold directly to departments or to the general public will be on an "AS IS" basis void of any warranties.
- F. Surplus property may also be contributed to other state, county, city or non-profit organizations.

## **Fixed Asset Accounting**

No. 5-28	Rev. 09-11-07	Date 8-17-77
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### **I. PURPOSE**

To outline Weber State University policy for establishing accountability for the fixed assets of the University consistent with State Board of Regents' Policy R561-3.

### **II. REFERENCE**

- PPM 4-27 ([http://www.weber.edu/ppm/Policies/4-27\\_OfficeSponsoredProj.html](http://www.weber.edu/ppm/Policies/4-27_OfficeSponsoredProj.html)) , Property Acquired Through Government Grants or Contracts
- PPM 5-27 ([http://www.weber.edu/ppm/Policies/5-27\\_SurplusProperty.html](http://www.weber.edu/ppm/Policies/5-27_SurplusProperty.html)) , Surplus Property

### **III. DEFINITIONS**

#### **A. Fixed Assets**

Land, equipment, buildings, improvements, infrastructure, library books, works of art and construction work in progress.

#### **B. Land**

The real property or acreage owned by the University, valued at acquisition cost plus expenses incurred in preparing the land for use.

#### **C. Equipment**

Items owned by the University with an acquisition cost as shown in Schedule "A," attached, and with a life expectancy of five years or more. Acquisition cost to include full cost of purchase plus freight and handling charges. Equipment items have their own identity and are not attached permanently to any building.

#### **D. Buildings**

The physical structures housing persons or property of the University. Buildings include items of equipment permanently attached.

#### **E. Land Improvements**

Items such as sidewalks, parking lots, retaining walls, fences and landscaping, which represent substantial value.

#### **F. Infrastructure**

A set of interconnected structural elements that provide the framework supporting an entire structure and includes items such as roads, tunnels, bridges, network systems, and utilities.

#### **G. Construction Work in Progress**

Uncompleted buildings or infrastructure and building and land improvements in the process of completion.

#### **IV. POLICY**

##### **A. Equipment**

Equipment is capitalized and inventoried on the books of Weber State University based on full acquisition cost including freight and handling (per Schedule "A" attached) if the equipment has a useful life as reflected in the State of Utah Useful Life Table (FIACCT 09-09.01).

Equipment inventoried at time of acquisition will remain on the inventory even if acquisition cost is less than current minimum value established by Schedule "A."

The following types of equipment, with acquisition cost below Schedule "A" values, will also be inventoried at zero value to reduce the risk of pilferage and comply with federal laws:

- Art objects
- Firearms While no value will be listed for this equipment, departments have the same responsibility for controlling and maintaining these equipment items as they do regularly capitalized equipment.
- Equipment items not inventoried regardless of acquisition cost include the following:
  - Items made of glass, cloth, plastic and rubber products unless included above
  - Consumable items materially altered by use
  - Replacement parts which do not have a separate identity or utility apart from other pieces of equipment
  - Items permanently attached to buildings
  - Items rented or otherwise not owned (not to include equipment lease-purchased)
- Equipment of low unit value and supply items will be included in "Building Contents" for insurance purposes.
- Transfer of equipment from one campus location to another cannot be made without the approval of the department head or director, who has inventory responsibility. Property Control must also be notified of any transfer of equipment by email, written memo or Fax.

##### **B. Land, Buildings, Infrastructure, and Improvements**

Land, buildings, infrastructure, and improvements are capitalized and inventoried on the books of Weber State based on acquisition cost (per Schedule "A," attached).

##### **C. Repair and replacement items are not capitalized as they replace existing components to maintain the function or utility of the facility, and do not change the value of the facility materially.**

- D. Assignment of equipment is made on a departmental basis. The chair or director of the department is the property custodian and is responsible for the care and maintenance of the equipment and to verify the equipment inventory at least annually.

University equipment shall not be removed from campus without written approval of the immediate supervisor. Department records must be maintained which record the authorization for removal and location of equipment not located on campus.

- E. Surplus property may be contributed to other state, county, city or non-profit organizations. All requests for donation of surplus property must be directed to Property Control. Donations of surplus property must be approved in writing by the Associate Vice President for Financial Services. A written request for donation must be forwarded to Property Control when property is intended to be donated to off-campus organizations.

## **FIXED ASSETS**

### **SCHEDULE "A"**

April 4, 2011

All fixed assets will be capitalized according to the values defined in State Board of Regents' policy R561-3. Additionally, all equipment with an acquisition cost between \$1,500 and \$4,999 will be inventoried for tracking purposes.

## **Mail Service**

No. 5-30	Rev. 2-2-88	Date 8-17-77
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## **I. GENERAL**

The Mail Service is established to distribute incoming mail, collect and process outgoing mail and collect and distribute interdepartmental mail. The handling of personal mail is done as a convenience by Mail Service. Mail Service is not a branch of the U.S. Post Office. The U.S. Postal Service considers incoming mail to have been delivered to the addressee when it is delivered to Mail Service, and outgoing mail becomes U.S. Mail upon delivery by Mail Service to the U.S. Post Office. Mail Service may provide other services for the convenience of students, faculty and staff to the extent that they can be performed without additional material cost, obligation or responsibility to the University.

## **II. POLICY**

### **A. Off-Campus Mail**

1. Due to the nature of mail-handling equipment, envelopes should not be sealed. Exceptions include the following:
  - a. Envelopes containing checks
  - b. Envelopes larger than letter size will be closed and sealed
  - c. Other sealed envelopes may be challenged by the mail clerks unless an explanation is attached
2. University envelopes only will be allowed to pass through the postage meter.

3. All University envelopes and letterhead will indicate the department mail code as part of the zip code.
4. The University heading on the envelopes shall not be covered or crossed out.
5. A return address other than that of the University will not be accepted.
6. University envelopes will not be used for personal mail.
7. University envelopes will not be affixed with U.S. postage.
8. All mail referred to in items 5-7 above will be sent to the responsible supervisor/administrator for appropriate action.

**B. Bulk Mailings**

Weber State University has a special, non-profit mailing permit which allows departments to send large mailings at a lower rate. Only operating units of the University will be allowed to use the University's bulk mail permit.

**C. Campus Mail**

Where appropriate, campus mail should be put in standard campus mail envelopes or clearly identified. Campus mailings exceeding 50 pieces must be sorted by mail codes. Bulk memos, flyers and handouts being distributed to faculty, staff and departments must be University business and not addressed to individuals.

**D. Private and Personal Mail**

All personal mail must be sealed and the proper postage affixed.

**E. Charges and Billing**

Each department is charged for postage by mail code. Charges are billed through the FRS system the first of each month.

**F. Personnel and Department Changes**

To implement any changes, additions, deletions or transfers of personnel, a memo signed and dated indicating the change must be sent to the supervisor of the Mail Service.

**G. Cash Transactions**

Stamps may be purchased only at the window of the Mail Service. Money is not to be affixed to personal mail. Petty cash slips will not be accepted for postage. Personal checks cannot be accepted at the Mail Service.

### **III. PROCEDURE**

Please obtain a copy of the current Weber State University Mail Service Procedures Booklet from the Mail Service.

#### **Food Services**

No. 5-30a	Rev. 3-10-98	Date 3-14-84
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### **I. AUTHORITY**

The preparation and distribution of food products on the campus of Weber State is the

responsibility of the company or companies that the institution contracts with to provide its manual and vending food service. This company(s) shall have the exclusive right to provide all commercial food services on the Weber State University campus except as specified in this policy.

All Weber State University food preparation and handling equipment is assigned to the food service company for appropriate use and maintenance. Certain cooking facilities such as those in the Department of Child and Family Studies and the apartment-style housing owned by the institution are not the responsibility of the food service company, but are required to operate in a non-commercial manner. They are restricted from being used for the purpose of preparing food products that are sold in competition with the food service company.

Any exceptions to this policy, unless specified below, must be approved in advance by the company's director of Food Service and the dean of Student Life or his/her designee.

## **II. SPECIFIC APPLICATION**

### **A. Retail Snack Sales**

All retail snack sales (candy, chips, etc.) shall be the right of the food service company except for those sold at the Union Building information desks and those sold at the Weber State University Bookstore.

### **B. Vending and Concessions**

No vending machines, other food product sales devices or food concessions may be located or operated on the campus without authorization from the company's director of Food Service and the dean of Student Life or his/her designee. The use of coffee machines and refrigerators is authorized as long as they are used in a non-vending, non-commercial fashion.

### **C. Catering**

All contracted catering of food products that takes place on the campus shall be provided by the food service company.

### **D. "Pot Luck" Events**

"Pot Luck" or similar parties for employees or students are authorized as long as all of the following conditions are met:

1. Food products are provided and/or prepared by employees or students from personal, rather than institutional resources
2. Weber State kitchen or food handling facilities are not utilized
3. No food products are sold, either directly or indirectly, such as an admission charge or "donation" at events where such food is served

E. Fund Raising Activities Involving Food Products

WSUSA registered student organizations are authorized to have one (1) fundraising activity on campus involving food products per quarter provided that the following conditions are met:

1. Food is prepared for sale by volunteers (i.e., bake sales) or pre-packaged food is purchased for resale (i.e., candy bar sales)
2. The sale is approved and supervised by the appropriate professional staff person from the Department of Student Activities
3. All temporary business permits and food handling requirements are obtained and are approved by the company's director of Food Service at least 48 hours prior to the event

F. Minor Refreshments for University Events

Food purchases for refreshments at on campus events by WSUSA registered student organizations and Weber State University departments are authorized provided that the total food value does not exceed the petty cash limit and provided that the following conditions are met:

1. All temporary business permits and food handling requirements are obtained and are approved by the company's director of Food Service 48 hours prior to the event
2. WSUSA and student activities follow the guidelines for petty cash as outlined in the WSUSA Policy and Procedure Manual
3. All other departments adhere to Weber State University petty cash policy and procedures

III. Invoices for Food Services Provided to Departments

Invoices for Food Services provided by the company or private vendors to Weber State University departments will only be paid when account-coded and signed by a representative of the department being charged.

## Reuse or Disposal of Textbooks

Approved April 2, 2013  
Reapproved March 7, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Administrative Code R277-433-2(B) and 53G-7-606 .



**Policy:** WSU Charter Academy will dispose of used textbooks through donation to appropriate campus-based initiatives such as the "Literacy Project" or to other non-profit organizations in the community.

## School Fees

Approved April 2, 2013

Reapproved March 7, 2017

Amended and Reapproved October 17, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Administrative Code R277-407, Utah Codes 53G -7 -5 03 and 53G-7-504.

**Policy & Procedures:** Weber State University Charter Academy is a free public kindergarten classroom. No fees are charged to students. Therefore, a fee schedule is not applicable. Parents at the school will be advised that no fees are ever charged. As mandated by the Utah State Constitution and the Utah State Board of Education, Weber State University Charter Academy is prohibited from charging fees to elementary school students.

A fee is defined as any charge, deposit, rental, or other mandatory payment in the form of money or goods. Any and all charges related to the National School Lunch Program (not currently applicable to WSU Charter Academy), such as food or milk, are not considered fees.

No fees may be charged for the following items or activities: textbooks, classroom equipment or supplies, musical instruments, field trips, assemblies, or snacks (except those associated with the National School Lunch Program (not currently applicable to WSU Charter Academy)). This list is not all-inclusive. Weber State University Charter Academy will supply all student supplies for elementary students. A student may, however, be required to replace supplies provided by the school which are lost, wasted, or damaged by the student due to careless or irresponsible behavior.

Except for common household items and common articles of clothing, no student shall be required to pay a fee or provide any material, money, or any object of value.

No fee may be charged or assessed in connection with any class or school sponsored or supported activity, including extracurricular activities

As permissible by law, Weber State University Charter Academy may make donation requests to supplement the school's limited funds. All donation requests are strictly voluntary, and must be worded as such. Students will not be excluded from activities or penalized in any way because they did not make donations. At no time will the names of those who did not make donations be revealed, although those who make major donations may be honored. All donations are tax-deductible.

No fees will be charged for duplicating or mailing copies of school records to an elementary or secondary school in which the student is enrolled or intends to enroll. Annually, by October 31, the School Fee Certification of Compliance Form will be submitted to the USBE law office. Attached to the compliance form will be the current board-approved school fee policy.

## School Land Trust

Approved October 29, 2013

Reapproved March 7, 2017

**Purpose:** In compliance with Utah Administrative Codes R277-470, R277-477, R277-491, 53F-2-404 and 53G-7-1202.

**Policy & Procedures:** The WSU Charter Academy LAND Trust Committee (School Community Council) will develop plans for the use of School LAND Trust Funds.

### **Composition of the Committee**

The WSU Charter Academy School LAND Trust Committee shall serve as the committee designated to develop plans for the use of School LAND Trust Funds. In compliance with state law, the committee shall have a majority of parents elected from parents of students currently attending the school. The LAND Trust Committee will be comprised of at least four (4) parent representatives elected by the Family Involvement Committee and two (2) appointed members from the WSU Charter Academy staff (this could include the Business Administrator and Principal).

### **Role of Committee**

The WSU Charter Academy LAND Trust Committee, functioning as a subcommittee of the Board of Directors, shall carry out the activities and responsibilities directed by the Utah State Office of Education in accordance with relevant law and regulations, and will fulfill the following purposes:

1. Identify the most critical academic needs;
2. Recommended course of action to meet the identified academic needs;
3. Specific listing of any programs, practices, materials, or equipment which the school will need to implement a component of its school improvement plan to have a direct impact on the instruction of students and result in measurable increased student performance; and
4. Explain in detail how the school intends to spend its allocation of funds to enhance or improve academic excellence at the school.

The program developed by the LAND Trust Committee to use the School LAND Trust funds shall be consistent with all laws and rules and is subject to the approval of the WSU Charter Academy Board of Directors. The program shall be implemented by the WSU Charter Academy and the school shall provide ongoing support for the plan. The WSU Charter Academy shall also publicize to its stake holders and the general public how the School LAND Trust funds were

used to implement a component of the improvement plan and the results of those efforts. The LAND Trust Committee will prepare and present an annual report to the Board of Directors at the end of the school year which details the use of School LAND Trust funds and which assesses the results obtained from the use of those funds.

Information on the school's plan shall be completed via the School LAND Trust Program website maintained through the USOE.

The LAND Trust Committee may develop a multi-year program for using School LAND Trust funds, but the program must nevertheless be presented to and approved by the WSU Charter Academy Board of Directors each year.

## Teacher Supplies and Materials

Approved March 7, 2017

**Purpose:** The purpose of this policy is to comply with Utah Administrative Code R277-459 and to empower the educators of WSU Charter Academy to make instructional decisions through the purchasing of supplies and materials. This policy outlines the expectations, process for fund distribution, timelines, and criteria for spending.

**Policy:** The WSU Charter Academy budgets \$1000 annually to each educator for the purpose of purchasing supplies and materials that enhances or extends student development and learning. The teacher has the authority to spend the money without prior approval using the following criteria:

- Funds are spent between July 10 and May 25 of the academic year and does not accrue from year to year.
- Educators use a P-Card to make purchases and follow the rules as outlined in the Purchasing Policy.
- Supplies and materials enhance or extend learning of WSU Charter Academy approved curriculum and Utah Core Standards.
- Receipts are provided for documentation of purchases.

# **CURRICULUM AND INSTRUCTION / ACADEMICS**

# Anti-bias Education and Cultural Tradition Celebration Policy

(NAEYC Standards 2A.6, 7A.2, 7A.3, 7A.4, 7A.5, 7A.7, & 7C.1)

Approved September 12, 2017

**Purpose:** To foster shared respect for human diversity and commitment to social justice.

**Policy:** The WSU Charter Academy core values are grounded in shared respect for human diversity and commitment to social justice. These values are reflected in our classroom through the implementation of anti-bias education practices, and in our relationships with children and families. The Utah State kindergarten integrated core curriculum standards require that children have opportunities to learn about diverse cultures and traditions in their home and community.

We have a diverse community of families in our program, which allows all children to experience a variety of cultures, languages, family structure, and ways of life in a positive, affirming environment. We continually strive to provide materials, activities, and environments that reflect awareness, respect for, and celebration of diversity in race, ethnicity, ability, gender expression, and family structure and lifestyle. In developing a framework for anti-bias curriculum, we have relied heavily on the work of Derman-Sparks and Edwards (2010).

Young children are learning cultural identity, stereotypes, and bias. The four goals of an anti-bias curriculum include (see Chapter 1):

- Each child will demonstrate, confidence, family pride, and positive social identities.
- Each child will express comfort and joy with human diversity; accurate language for human differences; and deep caring human connections.
- Each child will increasingly recognize unfairness, have language to describe unfairness, and understand that unfairness hurts.
- Each child will demonstrate empowerment and the skills to act, with others or alone, against prejudice and/or discriminatory actions.

The diversity found in the families of children in the classroom and children's immediate community provide a foundation for understanding cultural diversity. Materials may include multi-cultural and bias-free books, dolls, and other learning materials as well as specific teacher-directed activities, guest speaker experiences, and field trips that are a regular part of each classroom.

Anti-bias education practices include providing authentic experiences that are inclusive of the diversity found in children's learning community. Whereas a tourist curriculum approach emphasis and perpetuates stereotypes. Anti-bias education practices incorporate a wide variety of experiences and materials that represent the diversity children experience in their community. Family engagement and feedback in these efforts is essential to successfully reach each of the four goals.

## **Learning about Cultural Traditions and Classroom Celebrations**

All children and families have a culture. Traditions, including holiday traditions are a valuable part of children's experiences that acquaint them with their family's history, cultural background, and a reflection of our community. *Celebration* is defined as actively participating in one's cultural traditions as an expression of cultural values, heritage, and enjoyment. Requiring very young children to "celebrate" cultural traditions that are not their own may interfere with the development of their own cultural identity.

In contrast, providing children with authentic opportunities for children to *learn about* the cultural traditions of other members of their class and surrounding community and share their own cultural traditions may strengthen the development of their own identities while expanding their appreciation for the diversity of others.

The WSU Charter Academy curriculum includes *learning* about seasonal holidays celebrated by a variety of cultures as represented by children's families, and cultures found in the immediate community. Children experience authentic unique planned celebrations that include shared food experiences, guest speakers, art and performances. Our classroom will have unique celebrations that emerge from the cultures of families.

When grounded in anti-bias principles, holiday activities support children's cultural identity and enhance their family's feelings of belonging to the school community. Anti-bias education is a tool for broadening children's awareness of our diverse world, adding to their enjoyment of its cultural diversity, and teaching them about people who make important social contributions across a range of civic and religious traditions

For young children, it is appropriate to learn about the holiday traditions and families in the classroom, cultures in their immediate community, and National Holidays that occur during the school year include Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, New Year's Day, Martin Luther King Jr. Day, President's Day, and Memorial Day. Children's birthday may also be celebrated, upon the request of parents.

Other holiday cultural traditions may be addressed in the curriculum, occur as part of authentic *learning* experiences, or as children and families from cultures that celebrate the holidays desire to share their traditions. Rather than as a school celebration.

### **Procedures:**

**Goals, objectives, and strategies for learning about cultural traditions** of families and community members shall be determined by the classroom teacher and based on Utah kindergarten integrated core curriculum, family preferences, and anti-bias curriculum practices. The foundation of the curriculum will be based on children and families sharing their culture and traditions with one another. The classroom teacher may invite families to share traditions and food experiences, and families may approach the teacher and offer to share traditions that are important in their family culture.

**Holiday Celebrations.**

Holiday celebrations will be determined by the teacher and based on family preferences as noted on enrollment forms. School celebrations will focus on National holidays and/or holidays shared by all children in the classroom and be planned around curriculum and learning objective.

**Children's Birthday Celebrations.**

Family members may arrange to have a brief celebration for their child's birthday with the teacher. Families may bring in a treat for snack time to celebrate a child's birthday or a special family event. It is often fun for children to think about what special treat they would like to bring! All students should have opportunities to celebrate their birthday regardless of when their actual birth date is. Children with summer birthdays when school is not in session may have a celebration for their half birthday, or select another day. In accordance with NAEYC Accreditation standards please follow the following guidelines when choosing a special snack to share:

- Foods with high nutritional value are strongly encouraged (e.g., fresh fruit, vegetables, whole grain foods);
- No nuts of any kind;
- No balloons or candles;
- Foods must be pre-packaged (sealed fruit cups, sealed pudding cups, individually wrapped crackers or cookies, etc.); or
- Parents may prepare food at home if they have obtained a food handler's permit for Weber County. Information for obtaining a food handler's permit can be found on this website: [http://www3.co.weber.ut.us/health/food\\_handlers.php](http://www3.co.weber.ut.us/health/food_handlers.php)

Utah State Law prohibits students from consuming "homemade" food in the classroom setting. All foods must be store bought and packaged. Students should not bring treats, candy, or other foods to class at any time unless specifically approved by the teacher. Teachers should encourage parents/guardians to provide health-conscious foods that can be consumed by all students in the class. Allergies and food limitations of the students must be identified at the beginning of the school year. Teachers are responsible to know of these food limitations. Medical forms and Doctor Verification forms must be filed with the school. (Healthy Hunger Free Kids Act of 2010).

**Other Celebrations.**

The children and families in the class may create their own celebrations such as family socials, a friendship celebration that helps students feel a part of a caring community, or inviting families to celebrate completing a class project. Planned learning objects such as writing their own name and that of their peers, reading each other's names and enhanced creativity should be included in these celebrations.

Teachers and administrators will follow federal privacy regulations and professional ethical practices in maintaining privacy and confidentiality of assessment documentation collected about the children in WSU Charter Academy classrooms.

In the event that the grade levels served by WSU Charter Academy are extended through third grade, the school testing policies will be revised to apply to the standardized testing requirements

established by the USOE.

# Assessment of Student Development and Learning

(NAEYC Standard 2A.8, 4A.1, 4A.2, 4C.3, 4D.6, 4E.2, 4E.3)

## TESTING PROCEDURES POLICY

Approved April 2, 2013

Reapproved October 3, 2017

**Purpose:** The purpose of this policy is to provide an assessment plan that complies with the requirements of Utah Administrative Codes R277-404 and R277-414 and NAEYC Accreditation Standard 2A.8, 4A.1, 4A.2, 4C.3, 4D.6, 4E.2, 4E.3.

**Policy:** As a charter kindergarten, state and federal mandated standardized testing policies beginning in third grade do not apply. In the event that the grade levels served by WSU Charter Academy are extended through third grade, the school testing policies will be revised to apply to the standardized testing requirements established by the USBE.

Child assessment is the process of gathering information about young children's strengths, progress, and needs. With the child assessment plan, families and parents have the opportunity to raise questions or concerns about how they will meet the needs of their child. Assessment information is used to:

1. Provide information for parents and teachers to work together in identifying the strengths and learning needs of individual children, establish instructional goals, and plan individualized teaching strategies.
2. Teaching teams use assessment outcomes to design activities or lesson plans that meet the interests and needs of the children.
3. Provide formative assessment information to plan curriculum that supports children's developmental and learning goals across the physical, cognitive, social/emotional, and moral developmental domains.
  4. Provide a summative assessment documenting skill and knowledge of individual child development over time across the academic year.
  5. Identify developmental or learning concerns in need of further evaluation and specific types of intervention.
  6. Evaluate and improve program services.

The WSU Charter Academy follows best practices for the assessment of young children in early childhood programs as outlined by the NAEYC/NAECS (2003:

<https://www.naeyc.org/files/naeyc/file/positions/StandCurrAss.pdf>)

This includes:

- Completing assessments in a safe environment that allows for individual



accommodations so that students can demonstrate learning in ways that are an accurate reflection of individual learning and development, are relevant, and meaningful.

- Using multiple methods of assessment to make decisions about providing services for children, including decisions about if the program can adequately meet the needs of a child, which include careful collaboration with families and community professionals with appropriate expertise.
- Ensuring formal norm-referenced and standardized assessments used in our program such as developmental screenings that are reliable and valid for use with the populations of children and families we serve (e.g. ages, cultures, home languages, socioeconomic status, abilities and disabilities), and the information is used appropriately. For instance, identifying children that may benefit from further evaluation, research, and program evaluation.
- If a student receives services as identified by a Section 504 accommodations plan or an Individual Education Program (IEP), the assessments will support the plan by measuring the instructional goals and objectives.
- Gathering informal formative assessment evidence from settings that reflect children's actual performance in real-world classroom or family contexts, consistent with children's culture, language, and experiences. This includes talking with children to gain information about their interests, strengths, and preferences.
- Providing assessment results to families at least two times a year that indicate a child's learning and development and if there is a concern to families in writing, in private, and with appropriate follow-up information. Either linking families to community resources or planning next steps for more frequent monitoring and/or further evaluation. Diagnostic labeling is a comprehensive process requiring professional clinical expertise, never the result of a brief screening or one-time assessment.
- Collaborating with families to plan assessment methods that will best meet their child's needs.
- Providing families an opportunity to raise questions or concerns about how the assessment methods will meet their child's needs.
- Ensuring staff are given resources that support their knowledge and skills about early childhood assessment and their ability to assess children in culturally and linguistically appropriate ways through regular in-service training to build assessment literacy.

**Assessment Confidentiality.** Teachers, para-educators, WSU students, and administrators will follow federal privacy regulations (see FERPA Policy and Procedure, p. 254) and professional ethical practices as outlined in the NAEYC Code of Ethical Conduct (2005: <http://www.naeyc.org/files/naeyc/file/positions/PSETH05.pdf>) in maintaining privacy and confidentiality of assessment documentation collected about the children in WSU Charter Academy classrooms. This includes:

- Protecting anonymity of children by using first and last name initials for written

assignments.

- Providing the classroom supervising teachers with a copy of completed assessments so all relevant assessment information can be shared with parents.
- Protecting anonymity of children and families by discussing assessment results only in the context of program course work.

**Procedures:** A systematic assessment plan (see Table 1) is used to gather information about each child's progress overtime through a variety of ethically and developmentally appropriate assessment methods that are: embedded within children's daily activities, inclusive of families, and culturally and linguistically responsive. Additional assessment and evaluation may occur as teachers, administrators, and families indicate the presence of special learning needs in an individual student.

**Systematic Assessment Plan**

<b>Assessment Method</b>	<b>Who &amp; When</b>	<b>Use of Results</b>
<i>Developmental Screening</i> Ages and Stages Questionnaires (ASQ-3, ASQ:SE-2)  BRIGANCE Early Childhood Screen III (K&1)	ASQ is parent completed upon program entry  Brigance is teacher administered	Informs initial goals for children in collaboration with parents and indicates need for monitoring, targeted support, and further evaluation.
Utah State Kindergarten Entry and Exit Profile (KEEP)	Teacher administered during the first two weeks of school.	State required assessment.
<i>Standardized Assessments</i> - Peabody Picture Vocabulary (PPVT-3) - Woodcock Johnson Cognitive (WJ-IV) - Child Behavioral Checklist (CBCL) - Behavioral Rating Inventory of Executive Function (BRIEF)	Trained Assessors and lab student administered in September and April	Evaluate and improve program services.  Academic research projects.

<p><i>Teacher Observations</i></p> <ul style="list-style-type: none"> <li>- Anecdotal Record</li> <li>- Running Record</li> <li>- Rating Scales &amp; Tallies</li> <li>- Checklist</li> <li>- Time &amp; Event Sampling</li> <li>- Child/parent interviews</li> <li>- Child Work Samples</li> </ul>	<p>Teachers, para-educators, parents, WSU students collect on an ongoing basis</p>	<p>Teaching team uses for weekly planning for needs and interests of children, and collaborate with families through conversations, and monthly written updates.</p>
<p><i>Child Portfolio</i></p> <p>Progress summary towards goals, widely held developmental expectations in all developmental areas with supporting observations and work samples.</p>	<p>Teachers, para-educators and WSU students, collect documentation for parent-teacher conferences in November, March, and May</p>	<p>Shared with parents during parent teacher conference to provide progress towards expectations and individualized goals, and plan next steps.</p>

# Attendance and Absence Prevention Policy

Approved October 29, 2013  
Reapproved October 3, 2017  
Amended August 18, 2020

**Purpose:** The purpose of this policy is to promote consistent attendance. WSU Charter Academy has only a Kindergarten classroom. Truancy prevention laws required by Utah law including Chapter 6 of Title 53G of the Utah Code generally apply only to school-age children (children who are 6 years old and older) and in grade 1 through 6 including that only those children may be given notices of truancy. However, consistent, prompt, regular attendance at WSU Charter Academy is still encouraged by law and is necessary for the best education of a child, therefore this Policy imposes rules and procedures to help obtain consistent, prompt and regular attendance.

**Policy:** Consistent prompt attendance is necessary for children to fully benefit from learning experiences. Consistent attendance improves learning, instills a sense of respect for education, and teaches children responsibility. School attendance is reported to the state and influences the state funding received by the school. Frequent absences result in a loss of continuity of instruction and prove disruptive for children, teachers, and staff.

## Promoting Consistent Attendance

The WSU Charter Academy will employ multiple strategies to promote consistent attendance including:

- educating parents and school staff on the effects of consistent attendance and chronic absenteeism
- consistently monitor attendance
- identify chronic absenteeism and influencing factors early
- provide appropriate support services and intervention to address chronic absenteeism
- monitor effectiveness of support services and intervention strategies to address chronic absenteeism

Parents are expected to take a proactive role in ensuring children attend school and arrive on time. It is recommended that families plan their vacation schedule around the existing school calendar. When possible, medical and dental appointments should take place outside of school hours.

## Excused Absences

Parents should notify the school verbally or in writing of any absence in advance or as soon as possible. Parents and children are responsible for obtaining homework or assignments for the time period which the child is absent.

## Unexcused Absences

For unexcused absence, the WSU Charter Academy will attempt to make parent contact via the

procedures outlined in the Administrative Rules (see below). Additionally, one or more of the following interventions may be used to assist in resolving the attendance problem:

- Referral to School Administration, or appropriate designee
- Meetings with parents
- Attendance monitoring

### **Procedures:**

#### **Administrative Rules**

The following Administrative Rules shall apply:

##### Attendance:

1. Children must be present for at least 50% of the school day in order to be considered in attendance.
2. Children who are absent due to illness for five or more consecutive days must have a doctor's note to excuse the absences.
3. Children may receive prior approval for an extended absence if it is determined by the Principal that the extended absence will not adversely impact the child's education. Prior approval must be obtained at least five school days prior to the child's absence.

##### Unexcused Absences:

1. Each time a child is absent from school without a parent/guardian excuse, the school will call the parent, after the 3<sup>rd</sup> unexcused absence a letter will be sent.
2. If a parent/guardian fails to respond to the school or give a valid excuse within one week of the final (third) contact, the parents/guardians will be asked to meet with a WSU Charter Academy representative to identify and address factors contributing to chronic absenteeism.

## **Credit Acceptance**

Approved October 29, 2013

Reapproved April 4, 2017

**Purpose:** The purpose of this policy is to ensure equity and fairness to all students when evaluating credit earned at institutions other than WSU Charter Academy (the "School") and to be in compliance with Utah Administrative Code R277-705.

**Policy:** The WSU Charter Academy current population consists of two half day Kindergarten classes. If the need were to arise to accept credit the following policy would be followed:

Pursuant with Utah Code 53G-7-206 , the School shall accept student credit and grades at face value from public and non-public schools accredited by Northwest Accreditation Council (NWAC) and by regional or third-party accrediting associations recognized by NWAC.

**Procedure:** Requests for acceptance of credit from a school that is not accredited will be referred to a Credit Evaluation Committee for credit determination. This committee will be established by the Board of Directors as needed.

1. The Credit Evaluation Committee findings will be based on the following forms of evidence:
  - a. Course title and description
  - b. List of instructional materials used
  - c. Student achievement (progress)
    - Formative evaluations (sample)
    - Summative evaluations (sample)
  - d. Correlation of course objectives with the Utah State Curriculum standards and objectives
  - e. Course length and student attendance
    - Number of days the class met
    - Normal class length
    - Number of classes attended by the student
  - f. Grading criteria used
  - g. Teacher name, qualifications, certifications, endorsements, etc.
  - h. Course requirements for credit (representative sample of student work)
  - i. Copy of student records
  - j. In addition to the forms of evidence listed above, students seeking credit may be required to demonstrate competency through end-of-level testing approved by the School in areas where competency tests are available.
2. The School will have the final decision-making authority for the awarding of credit and grades from non-accredited sources consistent with state law and due process.
3. Costs associated with the determination of credit, including competency level testing, will be borne by the parent/guardian of the student requesting credit consideration.
4. Students released for home instruction do not earn School credits. If students re-enter the School, requests for credit for home instruction studies will be evaluated under the provisions of his policy.

## Electronic Devices in Public Schools

Approved April 2, 2013

Reapproved April 4, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Administrative Code R277-495-3(A), and Utah Code 53G-8-202.

**Policy and Procedures:** Personal Electronic Devices are allowed by Weber State University Charter Academy to enhance learning opportunities and not for student entertainment.

- An Electronic Devices Use Form must be signed yearly for each student by the parent or legal guardian.
- Devices must be put away except during times authorized by the teacher.
- Devices and their content are the sole responsibility of the student and their parents.
- The school is not responsible for content, loss or damage.
- No phone calls, texting, or emails are allowed during school hours.
- Electronic communication devices and cameras may not be possessed, activated or utilized in school situations where a reasonable expectation of personal privacy exists. These locations include but are not limited to locker rooms, restrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes.
- At no time may an electronic communication device be used by any student in a manner that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed or embarrassed or intimidated.
- At no time may an electronic communication device be used by a student in any manner to access unauthorized information for assignments or tests.
- Devices are not allowed to access the Internet outside of the school's filtered network or to broadcast access to other devices.

Unauthorized electronic devices, or if authorized devices that are misused, may be held by the teacher or administration until the close of the school day or until the teacher or administration makes arrangements with the parent/guardian to retrieve them. After three violations, or in cases of gross misuse as determined by academy administration, the student's electronic devices privilege will be revoked. The privilege of bringing electronic devices can only be reinstated through petitioning the administration.

## Extra-Curricular Activities and Student Curricular Clubs

Approved April 2, 2013  
Reapproved April 4, 2017

**Purpose:** This policy provides the standards for establishing extracurricular activities and student curricular clubs at the Academy and complying with Utah Administrative Codes R277-105-6, 53G -7 -702 , 705 , 706 .

**Policy:** WSU Charter Academy will comply with Title IX requirements and all applicable state laws and regulations in connection with its extracurricular activities. No person will be discriminated or denied participation in WSU Charter Academy on the basis of gender. WSU Charter Academy supports students in expressing personal beliefs as long as it does not interfere with order or discipline; threatens the well-being of persons or property; or violates concepts of civility or propriety appropriate in a school setting.

Extracurricular activities and curricular clubs must support the mission and vision of the academy. WSU Charter Academy will therefore sponsor extracurricular activities that promote problem-solving skills, service learning, civic duty, creativity through the performing arts, and healthy lifestyles through athletic recreational sports. In addition, WSU Charter Academy's extracurricular activities and curricular clubs must be structured so as to provide students a medium for developing self-confidence, self-reliance, self-expression, and assertiveness.

**Procedure:**

1. Students or staff must submit a written application requesting the establishment of a student club. An application must include:
  - a. the recommended club name;
  - b. a statement of the club's purpose, goals, and activities;
  - c. a statement of the club's categorization, which shall be included in the parental consent required under Section 53G-7-709, indicating all of the following that may apply: athletic; business/economic; agriculture; art/music/performance; science; gaming; religious; community service/social justice; and other
  - d. the recommended meeting times, dates, and places;
  - e. a statement that the club will comply with the provisions of this part and all other applicable laws, rules, or policies; and
  - f. a budget showing the amount and source of any funding provided or to be provided to the club and its proposed use.
2. The Board of Directors shall review applications for authorization of clubs on a case-by-case basis. The Board of Directors may request additional information from the faculty sponsor, from students proposing the club, or from its school governing board.
3. The Board shall grant authorization and school facilities use to curricular clubs whose applications are found to meet the requirements. The Board shall limit or deny authorization or school facilities use to a club, or require changes prior to granting authorization or school facilities use as the school determines it to be necessary to:
  - a. protect the physical, emotional, psychological, or moral well-being of students and faculty;
  - b. maintain order and discipline on school premises;
  - c. prevent a material and substantial interference with the orderly conduct of a school's educational activities;
  - d. protect the rights of parents or guardians and students;
  - e. maintain the boundaries of socially appropriate behavior; or
  - f. ensure compliance with all applicable laws, rules, regulations, and policies; or
  - g. if a club's proposed charter and proposed activities indicate students or advisors in club related activities would as a substantial, material, or significant part of their conduct or means of expression:
  - h. encourage criminal or delinquent conduct;
  - i. promote bigotry;



- j. involve human sexuality; or
- k. involve any effort to engage in or conduct mental health therapy, counseling, or psychological services for which a license would be required under state law.

WSU Charter Academy's administration will be responsible for evaluating proposed extracurricular activities and student clubs, determining which activities to approve, and ensuring that all activities are conducted in a safe and responsible manner while not violating student expression. Students may initiate and conduct voluntary religious activities or otherwise exercise their religious freedom on school grounds during discretionary time. Individuals not currently enrolled as students in the school may neither conduct nor regularly attend the activities. School officials may neither conduct nor actively participate in the activities, but may be present as necessary to ensure proper observance of school rules and may limit or prohibit student activities under this section which:

- unreasonably interfere with the ability of school officials to maintain order and discipline;
- threaten the well-being of persons or property; or
- violate concepts of civility or propriety appropriate in a school setting.

## **Family Engagement Policy**

(NAEYC Standard 2A.7, 2D.6, 7A.2, 7A.3, 7A.4, 7A.5, 7A.7, 7C.1, 10D.7, 10E.5)

Approved October 3, 2017

**Purpose:** The purpose of this policy is to provide a foundation for strong family school partnerships.

**Policy:** Families are essential for children's learning and development. Children learn and develop best when families and teachers work together to support children's learning and development. Family-centered practices (<http://www.naeyc.org/familyengagement>) are used to celebrate diverse families and their culture and develop meaningful partnerships focused on children's learning and development.

Definition of Family Engagement: On-going, reciprocal, strengths-based partnership between families and teachers that is focused on supporting child development and learning (Halgunseth et al., 2010).

We build strong partnerships with families by:

1. Welcoming all families to our program.
2. Learning about family cultures, goals, values, and concerns for their children.
3. Actively engaging families in decision making for their children and our program.
4. Engaging in consistent two-way communication with families about their children's development and learning through a variety of means (conversations, text, email, phone call, newsletters) and in a language understood by parents.
5. Opening classroom doors for all families to spend time with their children in their classroom at any time.

6. Collaborating with families to plan, support, and assess their children's development.
7. Providing a variety of opportunities for family members to share their knowledge and skills with our classroom community through volunteering, being a guest speaker, hosting or helping with field trips, and special events.
8. Learning about the children's lives and community to make the curriculum more meaningful.
9. Creating learning activities that connect children's learning at home and school.
10. Providing parenting support that strengthens parent-child relationships. Program supports are tailored to parent/guardian goals, strengths, and concerns for their children, and includes time for families to get to know and be resources for one another.
11. Ensuring that program leaders, teachers, and child teachers are dedicated and have the knowledge, skills, and dispositions necessary to fully engage diverse families using culturally responsive practices.

### **Access.**

Authorized family members have unlimited, open access to their children in the classroom. However, program administrators (Principal, Child and Families Studies Department Chair) have the authority to deny access to the school for any individual who has been disruptive or may disrupt or disturb the learning environment, or who lacks a valid or legal purpose for entering the school.

### **Privacy.**

WSU Charter Academy staff are required by federal law (FERPA) to ensure children's all information about children is kept confidential. This includes academic records, classroom behaviors, disabilities, etc. When discussing classroom experiences, families are expected to refrain from using specifics (i.e. names) to ensure the privacy of all individuals and families.

In order to protect the privacy of all children and families, family members, parents/guardians must have advanced permission to photo, video, or record laboratory school activities during the observation and/or visitation and must turn off mobile phones. Only pictures or video of your own child may be shared through personal social media. Families may share pictures and video through the online classroom communication system.

### **Grievance.**

If a family member is in a situation that calls for conflict resolution or has a grievance, he or she should first discuss the pertinent issue/problem/grievance directly with the individual/individuals involved, that is, teacher/child-teacher, para-educator, WSU faculty, other families, or Principal. If the situation does not reach a satisfactory solution, the person is encouraged to include others in the conversation to assist in resolving the situation in the following order: family member to supervising teacher to Principal to Chair of the Department of Child and Family Studies to College of Education Dean.

**Procedures:** The WSU Charter Academy supports family engagement through creating reciprocal trust relationships with families and shared decision making by implementing the following practices.

I. Practices used to support reciprocal trust relationship with families include:

- Respecting and honoring the expertise of family members through continuous two-way communication with parents. This begins with a home visit before school starts and may include daily pick-up and drop-off conversations and parent-teacher conferences.
  - The home visit is an opportunity for families and teachers to get to know the one another and begin to create a partnership. It allows the child to become familiar and comfortable with their teacher. During the home visit families may share what makes them unique, communication preferences, ask questions, and share their knowledge about their child's interests, approaches to learning, developmental needs, and goals and concerns for children. The child may show or tell the teacher things about their home and family that are special to them. The teacher will also complete an initial preassessment with the child, so the child is in a familiar environment.
- Opportunities for children to visit the school classroom prior to the beginning of the school year upon request to allow the child to become more familiar with the classroom environment, in the presence of their parents/guardians, to ensure a smooth transition to school. Parents/guardians are encouraged to attend if possible. The teacher/or a child teacher (if applicable) will be present and will discuss care procedures, goals and philosophy of the instructional program with the parent/guardian while the child is introduced to and allowed to explore the classroom and materials.
- Learning about (a) family culture, background, values, and beliefs; (b) children's interests and learning at home; and (c) family traditions and preferences for classroom celebrations. Families may share this information through enrollment forms, during the home visit before school starts, during parent-teacher conferences, or daily conversations with the teacher.
- Honoring family preferences by supporting the preservation of children's home language, heritage, and culture. Dual language learning, culturally responsive practices, and Anti-Bias curriculum are used in the classroom to support children's home language, heritage, and culture. This includes taking each child's home language into account when labeling classroom materials, and planning language and literacy activities. The WSU Charter Academy also aims to hire staff and volunteers who speak the same language as the children served.
- Engaging in open conversations with parents/guardians to understand problems and concerns expressed by parents/guardians so they can be addressed.
- Engaging in frequent conversations with parents/guardians during pick-up and drop-off times to share information about how the child is doing at home and in school. (Taken from the Children's School policy on Family Engagement)
- Inviting families to participate in the classroom by sharing knowledge and skills through volunteering, being a guest speaker, host or help with field trips, and special classroom

events. These opportunities are scheduled through the classroom teacher and may be posted through the online classroom communication system.

- The online classroom communication system may be used as a directory by families to privately contact the parent/guardians of other children in the class for purposes such as building relationships or arranging social experiences for children with peers.
- Provide information regarding opportunities to volunteer and participate in classroom activities. All families are required to provide 30 volunteer hours per year and document the hours online. Hours completed in the classroom should also be documented on the volunteer sign-in sheet located in the classroom. Participation can take many forms, and we hope that all parents/guardians will find meaningful ways to participate in their child's experiences in the classroom. Family members may speak with the teacher or child teacher about how to share their talents and interests. Some ways to participate include, but are not limited to:
  - Any activity outside the classroom that promotes child's learning (visiting library, museums, nature center; educational hikes, reading at home, teaching self-care, and home care responsibilities such as chores, etc.)
  - Field trip supervision.
  - Assistant teaching (occasionally or on a routine basis).
  - Leading or assisting in special projects (carpentry, sewing, music, cooking, science experiments, cultural experiences, etc.).
  - Construction or collection of materials for classroom use such as paint aprons, raw materials for art projects, dress-up clothes, dramatic play props, carpentry materials, etc.
  - Attending or planning parent workshops.
  - Helping with classroom food experiences.
- Providing evidence-based parenting support and workshops each semester that strengthen parent-child relationships, are tailored to parent goals, strengths, and concerns for their child, and provides time for families to get to know and strengthen one another.

II. Practices used to honor the role of families as decision makers in children's education include providing:

- Required enrollment information upon application acceptance.
- Program information such as school calendar, events, and classroom happenings in a timely manner. The school calendar can be found on the school website at this link: <http://www.weber.edu/charteracademy/Calendar.html>
- A "back-to-school" night orientation before school starts that includes a schedule of program events and an overview of rules and expectations. When children begin the program at a later date, an individual family orientation will be provided by school staff.
- A welcoming environment that is, inviting and honors their presence by greeting them warmly, placing signs to help families navigate the building, providing parent-education materials through online classroom system, including a picture of each family in the

classroom.

- An open-door policy where teachers provide authorized family members with open access to their child's classroom and observe from the observation booth (Room 111) at any time during classroom hours for their child.
- Opportunities for parents to develop, evaluate, and celebrate learning goals and strategies for each child with teachers. This primarily accomplished during parent teacher conferences in November, March, and upon request May, when families receive a portfolio and written summary of children's progress. This may also include working with parents to plan how to help children transition between home and school. Collaborating with families to support children's individual needs such as learning disabilities or stress and trauma.
- Communicating concerns about child or child development to parents in a timely manner, with sensitivity and respect, in private, and in writing then including parents/guardians in planning how to proceed, being prepared with suggestions for next steps if needed.
- Support for the inclusion of children with special needs by cooperating with families, and including increased frequency of communication and additional information as needed.
- Ongoing communication about children's progress, curriculum, school experiences, and assessment through a variety of methods: conversations, phone calls, emails, texts, website or blog, and written notes.
- Information about assessment instruments, procedures, results, and how their child's information is kept confidential.
- An up to date copy of the Family Handbook that includes information about program goals, philosophy, rules and expectation for families, and the programs annual report. The Family Handbook can be found on the school website at this link: <https://weber.edu/charteracademy/family-handbook.html>.
- Information about community resources to meet family needs.

III. Practices used to foster two-way communication with families about children's learning and development include:

- Identifying family members that families prefer receive school communication and communicating with multiple family members when appropriate (e.g. parents residing in separate households).
- Providing school information in a language that is understood by parents/guardians (depending on availability of translators in the community). To receive these services families should indicate a need for the services on the enrollment form, contact the classroom teacher or program administrator.
- Using a variety of strategies to communicate with parents are used including written notes and newsletters as well as parent-teacher conferences and informal conversations (e.g. phone, email, text). An online classroom communication system is used in the classroom. Direction for how parents use this system will be provided by the classroom teacher. Parents may request other communication methods by contacting the classroom teacher.

IV. Practices used to promote learning activities at home and in the community include:

- Providing information about early leaning and healthy child development.
- Sharing information about low-cost community events that support early learning.

- Home-based learning activities that help families support children's learning including:
  - o take-home library
  - o online resources (songs, education games, Second Step at-home resources, community learning activities)
  - o individualized learning activities

V. Practices used to invite families to participate in program-level decisions and wider advocacy efforts include:

- Opportunities to evaluate the program and inform planning. Parents may provide evaluation and planning feedback through the following:
  - o The Board of Director Parent member represents the voice of families in strategic planning and decision making for the school. The name and contact information for the parent representative is posted on the school website at this link: [http://weber.edu/charteracademy/board\\_of\\_directors.html](http://weber.edu/charteracademy/board_of_directors.html)
  - o Family Involvement Committee: fundraising, teacher support, organizing family engagement events, community service projects, etc.
  - o NAEYC Accreditation Online Family Survey. The link for this survey is sent to parents/guardians through email in November and May of each year. Survey data is included in the annual report.
- Opportunities to work with other families and staff on community projects.

VI. Practices used to ensure an effective comprehensive system to support family engagement include:

- Developing a family engagement policy and procedures.
- Implementing anti-bias education practices to help children develop positive attitudes about their own identity and others.
- Providing ongoing, relevant professional development and resources to ensure staff are prepared to work with diverse families.

## Field Trip

(NAEYC Standard 10D.8)

Approved October 29, 2013

Reapproved April 4, 2017

Reapproved April 6, 2019

**Purpose:** Field trips are significant and essential activities designed to offer additional learning experiences. They are not isolated events but are an integral part of the instructional process. Study topics and other interests enhance student's knowledge and understanding.

**Policy:** Field trips must be well planned with an emphasis on education value and safety. Adequate supervision must be provided. The ratio of students to adults varies according to the

age of the students and the trip. Written parental approval must be secured prior to off campus field trips. The types of acceptable field trips are defined below.

### **On Campus**

1. Pre-planned
  - a. Any pre-arranged location on campus is acceptable that can be reached by walking and does not involve unusual activities (activities not typically encountered in the classroom such as eating foods or handling animals).
2. Spontaneous
  - a. Events that may occur spontaneously on campus can enhance student's learning. When teachers become aware of these events, it can be a great opportunity for a spontaneous field trip and teaching tool. Observing construction activities, migrating geese or ducks, helicopter landings are some examples.
3. Virtual in-class
  - a. Digital media can be used to bring the world into the classroom. Video conferencing is an excellent way for students to experience locations that may be otherwise unreachable. Some examples are video web feeds of jungles, cities, farms or volcanoes. Programs such as Skype can connect classrooms and people across the country or the world by introducing students to different cultures and experiences.

### **Off Campus**

1. Locations off campus that can be easily reached by walking or locations requiring vehicle transport are acceptable if prior arrangement are approved by the principal and the completed Informed Consent forms have been provided to the principal 3 days prior to the field trip.
2. There must be at least a one teacher per six students (ratio of 1 to 6). Sidewalks and cross-walks must be available and used to insure the safety of the group.
3. No spontaneous off campus field trips are allowed.

### **Procedures:**

#### **Trip Selection**

- There is no limit to the number of field trips that can be taken during the school year.
- The objectives and purpose of the field trip must address the curriculum and study topic.
- Field trips should be coordinated with other teachers to ensure that field trip locations are not being over-used throughout the school year.
- Final approval for the field trip must be obtained from the supervising teacher/director.
- A visit to the site is required before the field trip to become familiarized with the location.

#### **Planning**

- The teacher responsible for the field trip will contact the appropriate individual at the site to arrange the actual date and time(s) and obtain appropriate information necessary for the field trip.

- Field Trip Authorization for on-campus activities is stipulated in the child's contract at the time of enrollment. Field Trips off-campus or with unusual activities require additional authorization that include:
  - The following information: time and date, location, contact information and Informed Consent form (if applicable) will be provided to parents at least 2 weeks prior to the field trip date. Informed Consent forms will be collected by the teacher 3 days prior to the field trip and provided to the principal for final approval. In the event these procedures are not followed the principal may cancel the field trip.
  - The teacher is responsible for providing an orientation to volunteers that includes roles and responsibilities, timeline, transportation logistics, supervision and safety concerns.
  - Emergency cards for all students must be completed and carried by teachers in the field trip bag.
  - Alternate arrangements for children not attending the field trip must be made.
  - Teachers planning a field trip shall inform other teachers about the trip if their schedules will be affected.
  - Arrangements for other adults should be made well in advance of the activity.

Conducting the Trip: The teacher is responsible for the following:

- Personal child name tags must be removed and replaced with a field trip tag that includes school contact information.
- School funds will be used for any paid activities.
- Orient all staff and parent volunteers to procedures, including roles and responsibilities, timeline, transportation logistics, supervision of children, and safety concerns.
- Divide Class into small groups and assign adults to each group. Ratio must be no larger than 1 to 6. Take field trip bag with emergency cards, first aid kit and any other necessary supplies.
- During the trip, make sure students have ample time to observe, ask questions, and work on assignments.
- Immediately after the field trip teachers capitalize on learning that has taken place and make a thank you note when appropriate.
- The teacher should evaluate the field trip within 48 hours after its completion. The evaluation will include feedback from parents and staff.

### **Arrival & Departure**

**Staff should have an accurate count of the number of children in their classroom at all times. Arrival and departure times should be used for updating the count of children in the classroom, greeting both parent and child, informing parents of how their child is doing, and give any pertinent information regarding the child, class, and activities.**

### **Release of Children**

To protect the safety of the children in our care, it is critical that children only be released to authorized individuals listed on the child's information card (located by the phone in every classroom).



Additional persons may be allowed to pick-up children if prior written authorization is noted on the Emergency Cards. If you do not recognize the person picking up (even if they are on the child's information or emergency card), ask for photo identification such as a driver's license to verify they are the person authorized to pick up the child. If the person is not on the list, do not release the child. Ask the person to go to the front desk and speak with the director. In the event of an emergency, the parent may call to grant unlisted individuals' permission to pick up the child. In such cases, the parent must also provide written permission (written can be faxed or emailed).

## **Program Assessment**

(NAEYC Standard 10F.2)

Approval Pending January 2020

**Purpose:** The purpose of this policy is to comply with NAEYC Standard 10F.2

**Policy:** The WSU Charter Academy will complete an annual, comprehensive program evaluation each year and report the findings to the governance or advisory board members, staff and families.

The WSU Charter Academy implements the National Association for the Education of Young Children (NAEYC) program standards. Administrators, families, staff, and other routinely participating adults will be involved annually in a program evaluation that measures progress toward the program's goals and objectives. A yearly program evaluation is conducted by gathering evidence on each of the 10 program standards including policies and procedures, program quality, children's progress and learning, family involvement and satisfaction, and community awareness and satisfaction. As part of our program assessment, families are asked to complete a family questionnaire in order to gain input regarding our program. This information helps us to assess how the program is meeting the needs of families and children, as well as to identify strengths and weaknesses.

A report of the annual evaluation findings is shared with families, staff, the Child and Family Studies department, and MSL Executive Committee. The program uses this information to plan professional development and program quality-improvement activities as well as to improve operations and policies.

## **Reuse or Disposal of Textbooks Policy**

Approved April 2, 2013

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Administrative Code R277-433-2(B) and 3(A).

**Policy:** Weber State University Charter Academy will dispose of used textbooks through donation to appropriate campus-based initiatives such as the "Literacy Project" or to other non-profit organizations in the community.

## Selection and Purchase of Instructional Materials

Approved April 2, 2013  
Reapproved April 4, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Administrative Code R277-469-8(A), Utah Code 53E-3-501, 53A-1-402.7 and 53E-4-408 and provide guidelines for adopting instructional materials.

**Policy:** Textbooks and other primary instructional materials (i.e. workbooks, computer software, DVDs, or any items that have not been mentioned or have yet to be invented which are used for instructional purposes) shall be selected and purchased by the WSU Charter Academy's Board of Directors in consultation with the Principal and licensed teachers of WSU Charter Academy. All such materials must align with either the Utah Core Standards ~~or~~ and with the mission and goals set forth by the Board of Directors,

**Procedure:** Materials request should be submitted to the Principal who will evaluate the request for consistency with the school curriculum philosophy.

## Teacher and Student Success Plan Framework Policy

Approved August 6, 2019

**Purpose:** The purpose of this policy is to pursue a Student and Teacher Success Framework that meets UCA 53G-7-1304 requirements.

**Policy:** WSUCA Board of Directors adopts the following framework to provide guidelines and processes for the development of a Teacher and Student Success Plan ("Plan").

1. The school's Principal will develop a Plan in accordance with this framework. Annual timeline for written plan information that the principal provides to governing board is as followings:

- a. Feb 30<sup>th</sup> LAND trust committee approved component of the plan to be approved at March meeting
  - b. Oct 1<sup>st</sup>, Jan 5<sup>th</sup>, June 1<sup>st</sup>: Information will be reviewed and approved at governing board meetings in October, Jan, and June.
    - i. review current year level of performance with budgeted vs. actual expenditures
      - determine if the school meets or exceeds the threshold of point described in the State reading achievement plan (53E-4-306) and School improvement plan (53G-7-1204).
      - determine if the school demonstrates at least a 1% increase in school's total points received under the statewide school accountability system compared to the previous school year or qualifies for and satisfies the performance standards described in section 53E-5-203 (see exemption criteria)
      - work with principal to modify the success plan to address school's performance and oversee and adjust allocation of expenditures until criteria are satisfied.
  - c. June 1<sup>st</sup> governing board approval of upcoming year plan with budgeted expenditures
  - d. July 1<sup>st</sup> state board submission
2. The Plan will be developed by integrating school-specific goals and criteria for improving the school's performance within the state accountability system and include the following components:
  - a. goals that are measurable and identify the school's most critical academic needs.
  - b. course of action to meet the identified academic needs including a specific listing of any programs, practices, materials, or equipment that the school will need to implement a component of the school's success plan to have a direct impact on the instruction of students and result in measurable increased performance.
  - c. budget that outlines how the school intends to spend the school's allocation of funds under this section to enhance or improve academic excellence at the school.
  - d. The plan shall include the use of the School LAND trust program to provide financial resources to enhance or improve academic achievement to implement a component of the teacher and student success plan.
3. The Plan may contain any of the following strategies:
  - a. school personnel stipends for taking on additional responsibility outside of a typical work assignment;
  - b. professional learning;
  - c. additional school employees, including counselors, social workers, mental health workers, tutors, media specialists, information technology specialists, or other specialists;

- d. technology;
  - e. before- or after-school programs;
  - f. summer school programs;
  - g. community support programs or partnerships;
  - h. early childhood education;
  - i. class size reduction strategies;
  - j. augmentation of existing programs; or
  - k. any other strategy reasonably designed to improve school performance or student academic achievement.
4. Funding received pursuant to the school Plan may not be used:
- a. to supplant funding for existing education programs;
  - b. for administrative costs;
  - c. for capital expenditures.
  - d. purpose that is not supported by the governing board student success framework.

# PERSONNEL

# Staff **Absence/Late Policy**

(NAEYC Standard 6A.8)

Approved September 4, 2018

**Purpose:** The purpose of this policy is to comply with NAEYC Accreditation Standard 6A.8.

**Policy:** All staff members are expected to be on time and in regular attendance. Absences must be reported to the Director immediately.

Professionalism and consistency are crucial to creating a successful program. Therefore, all staff members are expected to be on time and in regular attendance, in order to provide a consistent environment and routine. Daily contract hours for lead teachers and full-time paid assistants should be adhered to.

All absences must be reported to the Director with the expectation that you will arrange for your own coverage of the classroom. If you need help in securing coverage, you should speak with the Director.

All staff are excluded from working at the program when they are sick. If you are ill and unable to work, all relevant and affected staff must be immediately notified by phone (e.g. Director, student teachers, assistant teachers, etc.). If you are unable to reach them by phone, an email and/or text needs to be sent, with a follow up phone call until you get a response. When possible, you must assist in making arrangements for classroom coverage. Staff may return to work when they have been symptom free for 24 hours. In some cases, the Director may request a note from your physician indicating the type of illness and when you may return to work.

For advance notice absences supervising teachers arrange for a substitute from a preapproved list of bachelor's degree substitutes and paid staff assistants who have completed their student teaching. When a student teacher has demonstrated adequate competencies for supervision of children and lab students they may serve as the lead teacher with a paid teacher assistant for short periods of supervising teacher absences.

In case of student teacher or supervising teacher emergency absence, a student teacher from another group that is over staffed, the director, or one of our paid teacher assistants fills in as a substitute. Occasionally lab students (guidance or planning classes) may be counted towards meeting ratio requirement for very short periods of time and depending on the student's experience and capability as assessed by the program director.

Instances of absenteeism and/or tardiness will be documented in the staff member's personnel file. Recurring absences or tardiness are subject to WSU Disciplinary Procedure. See Weber State Policy 3-33. [http://www.weber.edu/ppm/Policies/3-33\\_Discipline\\_Staff.html](http://www.weber.edu/ppm/Policies/3-33_Discipline_Staff.html)

# Accommodations for Nursing Mothers

Approved April 4, 2017

**Purpose:** The purpose of this policy is to support breastfeeding by providing all employees breaks, locations and temporary storage for the purposes of breast feeding or expressing milk when needed and to comply with the requirements of Utah Administrative Code Section 34-49-101 through 204.

**Policy:** Weber State Charter Academy will do the following:

1. Consult with the employee to determine the frequency and duration of the breaks
2. Provide for at least one year after the birth of a public employee's child reasonable breaks for each time the public employee needs to breast feed or express milk; and
3. Provide a private room or other location in close proximity to the employee's work area.
4. Provide access to a clean and well-maintained refrigerator or freezer for the temporary storage of the employee's breast milk.

# Administrative License Policy

Approval Pending January 2020

**Purpose:** The purpose of this policy is to comply with the requirements of the Utah Administrative Rule R277-505 and to ensure the administration of the WSU Charter Academy is qualified and will lead the WSU Charter Academy effectively in regards to the mission/vision.

**Policy:** The WSU Charter Academy Board will hire an administrator that matches the vision and mission of the WSU Charter Academy and has the abilities to lead an effective and efficient school.

The administrator must:

1. Hold a current Utah educator license, and
2. Earned a master's degree, and
3. Have experience or exhibit knowledge to show understanding of the vision/ mission of the WSU Charter Academy, and
4. Exemplify outstanding professional qualifications, and
5. Provide evidence of competency in the Utah Educational Leadership Standards.
6. Has received training or education in best practices in adult learning, coaching, mentoring and/or leadership development.

If the selected administrator does not meet the qualifications as outlined in R277-505, the WSU Charter Board will request a letter of authorization from the State Board of Education. Upon approval of the State Board of Education, the WSU Charter Board will appoint the administrator.

Upon hiring, the selected administrator will have continuous access to trainings, technical assistance, and/or other forms of support that are specific to their administrative role.

## Administration and Principal Evaluation

Approved December 2, 2015

Reapproved June 12, 2018

Reapproved October 14, 2019

**Purpose:** To meet Utah Administrative Codes R277-530, R277-531, R277-533, and Title 53G Chapter 8a criteria for administrator evaluation, and ensure effective administration of the WSU Charter Academy.

**Policy:** The Weber State Charter Academy (WSUCA) Principal is an employee of WSU under the direct supervision of the Child and Family Studies Department Chair (Chair). This policy shall govern the formative administrator evaluation conducted by the WSUCA Board of Directors. The administrator evaluation shall inform the annual WSU PREP evaluation completed by the Chair for the principal. WSU personnel policies shall be followed in regard to final employee evaluation and personnel actions.

The Board of Directors will use the Utah Educational Leadership Standards for performance standards to evaluate the Principal. This evaluation will be provided to the WSU Child and Family Studies Department Board Chair. The Utah Educational Leadership Standards are a description of highly effective leadership as adopted by the Utah State Board of Education (R277-530). They also represent the knowledge and skills necessary to lead effective schools and teach the Utah Core Standards. The Educational Leadership Standards align with national leadership standards (ISLLC, 2008) and current research on effective leadership practice.

The Board of Directors will establish a committee in September of each year to conduct a systematic annual Principal evaluation. Results will be provided to the Child and Family Studies Department Chair by June 10<sup>th</sup> annually, and to the WSU Board of Trustees by June 30<sup>th</sup> annually. An adapted version of the Rubric for Educational Leadership Standards Performance Expectations and Indicators is being used because several criteria do not apply due to the structure of the Weber State Charter Academy. The Utah Rubric for Educational Leadership Standards, Performance Expectations and Indicators are located at the following URL: <http://www.uen.org/k12educator/uels/downloads/rubric.pdf>



The categorical ratings indicated on the Educational Leadership Standards' rubrics follow a continuum of professional leadership learning and outline four phases of the development of leadership skills from the most basic to the highest levels of attainment. The continuum of professional leadership learning (Highly Effective, Effective, Emerging Effective, Rudimentary or not effective) is intended to be used for formative feedback as part of self-reflection and self-assessment, as well as an annual summative evaluation that may inform salary increase decisions as an employee of Weber State University. The rubric also provides information that is useful for purposes of mentoring, coaching, and professional development, and intervention. The rubrics of indicator behaviors and actions are written to be observable and measurable. These behaviors and actions are also indirectly associated with enhanced teacher performance and improved student outcomes.

The following indicators will not be used for the evaluation because the indicators are Weber State Academy Board of Directors and/or the Department of Child and Family Studies Chair responsibility.

Indicators:

- 1A2 Aligns, revises, and adapts vision, mission and goals to school, district, state and federal policies. The Board of Directors is primarily responsible for this criterion with the principal's feedback.
- 3A1 Distributes and oversee responsibilities of management structures and procedures to support teaching and learning while developing capacity for shared leadership of operational systems. The Department of Child and Family Studies Chair and The Board of Directors is primarily responsible for this criterion.
- 3B2 Allocates funds based on student needs within the framework of federal state, and district rules. The Board of Directors and the Principal, in collaboration with the Weber State University's accounting services are jointly responsible for overseeing budget expenditures.

The committee will utilize multiple sources and types of valid, reliable measures to inform rating of rubric criteria. These shall include direct observation, input from staff and parents. Sources of information may include:

- Annual report indicators: Enrollment, attendance, parent volunteer hours, lab and research utilization, information current website, summative child outcomes.
- Child learning and academic growth indicators (but not end of level test scores): measures of long-term outcome aligned with Utah Core Standards, assessments, targets for incremental monitoring of student growth.
- Classroom quality indicators that include the NAEYC Classroom Observation, and additional measures such as Classroom Assessment Scoring System, Early Childhood Language and Literacy Observation (ELLCO) as approved by BOD.
- Parent indicators: Family survey indicators approved by the BOD.
- Staff indicators: Staff survey indicators approved by the BOD.
- Faculty & Student indicators as approved by the BOD.
- Direct observation by principal evaluation committee members using criteria from the administrator evaluation rubric.
- Principal's self-assessment and documentation of completed and implemented professional learning.

**Procedures:**

The Weber State Charter Academy Principal evaluation process will follow the outline and timeline below. The evaluation will be completed twice during the school year for a new Principal or when implementing new evaluation criteria or measure, once in the fall as a formative evaluation and once in May of each year for a summative evaluation.

For a continuing Principal, the evaluation will be completed in May of each year with progress and goals for the upcoming year reported at the June Board of Directors meeting.

Steps in the WSU Charter Academy Evaluation Process for School Principal

1. Upon hire or contract renewal, the principal will be provided a copy of the rubric and all evaluation measures.
2. A committee of at least three board members will be established by the Board of Directors and convene in August to discuss a principal evaluation plan and timeline and receive an orientation by the board chair that includes confidentiality protocol.
3. For a continuing Principal, goal identified in the previous annual evaluation will be used. A committee of at least three board members will be established by the Board of Directors by August and receive an orientation by the board chair that includes confidentiality protocol. The committee will establish an evaluation plan and timeline. The plan must include: use of reliable and valid tools including those described above. Protocol for ensuring rater reliability. Use of independent raters. Input from staff, parents, and about student academic growth.
  - a. For new hires, the plan and timeline shall be approved at the September Board of Directors meeting. The Principal will be informed of the evaluation plan, timeline, and provided with copies of all evaluation tools by September 30.
  - i. No later than December 1st, the committee will provide the Principal with a formative summary of the rubric criteria ratings and written comments.
  - ii. During the December Board of Directors meeting, the Principal will respond to the formative assessment and write a narrative to the board. The Principal will establish specific, measurable priorities and an action plan regarding needed improvement.
4. The Board will approve the evaluation plan and timeline in the September meeting.
5. The principal will be provided with notification of the evaluation plan and timeline, and all evaluation tools to be used by September 30<sup>h</sup>.
6. The Principal will present formative self-assessment data on progress towards goals to the committee by January 10 and receive formative written feedback by January 25.
7. The Principal will complete a self-evaluation and present the self-assessment data to the committee no later than April 10 for the final summative evaluation. Documentation shall include, but is not limited to:
  - a. observations of instructional quality;
  - b. evidence of student growth;

- c. family input;
  - d. leadership in implementing mission, vision, and strategic plan;
  - e. professional development in educational leadership.
  - f. personnel evaluation and support (may include NAEYC Staff Survey);
  - g. budget operations;
  - h. NAEYC Program Portfolio;
  - i. other indicators as determined in the Principals professional development plan and by the Board of Directors.
8. After data has been presented, the evaluation committee will meet, review all data collected and complete a summative evaluation. The summative evaluation will consist of rubric score, written comments explaining rationale ratings, recommendation for contract renewal, probation and remediation, or termination, and recommendations for goals for the upcoming year if contract renewal is recommended. The following decision rule shall inform the final overall rating.
- Highly effective= 85% of the scores are marked as effective or highly effective and no more than three in the rudimentary descriptor.
  - Effective= 75% of the scores are marked as effective or highly effective and no more than three in the rudimentary descriptor.
  - Emerging effective= 80% of the scores are marked as emerging effective, effective, or highly effective with no more than 3 in the rudimentary descriptor.
  - Rudimentary or not effective= less than emerging effective.
- This final written evaluation shall be given to the principal no later than April 20.
9. The committee chair will meet with the Principal to discuss results no later than June 10 to formulate agreed upon goals and action plans using the USBE Recommended Leadership Tool.
10. The ratings and feedback from the principal evaluation committee will be shared with the Child and Family Studies Department Chair no later than May 5. The ratings and feedback will be incorporated in the annual PREP evaluation for the WSU Charter Academy Principal. If findings indicate substantial concerns, a recommendation for probation and remediation, or termination then evaluation information may be shared with the Child and Family Studies Department Chair prior to May 5.
11. The final principal evaluation shall be presented no later than the June 30 at the WSU Charter Academy Board of Director's meeting for a full board vote to accept, reject or return for further evaluation. During a closed session the Principal presents data to the board. The committee chair presents the committee evaluation to full board with recommendations for contract renewal, probation and remediation, or termination.
- a. In the event of disagreement or actions (termination or probationary status) WSU personnel policies will be followed. Regarding the evaluation conducted by the WSUCA Board of Directors the principal may request an outside review be conducted to inform the process. The request shall be submitted to the WSU Charter Academy Board of Director's chair within 10 days of the principal and committee chair meeting to review the final evaluation. The outside review would

be conducted by professionals familiar with Charter Schools and the duties of a Principal. The WSU Human Resources Department shall decide if the evaluation met policies, performance standard, and compliance with Title 53G, Chapter 8a, Public Education Human Resource Management Act and Rule R277-531.

- b. If overall ratings remain emerging effective or rudimentary for multiple years, and an adequate period has been provided for initial orientation to responsibilities, expectations, and evaluation procedures (1-3 years), the principal may be placed on probation and shall receive written notification that continued employment with Weber State Charter Academy is in question and plan for remediation shall be in place no later than July 1 of the new contract year.

Remediation plan. The Board of Directors, in conjunction with the Principal, will develop an improvement plan that will have SMART (Specific, Measurable, Attainable, Realistic and Time-Bound) goals. The improvement plan will follow the procedures as outlined below.

- i. A written probationary agreement/ plan of assistance shall be developed by the Board, which shall include a statement clearly identifying (a) specific, measurable and actionable deficiencies, (b) the available resources that will be provided for improvement, and (c) a recommended course of action intended to improve the administrator's performance.
- ii. The Administrator is responsible for improving performance, including using any resources identified by the Board of Directors, and demonstrating acceptable levels of improvement in the designated areas of deficiencies, along with successfully completing all terms of the probationary agreement.
- iii. A second summative evaluation shall begin no later than January after the Principal received written notice. All second summative evaluations must be completed no later than March 15 or ninety days prior to the end of the contract year. The principal must have shown improvement on the rubric and met the goals on the improvement plan. Failure to show improvement to a rating of "Effective" or "Highly Effective" may result in separation from the Charter Academy.
- iv. The WSU Human Resources Department shall decide if the remediation process met policies, performance standard, and compliance with Title 53G, Chapter 8a, Public Education Human Resource Management Act and Rule R277-531.

## **Alcohol, Drug, and Tobacco-free Workplace**

Approved April 2, 2013

Reapproved April 4, 2017

**Purpose:** The Drug-Free Workplace Act of 1988 was passed by the U.S. Congress in the

autumn of 1988 and became effective March 18, 1989. The following policy is adopted to comply with the Drug-Free Workplace Act of 1988 and rules issued by the Department of Defense. It is the policy of WSU Charter Academy to maintain a drug-free workplace. Employees are required to report to work fit to perform their duties in a safe and efficient manner. WSU Charter Academy interprets "employees" in the broadest sense to include all individuals who receive any reimbursement from the university for their services.

**Definitions:**

**Alcohol:** Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols in methyl and isopropyl alcohol, no matter how it is packaged or in what form the alcohol is stored, utilized or found.

**Alcoholic Beverages:** Beverages intended for human consumption which contain alcohol, including, but not limited to liquors, wines, beer, and alcoholic "coolers".

**Controlled Substances:** A drug, substance, or immediate precursor included in schedules I, II, III, IV, or V of Section 58-37-4 of the Utah Code Annotated, and also any drug, substance or immediate precursor included in schedules I, II, III, IV, or V of the Federal Controlled Substances Act, Title II, P.L. 91-513, as those schedules may be revised to add, delete, or transfer substances from one schedule to another. They include, but are not limited to narcotics, depressants, stimulants, hallucinogens, cannabis, and any prescription drug except when used in accordance with the instructions of a physician or dentist.

**Policy:**

- A. WSU Charter Academy strictly prohibits the unlawful manufacture, distribution, dispensation, possession or use of alcohol (including alcoholic beverages), controlled substances, or tobacco or being under the influence thereof on campus or at any WSU Charter Academy worksite. Furthermore, WSU Charter Academy prohibits the unauthorized possession, distribution, sale, manufacture or consumption of alcohol (including alcoholic beverages), controlled substances, or tobacco at any off-campus, school-sponsored activity.
- B. All employees of WSU Charter Academy are subject to the terms of this policy. The school may impose sanctions on employees who violate this policy
- C. As a condition of employment, all employees must notify the Director of Human Resources at Weber State University no later than five (5) days after a criminal drug statute conviction for a violation occurring at a WSU Charter Academy worksite.
- D. Any employee who is convicted of a worksite drug abuse violation will be required to participate satisfactorily at his/her own expense in a drug abuse assistance or rehabilitation program and/or will have disciplinary sanctions imposed up to and/or including termination of employment.
- E. WSU Charter Academy will not punish or otherwise take negative actions toward an employee on the basis of the individual's alcohol dependency status per se. Employees are encouraged to report alcohol dependency. After such voluntary reporting, WSU Charter Academy will make a good faith effort to assist the individual to overcome his/her

dependency at his/her own expense. The school will reasonably accommodate employees who are attempting to treat their alcohol dependency but reserves the right to maintain acceptable job standards and behavior of all employees regardless of their dependency status.

F. The alcohol, drug, and tobacco-free workplace policy will be distributed to all current and future WSU Charter Academy employees. Responsibility for distribution is as follows:

- Salaried employees: Human Resources Department
- Hourly Student and Nonstudent Employees: Career Services
- Work-Study employees: Financial Aid Department

G. Upon notice of a conviction of any employee for a criminal drug violation occurring at a school worksite, WSU Charter Academy is required to do the following:

- Impose sanctions and/or require the satisfactory participation in a drug abuse assistance or rehabilitation program at employees expense within 30 days of such notice.
- If the convicted employee receives Federal funds, the Office of Grants and Contracts will notify the appropriate Federal agency within ten (10) days.

## Education Association

Approved October 1, 2013  
Reapproved April 4, 2017

**Purpose:** The purpose of this policy is to govern the relationship between education employee associations and Weber State University School District and to comply with the requirements of Utah Administrative Code R277-108 and Utah State Code Section 53G-11-206, 53E-3-401(3); 53G-11-205; and 53A-6-702.

**Policy:** The WSU Charter Academy Board of Director's recognizes the value of employee associations to the educational process and the associations' interest in bettering the educational climate in the schools. At this time, the Weber State University School District does not have an association but follows all policies and procedures of Weber State University.

If an employee of WSU Charter Academy choses to be a member of another school districts Educational Association, it is the employee's individual choice.

**“Association Leave”** for purposes of this policy means leave from a school district employee's regular school responsibilities granted for that employee to spend time for association duties.

An employee may be granted association leave by the WSU School District if duties performed by the employee on association leave directly benefit the WSU School District:

- on a board or committee; or

- at a workshop or meeting conducted by the WSU Charter Academy Board of Directors.

During the hours of association leave a WSU School District employee may not engage in political activity, including:

- advocating for or against a candidate for public office in a partisan or nonpartisan election;
- soliciting a contribution for a political action committee, a political issues committee, a registered political party, or a candidate, as defined in Utah Code Ann. §20A-11-101; or
- initiating, drafting, soliciting signatures for, or advocating for or against a ballot proposition, as defined in Utah Code Ann. §20A-1-102.

If a local school board adopts a policy to allow paid association leave, that policy shall indicate that a willful violation of this section or of a policy adopted in accordance with Subsection (3) or (4) may be used for disciplinary action under Section 53G-11-513.

**Procedure:** An employee requesting association leave must submit an application for such leave to the principal or their designee at least five (5) working days prior to the date of the requested leave.

All association leave shall be approved and supervised by the principal or their designee. The supervising administrator shall document such leave and account for costs and expenses connected with such leave.

Association leave will only be paid out of school district funds when the paid association leave directly benefits the district. The education association must reimburse WSUCA for the costs of leave activities that do not provide a direct benefit to education within the school district.

In performing duties which do not qualify for association leave, a WSU School District employee is considered an agent of the association. Actions of the employee during this time shall be the sole responsibility of the association.

Any willful violation of the association leave policy may result in disciplinary action up to and including termination in accordance with state law.

The Weber State University, as a public employer, may not deduct from the wages of its employees any amounts to be paid to:

- a candidate, a personal campaign committee, a political action committee, a political issues committee, or a registered political party as defined in Utah Code Ann. §20A-11-101;
- a political fund as defined in Utah Code Ann. §20A-11-1402; or any entity established by a labor organization or employee association to solicit, collect, or distribute monies primarily for political purposes.

# Educator Evaluation

Approval Pending January 2020

**Purpose:** In accordance with Utah Administrative Code R277-531 Public Educator Evaluation Requirements (PEER), the WSU Charter Academy will evaluate teachers that are outlined by the Code.

**Policy:** The WSU Charter Academy Principal will use the Utah Effective Teaching Standards for performance standards to evaluate the WSU Charter teachers. The current Utah Effective Teaching Standards are located at the following URL. <http://www.uen.org/k12educator/uets/> The Utah Effective Teaching Standards are a description of highly effective teaching as adopted by the Utah State Board of Education (R277-530). They also represent the knowledge and skills necessary to teach the Utah Common Core and align with national teaching standards (INTASC, 2011) and current research on effective teaching practice. The categories indicated on the rubrics describe phases of the development of teaching skills from the most basic to the highest levels of attainment. The rubrics are intended for use as a formative tool as part of self-reflection and self-assessment. They also may be used for the purposes of mentoring coaching, intervention, professional development, and remediation.

The Utah Educator Evaluation Framework (R277-531) is aligned with this document and is accompanied by evaluation tools which align with these standards and rubrics and are intended for use in summative educator evaluation programs. The categorical ratings indicated on the Utah Effective Teaching Standard rubrics follow a continuum of (Not Effective, Emerging, Effective, and Highly Effective) and is intended to be used in a formative way as part of self-reflection and self-assessment. The rubric also provides information that is useful for purposes of mentoring, coaching, professional development, and early intervention.

## Procedures for WSU Charter Academy Teacher Evaluation

The WSU Charter Academy Teacher evaluation process will follow the below outlined timeline. The evaluation will be completed twice during the school year, once in February as a formative evaluation and once in the summer for a summative evaluation. Each November there will be an informal evaluation and meeting to discuss any problems, concerns, etc. The personal data gathered during the evaluation process is to remain confidential and not to be shared publicly. The Principal is required to confidentially maintain all evaluation records. The Principal should use multiple indicators and multiple sources to gain accurate, reliable, valid information. Sources of input that must be included are:

- observations of instructional quality;
- evidence of student growth;
- parent and student input; and
- other indicators as determined by the Principal.

## Timeline

Upon hire or contract renewal, the teacher will be provided a copy of the rubric.

In February, the Principal will use the rubric to evaluate the teacher as a formative assessment



process. During the evaluation process, the Principal will conference with the teacher. During the conference, the principal must communicate the ratings and provide evidence of the score with specific examples.

In March, the teacher will respond to the formative assessment and write two goals with an action plan for effective teaching. The teacher and Principal will determine the action plan and agree upon the resources needed to complete the goals.

By May 1, the Principal will complete a summative evaluation. The summative evaluation will consist of teacher goals, rubric score, written comments and evidence of score with specific examples. The Principal will conference with the teacher. During the conference, the teacher may provide further written evidence showing effective teaching. The Principal's evidence and teacher's evidence/ response are to be kept with the summative evaluation. The final evaluation is to be filed with the WSU Charter Academy and provided to the teacher. If the educator is not satisfied with a summative evaluation, the educator may request a review of the evaluation within 15 days after receiving the written evaluation. The Child and Family Studies Department Chair shall appoint a faculty member who has expertise in teacher evaluation to complete an independent evaluation. The independent evaluation must be completed within 15 days of the educator's request. After the independent evaluation is completed, the Principal, teacher, and independent evaluator will meet and complete a final evaluation.

If the Principal determines 20% of the scores are emerging needing an improvement plan, the teacher will be placed on probation for one year. The Principal, in conjunction with the teacher, will develop an improvement plan that will have SMART (Specific, Measurable, Attainable, Realistic and Time-Bound) goals. The improvement plan will follow the procedures as outlined below:

1. A written probationary agreement/ plan of assistance shall be developed by the Principal and teacher, which shall include a statement clearly identifying (a) specific, measurable and actionable deficiencies, (b) the available resources that will be provided for improvement, and (c) a recommended course of action intended to improve the teacher's performance. The teacher has one year to meet the plan.
2. The teacher is responsible for improving performance and demonstrating acceptable levels of improvement in the designated areas of deficiencies, along with successfully completing all terms of the probationary agreement. The teacher is responsible for providing data or evidence of meeting the requirements.
3. In June of the following school year, if the teacher does not meet the acceptable goal of 80% of the scores on the rubric as effective or highly effective OR if the teacher does not meet the improvement plan goals, the teacher will be dismissed from the school.

The teacher may request a review to challenge the results of the summative evaluation that provides for adequate and timely due process for the educator consistent with Section 53G-11-508(2).

If the Principal determines the teacher more than 80% of the scores are effective or highly effective, the Principal and teacher will discuss individual professional learning that will be in

line with the vision/ mission of the school and learning desires of the teacher. The professional development will take into account the individual teacher's interests, goals, and needs. At this time, resources will be considered on how to meet the professional learning of each teacher.

During the June Board of Directors meeting, the Principal will report to the Board of Directors the overall performance. No personal data or specific rubric scores will be reported. First, the student achievement scores will be presented for each class. Second, the teacher evaluation(s) will be reported individually as needing an improvement plan or effective.

## **Educator License- Highly Qualified Educators and Parental Notification of Educator Qualifications**

Approval Pending January 2020

**Purpose:** The purpose of this policy is to comply with the requirements of the Utah Administrative Rule R277-510 and to ensure the educators of the WSU Charter Academy are highly qualified. This policy also ensures compliance with Utah Administrative Code 53G -5 -107 to communicate with parents about teacher qualifications.

**Policy:** The WSU Charter Academy Board will hire only highly qualified educators. On the WSU Charter Academy's webpage, teacher qualifications will be posted.

## **Effective Teaching and Educational Leadership Policy**

Approved October 29, 2013

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Administrative Code R277-530.

**Policy:** Weber State University Charter Academy supports the teachers and school administrators in implementation of the Effective Teaching and Leadership Standards and Developmentally Appropriate Practices (DAP). We feel that when teaching effectiveness is increased, students, parents, and community members reap benefits.

This policy will also provide a resource for Board leaders to analyze and prioritize expectations of roles for effective school leadership. Because leadership in schools makes such a difference, the

recruitment, training, and support of quality school leaders cannot be left to chance. The resource, method and tools that will be used to support and implement this policy will be outlined in detail in:

1. [Utah Effective Teaching Standards](#)
2. [Developmentally Appropriate & Effective Teaching Standards Procedures](#)
3. [Utah Effective Leadership Standards](#)
4. [Developmentally Appropriate & Educational Leadership Standards Procedures](#)

## Employee Arrest Policy

Approved April 2, 2013

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Administrative Code R277-516-3(D).

**Policy:** Weber State University Charter Academy will use Weber State University PPM 3-5a Employment of Persons with Criminal Records. [http://www.weber.edu/ppm/Policies/3-5a\\_EmploymentCriminalRec.html](http://www.weber.edu/ppm/Policies/3-5a_EmploymentCriminalRec.html)

3.5 Felony - A serious crime punishable by imprisonment in excess of one year. A crime which was charged as a felony at the time of conviction, but which has been reduced to a misdemeanor, or expunged, by a court of competent jurisdiction at the time of application for employment, shall not be considered a felony.

## Employee Corrective/ Disciplinary Action Policy

(NAEYC Standard 10E.6)

Approval Pending January 2020

**Purpose:** The purpose of this policy is to establish a procedure which clearly outlines the process when the principal determines that an employee did not follow the Employee Conduct Policy.

**Policy:** Employee misconduct shall generally be addressed by the Principal. When allegations of employee misconduct arise, the Principal shall investigate the allegations, collect documentation, and make a determination that an action of misconduct occurred. The Principal will follow the steps:

Step 1: Conference with Employee: the Principal shall verbally counsel the employee and outline action to be taken by the employee. Notes of the meeting will be kept and placed

in the employee's personnel file.

**Step 2: First Formal Written Warning:** The Principal shall verbally counsel the employee and outline action to be taken by the employee in order to avoid future/continuing disciplinary action, write a formal letter, and copy the letter to the employee and the employee's personnel file.

**Step 3: Second Written Warning:** The Principal and/or shall verbally counsel the employee and outline action to be taken within a time frame by the employee in order to avoid future/continuing disciplinary action, write a formal discipline letter, and copy the letter to the employee and the employee's personnel file.

**Step 4: Employee Suspension:** The Principal shall inform the employee of his/her immediate suspension from his/her duties, without pay, for a period of no less than 3 consecutive school days, during which time the employee shall not enter school property. A formal letter of suspension shall be written and copied to the employee and the employee's personnel file. During the period of suspension, the school will provide a substitute or replacement employee.

**Step 5: Termination:** The Principal, and/or Board of Directors shall inform the employee of his/her immediate termination of employment. An official discipline letter of termination shall be written and copied to the employee and the employee's personnel file. The employee shall gather his/her personal effects under the supervision of the Principal or other designated school official, and/or member(s) of the Board of Directors, after which he/she will be escorted off school property. Acts of misconduct need not be similar in nature for employees to escalate from one step to the next. Certain offenses can have an immediate and serious negative impact upon the school and are grounds for the school, at its option, to skip any of the four steps listed above or to effect an immediate termination of employment regardless of whether the employee has escalated through all four steps in succession. Examples of such offenses include, but are not limited to:

- Any violation of State or Federal Law (excluding minor traffic offenses)
- Any conduct which endangers or threatens the health, safety, or welfare of any student, employee, or any other person.
- Release of confidential information without authorization.
- Three or more days of unauthorized absence.
- Violation of the Alcohol, Drug, and Tobacco-Free Workplace Policy
- Dishonesty such as, but not limited to misrepresentation of facts to the administration
- and/or Board of Directors
- Insubordination/Refusal to perform Employee Duties as outlined

# Employee Harassment and Discrimination Policy

Approved April 2, 2013  
Reapproved April 4, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Administrative Code R277-112-3

**Policy:** WSU Charter Academy, its employees, staff, administration, and board of directors are prohibited from discriminating on the basis of race, creed, color, national origin, religion, age, sex, or handicap.

This policy has two parts, Part I Employee Discrimination and Harassment and Part II Student Discrimination and harassment.

Weber State University Charter Academy will use Weber State University PPM 3-32 Discrimination and Harassment  
[http://www.weber.edu/ppm/Policies/3-32\\_DiscriminationHarassment.html](http://www.weber.edu/ppm/Policies/3-32_DiscriminationHarassment.html)

## Part I

Employee Discrimination and Harassment

### Initial Contact:

Any person who believes he or she is the victim of discrimination or harassment, or who has knowledge of such conduct is encouraged to report that conduct directly to the AA/EO office or to an appropriate supervisor. Appropriate supervisors include department chairs, deans, vice president, or directors at the departmental level or higher, or teachers of classes.

The AA/EO office is located in the Miller Administration Building, Room 101. The office telephone number is (801) 626-6239.

## Part II

Student Discrimination and Harassment

### Policy:

Weber State University Charter Academy is committed to providing an educational environment that is free from illegal harassment and other forms of discrimination based upon sex, race, color, ethnic background, national origin, religion, gender, creed, age, citizenship, or disability.

### Administration Policy:

No student or employee of the Weber State University Charter Academy may engage in illegally harassing conduct that creates a hostile learning environment for students or staff of the district. It is the policy of Weber State University Charter Academy to provide fair, expeditious and

uniform procedures for investigation and resolution of claims of illegal harassment or discrimination.

**Definitions:**

- A. Clearly Offensive Conduct: That 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.
- B. Complainant: A person who files a written or oral complaint about illegal harassment.
- C. Compliance Officer: Person or persons designated by the Superintendent to receive and process complaints of discrimination.
- D. Confront: To have a face-to-face discussion and/or contact regarding specific matters.
- E. Demeaning or Derisive Behavior: Behavior which substantially lowers the status, dignity or standing of another individual, or which insults or otherwise belittles or shows contempt for another individual.
- F. Disability: 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.
- G. Discrimination: Conduct, including words or gestures and other actions, which adversely affects a student's learning environment or results in disparate treatment based upon their immutable characteristics such as sex, race, color, ethnic background, national origin, religion, gender, creed, age, citizenship, or disability.
- H. Harassment: Unwelcome conduct of an offensive nature that is demeaning or derisive or occurs substantially because of the race, color, ethnic background, national origin, religion, gender, creed, age, citizenship or disability and which creates a hostile educational environment. Harassment shall include one or more of the three levels described below. If conduct is clearly offensive only one incident may be necessary to establish harassment:
  - 1. Level One: Generalized Harassment: Includes intentional behavior directed at an entire group which is based on demeaning or derisive stereotypes, and is so severe or pervasive that it creates a hostile learning environment.  
Examples include comments or jokes, physical gestures or visual displays such as posters, etc.
  - 2. Level Two: 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 so severe or pervasive that it adversely affects the learning environment.
    - Examples include negative or offensive comments, jokes, suggestions or gestures directed to an individual's or group's race, ethnicity or

national origin.

3. Level Three: Criminal Harassment: Harassing behavior which violates state or federal criminal statutes.
  - Examples include criminal harassment, criminal assault, sexual assault, rape, criminal mischief, stalking, arson or trespass.
- I. Respondent: A person named in a discrimination complaint as having engaged in or being responsible for, a discriminatory act or omission.
- J. Retaliation: 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 district, 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.
- K. Sexual Harassment: A form of sex (gender) 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.
  1. Submission to such conduct is made either explicitly or implicitly as a term or condition to educational benefit.
  2. Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student's educational program.
  3. Such conduct has the purpose or effect of unreasonably interfering with a student's educational performance or creating an intimidating, hostile, or offensive learning environment.

There are two types of sexual harassment:

- a. 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.
- b. Harassment that culminates in a tangible action which alters the conditions of the educational programs (previously called quid pro quo).

#### IV. Complaint Procedure

- A. Any student or employee who knows of a violation of this policy is expected to report such conduct to a teacher, administrator or the District Compliance Officer.
- B. The initial allegation of harassment may be submitted either orally or in writing.
- C. Complaints must be made to the immediate supervisor/administrator or the District Compliance Officer within 45 calendar days after the date of the alleged act of discrimination.

#### V. Complaint and Investigative Procedures

- A. The following procedure is available for those who believe they are victims of harassment or discrimination, or who witness such acts:
  1. Seek to resolve issue directly with the accused.
  2. Seek to resolve issues through administrative personnel.

3. Register a formal complaint with the District Compliance Officer who will initiate an investigation.
- B. If an investigation reveals evidence of criminal conduct, the matter will be referred to local law enforcement. The district will conduct its own internal investigation independent of law enforcement officials.
  - C. All investigations will be treated with discretion to protect the privacy of those involved. All efforts will be made to treat the information confidentially; however, absolute confidentiality of all information obtained through an investigation cannot be guaranteed.
  - D. The accused may not contact the alleged victim during an investigation without intervention by the district and with the permission of the complainant.
  - E. When conducting investigations, the District Compliance Officer 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.
  - F. An investigation shall be completed as quickly as practicable, but within 30 days of receipt of the complaint, unless extenuating circumstances require a longer period. All parties shall be notified of the extension of time.
  - G. Within 10 working days of the conclusion of the investigation, the District Compliance Officer shall provide all parties a written disposition of the complaint.
  - H. The parties will then have 10 working days to provide written responses to the report and have them considered by the District Compliance Officer.

#### VI. Retaliation

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

#### VII. Records

Records of all discrimination or harassment complaints shall be maintained by the District Compliance Officer. 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.

#### VIII. Outside Reporting Procedures

Nothing in this policy shall prohibit a person from filing an education discrimination claim with the Office of Civil Rights: Department of Education, Region VIII, Federal Office Building, 1244 Speer Blvd., Suite #310, Denver, CO 80204-3582.



# Employment of Substitute Teachers Policy

Approved April 2, 2013

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Administrative Code R277-508.

**Policy:**

A pool of approved substitutes for the Academy will be developed by the administration. The approved substitute list shall include obtaining verification from CACTUS that an applicant's license has not been revoked or suspended. Substitute teachers on the approved list will be evaluated while teaching; evaluators will use an approved teacher evaluation form.

**Procedures:** In the event of absence, the employee is responsible to arrange his/her own substitute from the pool of approved substitutes. The employee must inform the administration immediately upon the securing of a substitute. Failure to notify administration of an employee leave and substitute can result in disciplinary action including termination.

When advance notice is given, the employee shall provide the substitute with adequate materials and guidelines as to limit disruption in the daily routine of the school. The employee will provide lesson plans for the substitute.

In the event no substitute can be secured, the employee is not relieved from his/her duties.

Once an employee's paid leave benefits have been exhausted, substitute employee's wages will be paid from monies garnished from the employee's salary.

In the event of an emergency, the administration will hire a substitute from the pool of approved substitutes.

A substitute teacher shall be paid \$75.00 per day, but may be paid \$95.00 per day as a long-term substitute (20 days or more).

## Evaluation of Non-Licensed Public Education Employees Policy

Approved October 29, 2013

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Administrative Code R277-532.

**Policy:** Weber State University Charter Academy will use the Weber State University PREP

system to evaluate non-licensed public education employees. We will also work to ensure that all USOE employment evaluation requirements are met. The Board of Directors expects the Principal to create a working environment where all employees consistently work towards improving the quality of their work.

#### **Evaluation of Non-Exempt Staff Positions**

No. 3-3	Rev. 11-18-98	Date 8-17-77
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#### **I. POLICY**

- A. The objective of the Job Evaluation Plan is to develop employee satisfaction and productivity by properly ranking jobs within a selected pay plan.
- B. Job evaluation is one major element of adequate and equitable compensation. It provides a system to measure the skill, effort, responsibility and working conditions required by a job. It is a means by which to (a) appraise the relative value of the job in relationship to other jobs, (b) assign an appropriate grade and range within the pay plan and (c) designate a title for the job which reflects the nature of the job and its position within the pay plan. Individual performance is measured not by job evaluation but by performance review.
- C. The director of Human Resources is responsible for developing and maintaining the job evaluation procedures.
- D. Each department head/supervisor is responsible for the administration of policies and procedures pertaining to position classification within his/her department. This includes apprising the director of Human Resources of any inequities or potential inequities that relate to the evaluation and classification of jobs within the department.
- E. If a supervisor feels that an inequity in salary grade exists, an opportune time to recommend an evaluation is when the job is vacant. If time allows, the supervisor should request a reevaluation before filling the job.
- F. Supervisors requesting job upgrades should document in detail their reasons for requesting the change and submit the justification with the Request for Job Evaluation.
- G. Job evaluation is a management tool existing within the framework of institutional planning and budgeting and subject to legal guidelines at federal and state levels. A procedure is prescribed to mesh job evaluation with these major managerial considerations.
- H. The University is not responsible for salary commitments that are not in line with the position classification plan unless prior permission, including the approval of the director of personnel, is obtained through proper management channels.
- I. The University reserves the right to downgrade a position if a job evaluation supports this action. The pay rate at which the incumbent remains will be determined by administrative

decision.

## **II. PROCEDURE**

### **A. Request for Job Evaluation**

A department head/supervisor may request evaluation of a new job or reevaluation of a current job by routing a Request for Job Evaluation form through the appropriate dean and vice president to the director of Human Resources. Requests for reevaluation should be based on the premise that the job to be evaluated is improperly ranked relative to other jobs. Job evaluation is not designed to reward performance or create comparability between Weber State University wage rates and local wage rates. Other tools are provided to accomplish these ends.

### **B. Job Description**

1. Upon the approval of the appropriate dean and vice president, a job evaluator will contact the supervisor and arrange to write or rewrite the job description. Supervisors will be asked to provide rough job descriptions on new jobs. The job evaluator and the supervisor will work closely throughout the job description process. It is advisable for the supervisor to include the employee in the process. Both the supervisor and the employee will be asked to approve the job description before job evaluation takes place.
2. Job descriptions will also be used by the Human Resource Office to determine minimum qualifications in screening candidates for jobs. They provide a basis for valid pre-employment tests, and are valuable to supervisors for training new employees and evaluating job performance.
3. Job descriptions will contain information about the minimum educational and/or training requirements necessary to perform jobs successfully.

### **C. Job Evaluation**

A compensation team, headed by the director of Human Resources, will evaluate the job based upon the job description and input from the job evaluator. Point values are assigned to the various evaluation factors and a grade is determined from the point total.

### **D. Approval**

1. For new positions and recommended grade changes, a letter requesting approval of the assigned grade will be routed by the Human Resource Office, through the supervisor and dean, to the vice president.
2. In the case that no grade change is recommended for reevaluation, a letter to that effect will be sent to the supervisor with copies to the dean and the vice president.

### **E. Implementation**

1. New jobs will be filled according to the approved grade through the normal employment process.
2. Grade changes for reevaluated jobs are a function of budgeting, which is the responsibility of the vice president. Normally, grade changes will be accomplished at the beginning of the fiscal year and are subject to budget consideration. The approval of the vice president signifies that the change will be

supported if funds are available. Immediate changes will be infrequent and must be cleared through the vice president for Administrative Services.

# Non-Licensed Employee Driving Motor Vehicles as an Employment Responsibility

Approved April 2, 2013  
Reapproved April 4, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Administrative Code R277-516-5.

**Policy:** All non-licensed employees of the Academy and any Academy employee who drives a motor vehicle, as part of his/her employment responsibilities must report to the Principal information regarding the following matters:

- Convictions, including pleas in abeyance and diversion agreements;
- Any matters involving arrests for alleged sex offenses;
- Any matters involving arrests for alleged drug-related offenses;
- Any matters involving arrests for alleged alcohol-related offenses; and
- Any matters involving arrests for alleged offenses against the person under Title 76; Chapter 5 (i.e., assault, battery, etc.

Employees of the Academy must submit required reports to the Principal within seven (7) days of the event necessitating the report.

Non-licensed employees driving motor vehicles as a part of employment responsibility must adhere to Weber State University PPM (5-31) regarding this matter:

## A. Valid Driver License

1. Any employee, agent, or volunteer of Weber State University must possess and maintain a valid driver license to operate a University vehicle, or operate a personal vehicle while performing University business.

## B. Accident Involvement

1. Any employee, agent, or volunteer involved in an accident while driving a University vehicle, or driving a personal vehicle on University business, shall provide full and complete notice of the accident to his/her supervisor and to the campus Risk Management Director immediately after investigation of the accident by the proper authorities.
2. Any employee, agent, or volunteer involved in an accident while on University business shall not voluntarily make any payment, assume any obligation or incur any expense on behalf of the University.
3. Any employee, agent, or volunteer who is involved in an accident wherein the employee is at fault (in whole or in part), or who is convicted of Driving Under the Influence of

alcohol or drugs, or of Reckless Driving, shall not be allowed to operate any University vehicle, nor perform University business using a personal vehicle, for up to thirty days following the date of the accident or conviction. During that period a State Risk Management Fund approved Driver Education Program must be completed by that employee.

#### C. Driver Certification

1. Every year, each administrator/supervisor must submit to the University Police a list verifying that all drivers under their direction or supervision who operate vehicles, University or personal, while on University business, possess valid and appropriate driver licenses. If there is a question concerning an employee's driver license status, University Police should be contacted for verification of the status.
2. Any employee or agent who must drive either a personal vehicle or a University vehicle as part of their duties must complete the State Risk Management Fund approved Driver Certification every other year.
3. Any employee, agent, or volunteer who occasionally drives either a personal vehicle or a University vehicle as part of his/her duties, or while on University business, must complete the State Risk Management Fund approved Driver Certification every other years.

## Non-Licensed Public Education and Volunteer Background Check

Approved April 2, 2013  
Reapproved April 4, 2017

**Purpose:** The purpose of this policy is to describe the procedures which background checks are conducted. Background checks are necessary to ensure the safety of the WSU Charter Academy students and employees. The policy also ensures compliance with the requirements of Utah Administrative Code R277-516-4 and 53G-11-404-7.

**Policy:** Before approval of an individual's involvement in the WSU Charter Academy, a background check will be completed by all non-licensed employees, volunteers, and board members left unsupervised with children. The background check must include a name check, fingerprint search and FBI database search. At no time should the individual begin work or volunteering in the school until the results of the background check have been received and verified by the WSU Charter Academy. Individuals subject to the background check requirements shall self-report conviction, arrest, or offense information.

The WSU Charter Academy Board of Directors and Principal reserve the right to make the sole determination concerning information or any employment decision arising out of the background check. If any discrepancies or criminal history is noted, the WSU Charter Academy reserves the right to consult with the office of State Risk Management or other pertinent offices before

making a determination. If the background check is unfavorable and provides cause for the WSU Charter Academy to deny access to the WSU Charter Academy, the individual has the right to review, request in writing the reasons for denial, and respond to the background check information. The individual will be provided in writing the final outcome.

**Procedure:** Licensed educator, employees, volunteers or board members shall report arrests, citations, or charges to the Principal within 48 hours or as soon as possible in accordance with R277-516. For licensed educators, the Principal will report immediately to the Utah State Office of Education. If an employee, volunteer or board member, the WSU Charter Board of Directors or Principal may restrict the involvement in the WSU Charter Academy immediately.

### **Required Reports**

All non-licensed employees of the School and (b) any School employees who drive a motor vehicle as part of their employment responsibilities must report to the Principal information regarding the following matters:

- Convictions, including pleas in abeyance and diversion agreements;
- Any matters involving arrests for alleged sex offenses;
- Any matters involving arrests for alleged drug-related offenses;
- Any matters involving arrests for alleged alcohol-related offenses; and
- Any matters involving arrests for alleged offenses against the person under Title 76, Chapter 5 (i.e., assault, battery, etc.)

### **Timeline for Reports**

Current employees of WSU Charter Academy must provide the required reports to the Principal within seven (7) days of receiving notification of this policy from the Principal. Thereafter, employees of WSU Charter Academy must submit required reports to the Principal within seven (7) days of the event necessitating the report. New employees of the academy must report this information prior to commencing work for the Academy.

### **Procedure for Review of Reports**

The Principal will establish procedures to review and investigate all reports received pursuant to this policy and determine whether any employment action is necessary to protect the safety of students. The procedures will adequately maintain the confidentiality of the information submitted. Information regarding the reports, the results of any investigation, the Principal's determination and any action taken will be maintained in a separate, confidential employment file. These records will only be kept as long as the Principal determines it is necessary to protect the safety of students.

Any employee who reports a matter involving alleged sex offenses or other alleged offenses that may endanger students shall be immediately suspended from all student supervision responsibilities during the period of investigation.

# Paid Planning Time

(NAEYC Standard 4D.4, 6A.7)

Approved September 4, 2018

**Purpose:** The purpose of this policy is to comply with NAEYC Accreditation Standard 4D.4 and 6A.7.

**Policy:** Full-time supervising teachers are provided with paid planning time during their regular work schedules.

Time allotted is based on job responsibilities, number of students being mentored, project work assigned, or other situations. This time should be used for weekly planning, collaborative planning, documentation, communicating with families, building community partnerships, and all efforts during this time should be completed through team collaboration.

During the school year daily contract hours are from 8-4. On Mondays through Thursdays, teachers have 45 minutes in total for paid planning time before children arrive for the day and after they leave. Every Friday is an early out day, which gives teachers another 75 minutes of paid planning time.

## Professional Development Plan

(NAEYC Standard 6B.4, 6D.6, 6D.7, 6D.8, 6D.9, 6D.10, 6D.13, 6D.14, 6D.15, 6D.16, 6D.17 )

Approved April 2, 2013

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Annotated Code 53G-11-303.

**Policy:** The Board of Directors of the WSU Charter Academy, or a subcommittee appointed for the purpose of academic and professional excellence, shall serve to assist in the annual development and implementation of a staff professional development plan.

### Professional Development Plan

The Academy Board of Directors or the above mentioned subcommittee shall assist in the annually updating and implementing of a staff professional development plan that is systematic, comprehensive, and long-term. The plan shall include:

1. An alignment of professional development activities at the school with:
  - a. school improvement plans;
  - b. The School LAND Trust Program;
  - c. The Utah Performance Assessment System for Students under Title 53E, Chapter 1, Part 6, Achievement Tests;

- d. Sections 53E-6-103 through 53E-6-201 of the Educator Licensing and Professional Practices Act;
  - e. Title 53G, Chapter 9, Teacher Career Ladders; and Title 53G, Chapter 10, Educator Evaluation.
2. Provision for the development of internal instructional leadership and support.
  3. The periodic presence of all stakeholders at the same time in the professional development process, to include administrators, educators, support staff, parents, and students.
  4. Provisions for the use of consultants to enhance and evaluators to assess the effectiveness of the plan as implemented.
  5. The time required for and the anticipated costs of implementing and maintaining the plan.
  6. Ongoing discussions of ethical issues.

The Academy Board of Directors or the above mentioned subcommittee shall consult and share the professional development plan with the Academy administration as needed in the development of the plan to ensure alignment with the WSU Academy curricular content, methodology, implementation of the plan.

The Academy Board of Directors shall review and either approve or recommend modifications for the professional development plan, monitor the progress of the plan and hold the school accountable for meeting the objectives of the plan.

The program-wide professional development plan includes an initial orientation to the program's policies, procedures and the curriculum that will be used. Regardless of previous education or experience, employees will be expected to participate in ongoing professional development and study of early childhood education and teacher education best practices in order to keep abreast of new developments in the field. Ongoing professional development and study may take place on the employees' own time outside of regular working hours, and/or as recommended by the director. Methods employed may include, but are not limited to, in-service training classes, mentoring or coaching experiences, attendance at a recommended professional conference or meeting, membership in a professional organization and attendance at its regular meetings, and/or enrollment in pertinent courses offered at WSU or other approved educational institutions. The written, program-wide professional development plan is shared with staff.

Program-wide professional development gives employees access to trainings to increase their cultural competence and reduce implicit and explicit bias. Other trainings can deepen the staff's understanding and the ability to implement the program's curriculum and expand upon communication and collaboration skills to support a positive work environment. In the best interest of the children, program-wide professional development assists teaching staff in



expanding their knowledge on the development stages of the children they teach and the varying circumstances they come from. For instance, children from military families or migrant families; dual language learners; children who are homeless, require special education, have experienced trauma; children from rural environments or from urban environments, etc.

# Reporting Employee and Volunteer Arrest Policy

Approved March 5, 2013

Approved April 4, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Administrative Code R277-516-3(D), R277-5164(A), and 53G-11-406.

**Policy:** WSU Academy will use Weber State University PPM 3-5a Employment of Persons with Criminal Records. ([http://www.weber.edu/ppm/Policies/3-5a\\_EmploymentCriminalRec.html](http://www.weber.edu/ppm/Policies/3-5a_EmploymentCriminalRec.html))

**3.5 Felony** - A serious crime punishable by imprisonment in excess of one year. A crime which was charged as a felony at the time of conviction, but which has been reduced to a misdemeanor, or expunged, by a court of competent jurisdiction at the time of application for employment, shall not be considered a felony.

## Employment of Persons with Criminal Records

No. 3-5a	Rev. 10-11-11	Date 11-9-89
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### I. REFERENCES

- Utah Code 53G-4-401 (Criminal background checks on school personnel -- Notice -- Payment of cost -- Request for review)
- Utah Code Section 53B-1-110 (Higher Education Criminal Background Checks)
- Utah State Board of Regents Policy and Procedure R-847 (Criminal Background Checks)
- Utah State Board of Regents Policy and Procedures R-481 (Academic Freedom, Professional Responsibility and Tenure)
- PPM 3-31 (Staff Employee Grievances With Provision for Certain Hourly Employees)
- PPM 9-9 through 9-14 (Faculty Due Process)

### II. PURPOSE

Weber State University strives to create an environment where all individuals may safely learn, work and visit. Some individuals' prior criminal records may reveal negative conduct. Employment of such individuals may create a risk to the safety or security of individuals, resources or university programs or systems. This policy provides for conducting background checks and risk assessments of certain prospective and current employees to assist the university in making informed employment decisions. This policy is also intended to comply with state law and the requirements of the Utah System of Higher Education regarding criminal background checks for employees.

### **III DEFINITIONS**

**3.1 Applicant** - a person who expresses interest in being considered for an employment opportunity and completes the procedures required to apply for that position.

**3.2 Criminal Background Check** - a commercial or governmental process of searching public records to determine whether an individual has been convicted of criminal conduct anywhere in the United States of America. The university may choose to search in one or more foreign countries or seek additional evidence of character issues as part of a criminal background check.

**3.3 Diminished Capacity Adult** - a person who lacks decision making capacity which requires, to a greater or lesser degree: (1) possession of a set of values and goals; (2) the ability to communicate and to understand information; and (3) the ability to reason and to deliberate about one's choices.

**3.4 Employee** - a faculty, adjunct faculty, hourly, or staff (including administration) employee of the university who receives compensation for work or services from funds controlled by the university, regardless of the source of the funds, the duties of the position, the amount of compensation paid, or the percent of time worked.

**3.5 Felony** - A serious crime punishable by imprisonment in excess of one year. A crime which was charged as a felony at the time of conviction, but which has been reduced to a misdemeanor, or expunged, by a court of competent jurisdiction at the time of application for employment, shall not be considered a felony.

**3.6 Final Applicant** - the applicant offered employment, transfer or promotion, contingent on acceptable results of a criminal background check and other reviews required for the position by the university such as financial/credit checks, degree transcripts or license documentation, or student loan status. Faculty receiving tenure or promotions in rank are not considered applicants.

**3.7 Reasonable Cause** - where the known facts and circumstances are sufficient to warrant that a person of reasonable prudence would believe that the employee poses an unreasonable risk to persons or property, including, but not limited to, circumstances where individuals are charged with felonies or serious misdemeanors.

**3.8 Security Sensitive Positions** – in the judgment of the appropriate administrator (President, Vice President or Provost), positions whose duties require, provide for, or encompass the potential to incur human, financial or property loss or other harm to the university and its constituents. To be considered security sensitive the position must include one or more of the following characteristics:

- 3.8.1 access to children, including those in a child care center, or to diminished capacity adults;
- 3.8.2 significant contact with persons under the age of 21;
- 3.8.3 relationships with students where exceptional trust and responsibility are involved, such as counselors, health care providers, coaches, and residence hall personnel;
- 3.8.4 responsibility for providing direct medical care, treatment, or counseling and/or

access to pharmaceuticals, toxins, hazardous or controlled substances;

3.8.5 direct access to laboratory materials and other property that have the potential of being diverted from their proper use either for financial gain or for harmful, dangerous or illegal purposes;

3.8.6 decision making authority for committing university funds or financial resources through contracts and commitments and/or direct access to or responsibility for handling cash, checks, credit/debit cards or cash equivalents, university property, disbursements or receipts;

3.8.7 access to building and residence hall master control and key systems;

3.8.8 access to confidential information or sensitive personal information such as employment, health, donor, financial and other records, including data that could facilitate identity theft;

3.8.9 access to and responsibility for the maintenance, upgrading, and repair of the university's computer networks and/or information technology systems; and

3.8.10 responsibility for police, security, guard forces, or other significant health or safety issues.

3.8.11 work in a particular department which may be subject to additional restrictions, requirements, laws or regulations.

**3.9 Serious Misdemeanors** - Crimes less serious than felonies, including crimes which may have originally been charged as felonies, but which have been reduced from felonies by courts of competent jurisdiction. For purposes of this policy, the following four categories of misdemeanors are relevant:

3.9.1 Crimes of Violence: which include, but are not limited to, offenses that involve a risk of physical injury to another person;

3.9.2 Drug Offenses: which include, but are not limited to, offenses involving manufacturing, distributing, possessing or using a controlled substance, including drug related DUIs and possession of drug related paraphernalia;

3.9.3 Property Offenses: which include, but are not limited to, offenses that involve fraud or the unlawful taking, destruction, sale and/or receipt of property, be it personal or public; and

3.9.4 Sexual Misconduct Offenses: which include, but are not limited to, offenses that involve any illegal act of a sexual nature, involving illegal physical contact for the gratification of lust and/or engaging in other illegal activities for the purpose of sexual arousal.

**3.10 Significant Contact** - an employment position involves significant contact with persons under the age of 21 if there is a reasonable expectation that in the course of the normal, routine responsibilities of the position, the employee and a person under the age of 21 would interact on a one-on-one basis more often than occasionally. For example, teachers with office hour consultations, mentors, counselors, test center employees, coaches, and advisors could all reasonably expect to interact one-on-one with students as a normal, routine part of their work and hence would have "significant contact" with one or more persons under the age of 21 during the course of their employment.

## 4. PROCEDURES

### 4.1 CRIMINAL BACKGROUND SELF-REPORTING:

4.1.1 APPLICANTS: At the time of application for employment, transfer or promotion, every applicant shall report all convictions of felonies and misdemeanors. The failure of an applicant to report his/her criminal background or reporting false information may be grounds for rejection from employment.

4.1.2 SELF-REPORTING BY CURRENT EMPLOYEES: If a current employee is charged with or convicted of a felony or serious misdemeanor, she or he must report such information to his or her supervisor or the Human Resources office within 72 hours of the occurrence, or before that employee returns to work after incarceration. If a charge or conviction is reported to the individual's supervisor, the supervisor shall immediately report the information to the Human Resources office. Failure of an employee to self-report or the misreporting of a charge or conviction shall be grounds for disciplinary action. This section is operational as of the effective date of the policy and applies to all employees who are charged or convicted of a charge on or after that date. This section does not apply where individuals were charged or convicted prior to application for employment, except where disclosure was required by prior policy in place at the time.

4.2 BACKGROUND CRIMINAL INVESTIGATIONS: The University shall conduct criminal background checks on individuals as described below:

4.2.1. Applicants who self-report convictions of one or more felonies or serious misdemeanors;

4.2.2 Final applicants for employment positions which are considered to be security sensitive by the president or vice president supervising that area; and

4.2.3. current employees, where the vice president supervising that area, in agreement with the AVP of Human Resources, finds that reasonable cause (as defined in section 3.7, above) exists.

4.3 WRITTEN RELEASE OF INFORMATION - For applicants and final applicants for employment, as defined in section 3.1, above, the university shall obtain a written and signed release of information for a criminal history background check and any other consumer report which may reasonably be required for the position. When the university performs criminal background checks on existing employees, the university shall request written and signed releases of information. Refusal to grant this request may result in disciplinary action.

4.4 NOTICE A BACKGROUND CHECK HAS BEEN REQUESTED - If the existing employee does not provide a written and signed release as requested pursuant to 4.3, the employee shall receive written notice that the background check has been requested.

4.5 FINGERPRINT BACKGROUND CHECK - An applicant or employee subject to a criminal background check under this section may be required to be fingerprinted and consent to a fingerprint background check by the Utah Bureau of Criminal Identification, the Federal Bureau of Investigation or another government or commercial entity.

**4.6 PROTECTION OF PRIVACY** - Information from criminal background self-reports and criminal background checks will be handled to protect the privacy of those involved. That information will be available only to those persons involved in making employment decisions or performing the background investigation, and the information will be used only for the purpose of making an employment decision. Records containing criminal background information will be classified as "private" under the Government Records Access and management Act for purposes of this policy.

**4.7 CONSUMER-REPORTING AGENCY CRIMINAL HISTORY BACKGROUND CHECK** - The university may determine to use a consumer-reporting agency to conduct a criminal history background check instead of, or in addition to, a fingerprint background check.

**4.7.1 MINIMUM REQUIREMENTS** - If a consumer reporting agency is used, at a minimum, the consumer-reporting agency must conduct an investigation to verify the applicant, final applicant or employee's social security number, obtain information regarding past employment, and search the individual's criminal background nationwide in the individual's counties of residence for the last seven years.

**4.8 INITIAL SCREENING** - Upon receipt of an individual's criminal background, the university may make an initial determination that an individual with a criminal history should be considered eligible to obtain or retain the position or that additional documentation should be required. Individuals deemed ineligible will be notified of their opportunity to respond, as outlined in Section 4.9. Individuals who are current employees may be placed on suspension until the review is complete.

**4.9 OPPORTUNITY TO RESPOND** - Before an applicant or final applicant is denied employment or an employee is subjected to an adverse employment action based on information obtained in the criminal background report, the applicant, final applicant or employee shall be given the opportunity to review a copy of the report, written notice of the reasons for denial or the adverse action, and shall have an opportunity to respond to the reasons and any information received as a result of the criminal background check. If an applicant, final applicant, or employee disagrees with the accuracy of any information in the report or believes that, although accurate, their criminal history should not disqualify them for employment, and notifies the AA/EO office of the university within three (3) business days of his/her receipt of the report, the university shall provide a reasonable opportunity to address the information contained in the report.

**4.10 RISK ASSESSMENT** - The University will assess the overall risk to persons and property based on the convictions disclosed by the criminal background check and other information submitted or discovered. That risk assessment will include: (1) the number of crimes committed, (2) the severity of those crimes, (3) the length of time since they were committed, (4) the likelihood of recidivism, (5) the security sensitivity of the position sought by the applicant or final applicant or held by the existing employee, and (6) other factors that may be relevant. The university may determine that an individual with a criminal history should be considered eligible to obtain or retain the position, or that additional documentation should be required, or that they are ineligible for employment.

4.11 BACKGROUND REVIEW COMMITTEE - A committee shall review responses described in Section 4.9 from those upon whom the university has performed criminal background checks. The committee will perform risk assessments in accordance with this policy.

4.12 APPEALS – Appeals of decisions of the Background Review Committee for current employees based on due process claims may be made as set forth in PPM 3-31, Staff Employee Grievances (with provision for certain hourly employees) and PPMs 9-9 through 9-14, Academic Freedom, Rights, Responsibilities and Due Process.

4.13 FINANCIAL/CREDIT CHECK - If a final applicant is applying for, or an employee holds, a security sensitive position with access to sensitive personal information or financial responsibilities over the funds of the university or others, the vice president supervising that area may require an additional financial/credit check to be performed.

4.14 DEGREE TRANSCRIPTS OR LICENSE DOCUMENTATION - if the position requires a degree or license, the university may obtain a copy of the final applicant's degree transcripts or license documentation.

4.15 STUDENT LOAN STATUS - If a final applicant or employee has a student loan, the university may check on the loan status. The university may deny employment or take adverse employment action if the final applicant or employee has a delinquent or defaulted student loan.

4.16 CONCURRENT ENROLLMENT FACULTY - University employees, whether full-time or adjunct faculty, who are concurrent enrollment instructors with unsupervised access to K-12 students shall complete a criminal background check consistent with Utah Code Annotated § 53G-4-401. The institution employing a concurrent instructor who is also a university employee shall have responsibility to determine the need for the criminal background check consistent with the law, shall satisfy this requirement, and shall maintain appropriate documentation. (See Policy and Procedures R165, Concurrent Enrollment, paragraph 9.2.) This document requirement is effective immediately.

## **Reporting of Designated Offenses Policy**

Approved April 2, 2013

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Administrative Code R277-516-5(A)

**Policy:** Weber State University Charter Academy will use Weber State University PPM 3-5a Employment of Persons with Criminal Records. [http://www.weber.edu/ppm/Policies/3-5a\\_EmploymentCriminalRec.html](http://www.weber.edu/ppm/Policies/3-5a_EmploymentCriminalRec.html)

3.5 Felony - A serious crime punishable by imprisonment in excess of one year. A crime which was charged as a felony at the time of conviction, but which has been reduced to a misdemeanor,

or expunged, by a court of competent jurisdiction at the time of application for employment, shall not be considered a felony.

## Staff Orientation

(NAEYC Standards 6B.4, 6D.1, 6D.2, 6D.3, 6D.4 , 7A.2, 10E.1, 10E.2)  
Approved October 9, 2018

**Purpose:** The purpose of this policy is to comply with NAEYC Accreditation Standards 6B.4, 6D.1, 6D.2, 6D.3, 6D.4, 7A.2, 10E.1, & 10E.2. New staff, substitutes, support staff, volunteers, and/or other service providers for the WSU Charter Academy need to be oriented on the fundamental aspects of the program.

**Policy:** This policy is in use to ensure staff, substitutes, volunteers, and/or other service providers at the WSU Charter Academy understand pertinent aspects of the program. New teaching staff will not work alone with children until they have received an initial orientation to the program and the job.

Clear expectations, roles, and responsibilities are important for effective performance. New teaching staff, substitutes and volunteers are required to participate in an initial orientation that introduces fundamental aspects of program operation:

- Program philosophy, mission, and goals;
- Expectations for NAEYC Code of Ethical Conduct;
- Health, safety and emergency procedures;
- Individual needs of children they will be teaching or caring for;
- Understanding of the diversity of families in the program;
- Acceptable and unacceptable guidance, discipline and classroom management techniques;
- Daily activities and routines of the program;
- Program curriculum;
- Child abuse and neglect reporting procedures;
- Program policies and procedures;
- National Association for the Education of Young Children Standards;
- Regulatory requirements.

### Positive Guidance Techniques

- Active listening
- Change something about a context or setting
- Deliver I-messages
- Give “on-the-spot” guidance in practice sessions
- Give choice/offer solutions
- Give signals or cues for appropriate behavior
- Give specific feedback to help children accept limits

- Help children save face and preserve dignity
- Ignore behavior (only when it is appropriate to do so)
- Redirect children's behavior—make substitutions to help older children
- Set the tone
- Teach calming techniques and prevent overstimulation
- Teach conflict resolution (problem solving)
- Teach helpful or appropriate behavior
- Use intentional modeling
- Use limits effectively and consistently
- Validate and identify feelings

### **Prohibited Techniques**

- Any form of corporal or physical punishment.
- Any form of humiliation, shaming, yelling, ridicule, or frightening tactics towards a child or child's family.
- Blaming, teasing, insulting, name calling, or threatening the child with punishment.
- Withholding food, affection, positive attention, or physical activity (e.g. outdoor time or recess).
- Removing children from the classroom to an isolated location.

When a pattern of behavior persists that endangers self, others or property, or significantly disrupts the program, we will work with a child's family to find solutions, up to and including referral for outside services or exclusion from the program.

### **Staff Records**

Confidential personnel files, including applications with record of experience, transcripts of education, health-assessment records, documentation of ongoing professional development, and results of performance evaluation, CPR and First-Aid training records, Utah Health Department Background Screening Approval, and finger printing results are kept in a locked filing cabinet in the director's office.

### **Staff Code of Ethics**

Staff must follow the NAEYC Code of Ethical Conduct to guide your involvement with children, families, colleagues, and community (2005:

<http://www.naeyc.org/files/naeyc/file/positions/PSETH05.pdf>). It is essential to protect the confidentiality of all information concerning children, families, colleagues, and community. Maintaining a professional attitude includes being responsive to the needs of children and their families. All adults and children deserve respect. We continually strive to model such qualities as patience, tolerance, cooperation, acceptance, understanding of others, and enthusiasm for children as well as for other adults. All early childhood staff and students are required to read and sign the National Association for the Education of Young Children's (NAEYC) Code of



Ethics and to uphold its' principles, especially when making decisions. Signed documents are kept in the program staff files.

### **Confidentiality Policy**

Information contained in a child's record and staff files shall be privileged and confidential. Unauthorized removal of records or unauthorized divulgence of parents, staff, or program's confidential information is a strict policy of the program.

Violation of these rules is considered serious and will result in discharge without prior warning. All staff and student observers must comply with these professional ethics at all times and never discuss children, families, or staff elsewhere. Observations made in the classroom and all information discussed at staff meetings, staff trainings, and classes are to be kept in strict confidence.

Student observers should use a "pseudonym" or initials for children in their observation forms, journal entries, etc. and the word "teacher" to describe any staff. WSU Charter Academy does not release information in a child's record to anyone without parental written consent. The child's parent or legal guardian shall, upon request, have access to his or her child's record.

Media images taken at our school and/or events should not be posted on any social media networks such as Facebook, Instagram etc. In order to protect the privacy of WSU Charter Academy children, families, and staff. Parents and staff cannot not share, distribute, or post images of others via telephone, e-mail, online social networking or other websites without prior consent of the Director.

Violation of the program's confidentiality policy could lead to a failing grade in a course or staff dismissal.

### **Staff Evaluation**

Staff will be evaluated yearly with the WSU PREP evaluation process in the spring of each year. This process includes self-evaluation, director, and Child and Family Studies (CHF) department chair feedback. Additionally, observation evaluations are conducted by the MSL Children's School director providing feedback on progress towards goals. If the staff fails to meet expectations, they will receive written documentation notifying them of specific issues and put on probation. The length of the probationary period will be determined by the director and CHF department chair. If improvements fail to be satisfactorily met with in the probationary period, staff can be terminated.

### **New Staff Probationary Period**

All new hired staff serve on a probationary period for six months, during which the disposition, competence, and skill for working with children is evaluated by the program director. After probationary period a director recommendation will be given regarding continued employment.

**In-service training**

Two (2) days each year, typically on the first Monday of WSU's spring and fall semesters, the program will be closed for in-service training. The in-service days will consist of training and individual time for planning, goal setting, etc. Every employee must attend. If missed due to illness, the staff member must make this time up on a Saturday or an evening and will be at their expense. The in-service must be made up within one week of it being offered.

All teaching staff are required to complete 10 hours of professional development beyond the training provided by the WSU Charter Academy. At least 2 hours of these professional development hours must be gained through facilitating a training/workshop (e.g. conference presentation, training for local child care program). Due to the planning and preparation required for facilitating a training, staff will receive double the training time (1 hour training = 2 hour credit).

**Community Involvement**

WSU Charter Academy encourages all staff to participate in collaborative training activities and events with neighboring early childhood programs and community agencies. We also encourage staff to work closely with families, each other, and other programs on community improvement and advocacy projects. While working with others in the community staff should seek out perspectives of others, build relationships, involve others in the program as appropriate, and cooperate to improve program effectiveness as well as the care and education of all children.

**Annual Professional Development Training Topics**

Diverse cultures, languages, ethics, curriculum, communication, collaboration, adult supervision, leading, mentoring, development, knowledge and skills relative to specific age or needs of the children, assessment, and children who have special needs.

The director will provide the new employee with a review of the employee's roles and responsibilities. The director and Human Resources staff will explain payroll procedures, employee benefit programs, and accompanying forms to the employee.

# **STUDENTS AND PARENTS**

# Alternative Language Services for Utah Students

(NAEYC 2D.5)

Approved April 2, 2013  
Reapproved May 2, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Administrative Code R277-716-4(E).

**Policy:** WSU Charter Academy will identify and consistently serve children whose first (home) language is not English (also called an English Language Learner [ELL]). Although most instruction will be conducted in English, accommodations will be made for students whose home language is something other than English. At least 50% of the teachers at WSU Charter Academy will have an English as a Second Language (ESL) endorsement on their license(s) or obtain such an endorsement within three (3) years of employment.

Whenever possible, parents who are not proficient in English will have written and verbal communications from the Academy provided in their preferred language.

**Procedures:** Procedures and training will be provided to teachers and other personnel at the school so that ELL students are not misidentified as students with disabilities. However, it is recognized that students who are ELLs may have learning or other disabilities which will need to be addressed as part of the Student's Educational Plan (SEP). As each case arises, appropriate assessments and other evaluation tools will be used by the Academy's ESL and special education team to determine the most appropriate educational plan for the individual student which may include an Individualized Education Plan (IEP) as set forth in law by IDEA.

(See Utah Administrative Code: R227-716; NCLB Title III; IDEA, 2004)

## Attendance and Absence Prevention Policy

Approved October 29, 2013  
Reapproved October 3, 2017  
Reapproved October 14, 2019

**Purpose:** The purpose of this policy is to promote consistent attendance. WSU Charter Academy has only a Kindergarten classroom. Utah Code 53G-4-402 states that kindergarten attendance is not mandatory in Utah. truancy prevention laws required by Utah Administrative Code R277-419 and R277-607, and 53G-6-201 through 53G-6-208 states that only school-age minors who are at least 12 years old may be give notices of truancy.

**Policy:** Consistent prompt attendance is necessary for children to fully benefit from

learning experiences. Consistent attendance improves learning, instills a sense of respect for education, and teaches children responsibility. School attendance is reported to the state and influences the state funding received by the school. Frequent absences result in a loss of continuity of instruction and prove disruptive for children, teachers, and staff. This Policy also provides continuing enrollment measures in accord with Utah Administrative Code R277-419-5.

#### Promoting Consistent Attendance

The WSU Charter Academy will employ multiple strategies to promote consistent attendance including:

- educating parents and school staff on the effects of consistent attendance and chronic absenteeism
- consistently monitor attendance
- identify chronic absenteeism and influencing factors early
- provide appropriate support services and intervention to address chronic absenteeism
- monitor effectiveness of support services and intervention strategies to address chronic absenteeism

Parents are expected to take a proactive role in ensuring children attend school and arrive on time. It is recommended that families plan their vacation schedule around the existing school calendar. When possible, medical and dental appointments should take place outside of school hours.

#### Excused Absences

An “Excused Absence” results from the following:

- Personal illness;
- Death of a family member or close friend;
- Documented medical/dental appointment;
- Family emergency; or
- Pre-notified extended absence for family activity or travel.

Parents should notify the school verbally or in writing of any absence in advance or as soon as possible. Parents and children are responsible for obtaining homework or assignments for the time period which the child is absent. Other absences from school are considered unexcused.

#### Unexcused Absences

For unexcused absence, the WSU Charter Academy will attempt to make parent contact via the procedures outlined in the Administrative Rules (see below). Additionally, one or more of the following interventions may be used to assist in resolving the attendance problem:

- Referral to School Administration, or appropriate designee
- Meetings with parents
- Attendance monitoring

Utah Administrative Code R277-419-5 requires that any student who misses ten (10) consecutive days of school because of Unexcused Absences is not an “eligible student” for membership and

continuing enrollment measures and reporting. Parents of students who fall into this category will receive a certified letter from the school letting them know that their student has been withdrawn from WSU Charter Academy. Such students will not be counted or reported for membership and continuing enrollment measures (i.e. such students will not be included or reported in daily or weekly counts). Upon return of such students, if any, membership may be claimed and reported again but shall be adjusted in compliance with R277-419-5.

**Pre-notification Extended Excused Absences:** A parent/guardian must pre-notify the Principal prior to a student's extended absence of ten (10) or more days. This might include family vacation/activities, medical or, family emergencies, etc. Notification needs to be sent to the Principal via e-mail at cbearden@weber.edu or letter, sent to Camie Bearden, Principal, WSU Charter Academy, 1351 Edvalson St. Dept. 1305, Ogden, UT, 84408, five days prior to the first day of the extended absence.

#### Truancy

For each student truancy, defined as the action of staying away from school without an excused absence, WSU Charter Academy will attempt to make parent contact via the procedures outlined in the Administrative Rules (see below).

#### Due Process

This policy allows for due process and actions taken under this policy may be appealed, first to the Principal, then to the Board of Directors.

#### **Procedures:**

##### Administrative Rules

The following Administrative Rules shall apply:

##### Attendance:

4. Children must be present for at least 50% of the school day in order to be considered in attendance.
5. Children who are absent due to illness for five or more consecutive days must have a doctor's note to excuse the absences.
6. Children may receive prior approval for an extended absence if it is determined by the Principal that the extended absence will not adversely impact the child's education. Prior approval must be obtained at least five school days prior to the child's absence.

##### Unexcused Absences:

3. Each time a child is absent from school without a parent/guardian excuse, the school will call the parent.
4. After the 3<sup>rd</sup> unexcused absence a letter will be sent.
5. If a parent/guardian fails to respond to the school or give a valid excuse within one week of the final (third) contact, the parents/guardians will be asked to meet with a WSU Charter Academy representative to identify and address factors contributing to chronic absenteeism.
6. After 10 days a certified letter from the school letting them know that their student has been withdrawn from WSU Charter Academy will be sent.

# Challenging Behaviors

(NAEYC Standard 3B.2)

**Purpose:** The purpose of this policy is to comply with NAEYC Accreditation Standard 3B.2 for addressing ongoing challenging behaviors.

## **Policy & Procedures:**

We recognize that most young children experience some behaviors that may be considered challenging for teachers and parents/guardians. We define challenging behavior as any behavior that:

- Interferes with children's learning, development, and success at play.
- Is harmful to the child, other children, or adults.
- Puts a child at high risk for later social problems or school failure.

Challenging behavior can be direct (example: hitting, pushing, biting, kicking) or indirect (example: teasing, destroying objects).

When you observe challenging behaviors, you need to inform and work in partnership with parents/guardians to address the behavior through the following processes:

- Assess the function of the behavior and share information.
- Ask parents for their observations and experience regarding the child's behavior.
- Develop an individualized plan to address the behavior with parent/guardian. Plan will include goals and positive behavior strategies.
- Provide parents with information regarding all observation and assessment information, and strategies being used to support the child in the classroom.
- Provide ongoing communication to inform parents/guardians about progress through personal conversations and other communication methods preferred by parents/guardians (example: text, email, and phone calls).
- Invite parents to observe in the classroom or observation booths.
- Provide parents with a range of resources and, when appropriate, specialist referrals that may be useful in supporting the child including:
  - Observation of the child by the director and/or recommended specialist.
  - Parenting support information.
  - Referrals for evaluation by a specialist.
  - Referrals to appropriate support agencies (e.g. mental health, early intervention, speech and language therapy).
- Provide regular conferences with parents, teachers, and director, and specialists to discuss goals, implementation of goals, and measuring progress with follow-up meetings as needed.

Children whose behavior endangers others may be supervised away from other children. This is not the same as the practice of using a "time out" (e.g. the traditional chair in the corner) for a child. An adult will help the child move away from a group situation. The child will then process

the problem verbally with the teacher. An adult will stay close to any child who is emotionally out of control and needs private time to regain composure.

#### Prohibited Techniques (NAEYC Standards 1B.8, 1B.10)

- Any form of corporal or physical punishment.
- Any form of humiliation, shaming, yelling, ridicule, or frightening tactics towards a child or child's family.
- Blaming, teasing, insulting, name calling, or threatening the child with punishment.
- Withholding food, affection, positive attention, or physical activity (e.g. outdoor time or recess).
- Removing children from the classroom to an isolated location.

When a pattern of behavior persists that endangers self, others or property, or significantly disrupts the program, we will work with a child's family to find solutions, up to and including referral for outside services or exclusion from the program.

#### **Definitions:**

“Challenging behavior” means any behavior that (1) interferes with children's learning, development and success at play, (2) is harmful to the child, other children, or adults, [or] (3) puts a child at high risk for later social problems or school failure.” (Kaiser & Rasminsky, Challenging Behavior in Young Children (2nd Ed.), Pearson Education Inc., 2007, p. 8). Examples include: Physical aggression (hitting, biting, shoving, whacking with toys), relational aggression [“You can't play with us”], verbal bullying, tantrums, whining, testing limits, refusal to follow directions or observe classroom rules.

“Positive behavior support strategies” are evidence-based, proactive approaches to changing challenging student behavior. Examples include: Removing materials or modifying the classroom environment that triggers challenging behaviors, or create a predictable daily schedule so children know what to do and when to do it.

## **Bullying, Cyber-Bullying, Harassment, and Hazing**

Approved April 2, 2013  
Reapproved March 7, 2017

**Purpose:** The purpose of this policy is to comply with the WSU Policy Manual on discrimination and harassment, the requirements of Utah Administrative Code R277-613, R277-609 and Utah Code 53G-8-202-203, 53G-8-205, 53G-8-209, 53G-8-210, 53G-9-605, and the U.S. Department of Education Office for Civil Rights.



**Policy & Procedures:**

Bullying, cyberbullying, harassment, and hazing of students and employees are against federal, state and local policy, and are not tolerated by WSU Charter Academy. WSU Charter Academy is committed to providing all students with a safe and civil school environment in which all members of the school community are treated with dignity and respect. To that end, WSU Charter Academy has in place policies, procedures, and practices that are designed to reduce and eliminate bullying, cyberbullying, harassment and hazing—including but not limited to civil rights violations—as well as processes and procedures to deal with such incidents.

Bullying, cyberbullying, harassment, and hazing of students and/or employees by students and/or employees will not be tolerated in WSU Charter Academy. School officials have the authority to discipline students for on or off-campus speech that causes or threatens a substantial disruption on campus or school activities, including violent altercations, or a significant interference with a student's educational performance and involvement in school activities. If after an investigation, a student is found to be in violation of this policy, the student shall be disciplined by appropriate measures up to, and including, suspension and expulsion, pursuant to Utah Code Ann. 53G-8-205 and in accordance with the U.S. Department of Education Office for Civil Rights, loss of participation in extracurricular activities, and/or probation. If after an investigation, a school employee is found to have violated this policy, the employee shall be disciplined by appropriate measures up to, and including, termination.

**Definitions**

- A. "Abusive conduct" means verbal, nonverbal, or physical conduct of an employee to another employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine:
1. is intended to cause intimidation, humiliation, or unwarranted distress;
  2. results in substantial physical or psychological harm as a result of intimidation, humiliation, or unwarranted distress; or
  3. exploits an employee's known physical or psychological disability.

A single act does not constitute abusive conduct, unless it is an especially severe and egregious act that meets the standard under Subsection (A)(1), (2), or (3).

- B. "Bullying" is commonly understood as aggressive behavior that
- a. is intended to cause distress and harm;
  - b. exists in a relationship in which there is an imbalance of power and strength; and
  - c. is repeated over time.

"Bullying" includes 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 employees or student's property;
3. placing the school employee or student in reasonable fear of:
  - a. harm to the school employees or student's physical or emotional well-being; or

- b. damage to the school employees 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 victim; or
- 5. substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

“Bullying” includes relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation. The conduct described above constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

- C. “Civil rights violation” means bullying (including cyberbullying), harassing, or hazing that is targeted at a federally protected class under the following federal laws:
  - 1. Title VI of the Civil Rights Act of 1964, including discrimination on the basis of race, color, or national origin;
  - 2. Title IX of the Education Amendments of 1972, including discrimination on the basis of sex; or
  - 3. Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, including discrimination on the basis of disability
  - 4. Other areas included under these acts include religion, gender identity, and sexual orientation.
- D. "Cyberbullying" means:
  - 1. using the Internet, a cell phone, or another device to
  - 2. 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,
  - 3. regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.
- E. “Disruptive student behavior” means the same as that term is defined in Utah Code Subsection 53G-8-210(1)(a).
  - 1. disruptive student behavior includes: a. the grounds for suspension or expulsion described in Utah Code Section 53G-8-205; and
  - 2. the following conduct described in Utah Code Subsection 53G-8-209 (2)(b):
    - use of foul, abusive, or profane language while engaged in school related activities;
    - illicit use, possession, or distribution of controlled substances or drug paraphernalia, and the use, possession, or distribution of an electronic cigarette as defined in Utah Code Section 76-10-101, tobacco, or

- alcoholic beverages contrary to law; and
  - hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law.
- F. “Harassment” means repeatedly communicating to another individual, in an objectively demeaning or disparaging manner, statements that contribute to a hostile learning or work environment for the individual. This includes rumor spreading and social aggression intended to demean and disparage another individual and that contributes to a hostile environment for that individual.
- G. “Hazing” means intentionally or knowingly committing an act that:
  - 1. endangers the physical health or safety of a school employee or student;
    - a. involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
    - b. involves consumption of any food, liquor, drug, or other substance;
    - c. involves other physical activity that endangers the physical health and safety of a school employee or student; or
    - d. involves physically obstructing a school employee's or student's freedom to move; and
  - 2. is done for the purpose of initiation or admission into, affiliation with, holding office in, or as a condition for, membership or acceptance, or continued membership or acceptance, in any school or school sponsored team, organization, program, or event; or
  - 3. if the person committing the act against a school employee or student knew that the school employee or student is a member of, or candidate for, membership with a school, or school sponsored team, organization, program, or event to which the person committing the act belongs to or participates in.
  - 4. The conduct described in Subsection “F” constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.
- H. “Parent” means a student’s guardian.
- I. “Restorative justice practice” means a discipline practice designed to enhance school safety, reduce school suspensions, and limit referrals to court, and is designed to help minors take responsibility for and repair the harm of behavior that occurs in school.
- J. “Retaliation” means an act of communication intended:
  - 1. as retribution against a person for reporting bullying, cyberbullying, harassment, or hazing; or
  - 2. to improperly influence the investigation of, or the response to, a report of bullying or hazing.

- K. "School" means any public elementary or secondary school or charter school
- L. "School board" means:
1. a local school board; or
  2. a local charter board.
- M. "School employee" means:
1. school teachers;
  2. school staff;
  3. school administrators; and
  4. all others employed, directly or indirectly, by the school, school board, or school district.
- N. "Trauma-Informed Care" means a strengths-based service delivery approach grounded in an understanding of and responsiveness to the impact of trauma, emphasizing physical, psychological, and emotional safety for both offenders and victims, and creating opportunities for victims to rebuild a sense of control and empowerment.
- O. "Volunteer" means a person working under direct supervision of a licensed educator.

#### **Actions Required to Create or Update Bullying Policies**

- A. In addition to the requirements of Utah Code Subsection 53G-9-605(3), WSUCA is required to:
1. develop, update, and implement policies as required by Utah Code Section 53G-9-605 and this rule;
  2. develop policy with the input from parents, teachers, school administrators, school staff, or law enforcement agencies;
  3. post a copy of its policy on the WSUCA's website;
  4. develop an action plan to address a reported incident of bullying, cyber-bullying, hazing, or retaliation, [or abusive conduct];
  5. provide a requirement for a signed statement that meets the requirements of Utah Code Subsection 53G-9-605(3)(h) annually (but signed statements are not required from students who are not at least 8 years old, almost all of the WSUCA students); and
  6. assess students about the prevalence of bullying, cyber-bullying, hazing, and retaliation in WSUCA School:
    - a. specifically, locations where students may be unsafe and additional adult supervision may be required, such as playgrounds, hallways, bathrooms, locker rooms and lunch areas, will be provided on a bi-annual basis.

#### **Prohibitions**

- A. No school employee or student may engage in bullying or harassing a school employee or student:
1. on school property;

2. at a school related or sponsored event;
  3. on a school bus;
  4. at a school bus stop;
  5. while the school employee or student is traveling to or from a location or event described above in Subsection A(1) – (4); or
  6. at an off-campus location if it is determined there is a nexus with the WSU Charter Academy and/or the bullying or harassment potentially harms the institutional or educational interests of the school or the well-being of its students and employees.
- B. No school employee or student may engage in hazing or cyberbullying a school employee or student at any time or in any location.
- C. No school employee or student may engage in retaliation against:
1. a school employee;
  2. a student; or
  3. an investigator for, or witness of, an alleged incident of bullying, harassing, cyberbullying, hazing, or retaliation
- D. No school employee or student may make a false allegation of bullying, harassing, cyberbullying, hazing, or retaliation against a school employee or student. False reports shall be treated as a violation of the student code of conduct and dealt with as prescribed therein.
- E. Any bullying, harassing, or hazing that is found to be targeted at a federally protected class is further prohibited under federal anti-discrimination laws and is subject to compliance regulations from the Office for Civil Rights.co

### **Reporting Procedures and Actions Required if Prohibited Acts are Reported**

- A. Complaints should be made to the WSU Charter Academy Principal. If the reporting party prefers, a complaint may be made to the Kindergarten Teacher, the Chair of the Weber State University Child and Family Studies Department or the Charter School Board Chair. Reports may be made anonymously in writing and sent to any of the above but the complaining party should be aware that the ability to address an anonymous complaint may be limited and WSU Charter Academy will not take formal disciplinary action based solely on an anonymous reports. Each reported complaint should include:
1. name of complaining party and a means to communicate with her or him;
  2. name of offender (if known);
  3. date and location of incident(s);
  4. a statement describing the incident(s), including names of witnesses (if known);
  5. any additional information available.
- B. Each reported violation of the prohibitions noted previously will be promptly investigated by a school administrator or an individual designated by a school administrator.
- C. Consequences or penalties for violations may include but are not limited to:

1. use a discipline plan consistent with State Board of Education Administrative Rule R277-609;
2. use restorative justice practices consistent with State Board of Education Administrative Rule R277-613;
3. notify the involved students' parents of the restorative justice practice and obtain consent from the involved student(s)'s parent(s) before including victim in the process;
4. support involved students through trauma-informed practices;
5. use student suspension or removal from a school-sponsored team or activity including school sponsored transportation;
6. use student suspension or expulsion from school or lesser disciplinary action;
7. use employee suspension or termination for cause or lesser disciplinary action consistent with Utah Code Section 53G-11-512 and/or the policies of Weber State University;
8. use employee reassignment;
9. take other actions against student or employee as appropriate;
10. and use a grievance process required under Subsection 53E-9-605(3)(f) consistent with the WSUCA established grievance process.

D. The school will notify a parent if the parent's student threatens to commit suicide, or if the student is involved in an incident of bullying, cyberbullying, harassment, hazing, or retaliation.

1. A parent will be notified verbally if possible by the Principal or her designee in a timely manner. If not possible or after a verbal notification is made, a parent will be notified in writing including the circumstances surrounding the incident, the name and contact information for a WSU Charter Academy employee with whom the parent may follow up, and the action taken against the perpetrator to the extent allowed by law.
2. WSU Charter Academy will produce and maintain a record that verifies that the parent was notified of the incident or threat.
3. WSU Charter Academy will securely maintain records and will not disclose the record described in D1 to anyone unauthorized to receive it and will not use the record for purposes not allowed under the law. WSU Charter Academy shall (a) provide a student a copy of a record maintained in accordance with this section that relates to the student if the student requests a copy of the record; and (b) expunge a record maintained in accordance with this section that relates to a student if the student has graduated from high school and requests the record be expunged.

E. Compliance with the Office for Civil Rights when Civil Rights Violations Occur:

1. Once WSU Charter Academy knows of possible student-on-student bullying, cyber-bullying, harassment or hazing, the school must take immediate and appropriate action to investigate or otherwise determine what occurred.

2. If it is determined that the bullying, cyber-bullying, harassment or hazing occurred WSU Charter Academy shall take prompt and effective steps reasonably calculated to:
  - a. end the bullying, cyber-bullying, harassment, or hazing
  - b. eliminate any hostile environment, and
  - c. prevent its recurrence.
3. These duties are WSU Charter Academy's responsibilities even if the misconduct also is 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, cyberbullying, harassment or hazing as a form of discrimination.

F. Actions must also include, as appropriate:

1. procedures for protecting the victim and other involved individuals from being subjected to:
  - a. further bullying, cyberbullying, harassment, or hazing, and
  - b. retaliation for reporting the bullying, cyberbullying, harassment, or hazing. Anti-retaliation measures shall include assistance to harassed students and their parents in reporting subsequent problems and new incidents.
2. prompt reporting to law enforcement of all acts of bullying, cyberbullying, harassment, hazing, or retaliation that constitute suspected criminal activity and where required.
3. procedures for a fair and timely opportunity for the accused to explain the accusations and defend his actions prior to student or employee discipline.
4. procedures for providing due process rights under Utah Code Section 53G-11-501 (licensed staff) and local employee discipline policies prior to employee discipline or Utah Code Section 53G-8-202 and local policies (students) prior to long term (more than 10 day) student discipline.

### **Investigations**

WSU Charter Academy will promptly and reasonably investigate allegations of bullying, cyberbullying, harassment and/or hazing. The WSU Charter Academy Investigators will be identified by the Principal and will be responsible for handling all complaints by students and employees alleging bullying, cyberbullying, harassment, or hazing as outlined in the procedures above.

It is WSU Charter Academy's policy, in compliance with state and federal law, that students have a limited expectation of privacy on the school's Internet system, and routine monitoring or maintenance may lead to discovery that a user has violated district policy or law. Also, individual targeted searches will be conducted if there is reasonable suspicion that a user has violated policy or law.

- A. WSUCA shall adopt an action plan in accordance with State Board of Education Administrative Rule Subsection R277-613-4(1)(c), including a plan to:
  - 1. investigate allegations of incidents of bullying, cyber-bullying, hazing, and retaliation in accordance with this section; and
  - 2. provide an individual who investigates allegations of incidents of bullying, cyberbullying, hazing, and retaliation with adequate training on conducting an investigation.
- B. WSUCA is required to investigate allegations of incidents described in Subsection (A)(1) by interviewing at least the alleged victim and the individual who is alleged to have engaged in prohibited conduct.
  - 1. WSUCA may also interview the following as part of an investigation:
    - a. parents of the alleged victim and the individual who is alleged to have engaged in prohibited conduct;
    - b. any witnesses;
    - c. school staff; and
    - d. other individuals who may provide additional information.
  - 2. An individual who investigates an allegation of an incident shall inform an individual being interviewed that:
    - a. to the extent allowed by law, the individual is required to keep all details of the interview confidential; and
    - b. further reports of bullying may become part of the investigation.
- C. The confidentiality requirement in Subsection (B)(2) does not apply to:
  - 1. conversations with law enforcement professionals;
  - 2. requests for information pursuant to a warrant or subpoena;
  - 3. a state or federal reporting requirement; or
  - 4. other reporting required by this rule.
- D. In conducting an investigation under this section, WSUCA may:
  - 1. review disciplinary reports of involved students; and
  - 2. review physical evidence, consistent with search and seizure law in schools, which may include:
    - a. video or audio;
    - b. notes;
    - c. email;
    - d. text messages;
    - e. social media; or
    - f. graffiti.

#### **Annual Reporting of Allegations of Bullying, Cyber-bullying, Hazing, and Retaliation**

- A. WSUCA is required by Utah Code Subsection 53E-3-401 (3) and State Board of Education Administrative Rule R277-613 to report the following annually, on or before June 30, to the Superintendent in accordance with the Superintendent's submission requirements:



1. a copy of WSUCA's policy required in Section R277-613-4;
2. implementation of the signed statement requirement described in Utah Code Subsection 53G-9-605(3)(g);
3. verification of WSUCA's training of school employees relating to bullying, cyberbullying, hazing, and retaliation [, and abusive conduct] described in Utah Code Section 53G-9-607;
4. incidents of bullying, cyber-bullying, hazing, and retaliation;
5. the number of incidents described in Subsection (4) required to be reported separately under federal law, including the reporting requirements in:
  - a. Title VI of the Civil Rights Act of 1964;
  - b. Title IX of the Education Amendments of 1972; or
  - c. Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990; and
  - d. the number of incidents described in Subsection (4) that include a student who was bullied, cyber-bullied, hazed, or retaliated against due to or based on the student's actual or perceived characteristics, including disability, race, national origin, religion, or sex, gender identity, or sexual orientation.

#### **Grievance Process for Incident of Abusive Conduct**

- A. For purposes of this policy, "abusive conduct" means verbal, nonverbal, or physical conduct of a parent or student directed toward a school employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted distress.
  1. a school employee who has experienced an incident of abusive conduct and is not satisfied with initial efforts to resolve the issue, may submit a written grievance with the school employee's principal within thirty (30) calendar days of the incident.
  2. the written grievance described in Subsection (1) shall include:
    - a. the date of the incident;
    - b. circumstances of the incident; and c. the signature of the school employee submitting the grievance to the principal.
  3. within ten (10) business days of receiving the written grievance, the principal shall meet with the school employee to discuss the grievance and possible resolutions.
  4. within ten (10) business days after the meeting described in Subsection (3), the principal shall respond to the school employee in writing explaining the principal's position and offer options for substantive resolution of the complaint.
  5. if the response by the principal described in Subsection (4) does not satisfactorily resolve the issue, the school employee may appeal the principal's response in writing within ten (10) business days after receipt of the response to the Chair of the Department of Child and Family Studies.
  6. within ten (10) business days after receipt of the grievance appeal described in Subsection (5), the charter school designee shall meet with the school

- employee to discuss the grievance and possible resolutions.
7. within fifteen (15) calendar days after the meeting, the LEA's district or charter school designee shall respond in writing with a final resolution of the grievance.
  8. the charter school designee written response shall be the final administrative action in the matter.

## **Training**

- A. All students, staff, and volunteers at WSU Charter Academy will receive annual training from a qualified professional regarding bullying, cyberbullying, harassment, hazing. This training will address:
  1. overt aggression that may include physical fighting such as punching, shoving, kicking, and verbal threatening behavior, such as name calling, or both physical and verbal aggression or threatening behavior
  2. relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;
  3. bullying, cyberbullying, harassment or hazing of a sexual nature or with sexual overtones;
  4. cyberbullying, including use of email, web pages, text messaging, instant messaging, three-way calling or messaging or any other electronic means for aggression inside or outside of school;
  5. bullying, cyber-bullying, hazing and retaliation based upon the students' or employees' identification as part of any group protected from discrimination under the following federal laws: a. Title VI of the Civil Rights Act of 1964, including discrimination on the basis of race, color, or national origin; b. Title IX of the Education Amendments of 1972, including discrimination on the basis of sex; or c. Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, including discrimination on the basis of disability; and
  6. training on civil rights violations will include compliance when civil rights violations are reported;
  7. bullying, cyber-bullying, hazing and retaliation including training and education specific to bullying based upon students; or employees' actual or perceived, characteristics, including race, color, national origin, sex, disability, religion, religious clothing, gender identity, sexual orientation, or other physical or mental attributes or and conformance or failure to conform to stereotypes; and
  8. awareness and intervention skills such as social skills training.

- B. A licensed educator shall supervise volunteers and is responsible for ensuring the volunteer is trained in the above areas. Volunteers shall report to their supervisor if the volunteer witnesses or is notified of a bullying, cyber-bullying, hazing, or retaliation incident among students or if the volunteer has reason to suspect such an incident. Volunteers shall not engage in bullying activities themselves and must follow policy requirements or may be asked to leave WSUCA School if in violation of this policy.
- C. WSUCA School will implement a youth suicide prevention program as described in Utah Code Section 53E-9-702 and is developmentally appropriate for kindergarten aged children.
- D. All licensed educators must complete 2 hours of professional development in youth suicide prevention training once every license renewal cycle.
- E. In addition to training for all school employees, students, employees, and volunteer coaches involved in any extra-curricular activity shall:
  - 1. participate in bullying and hazing prevention training prior to participation in the extracurricular activity;
  - 2. repeat bullying, cyberbullying, harassment, and hazing prevention training at least every three years;
  - 3. be informed annually of the prohibited activities list provided previously in this Policy and the potential consequences for violation of this Policy.

#### **Additional Notes**

- A. This policy does not prohibit expressive activity protected by the First Amendment of the United States Constitution. However, if off-campus speech that may constitute a bullying, cyber-bullying, or hazing incident creates a substantial disruption to the school environment, under *Tinker v. Des Moines*, 393 U.S. 503 (1969), WSUCA School may take disciplinary action against the student who initiated the speech. Factors that WSUCA School may consider in determining whether a substantial disruption has occurred are:
  - 1. whether there is a verbal or physical confrontation over the incident at school;
  - 2. whether there is likely to be a verbal or physical confrontation based on evidence of a prior relationship between the victim and the student who initiated the speech;
  - 3. whether any part of the speech that gave rise to the incident was repeated at school;
  - 4. whether students are discussing the incident during class or if it otherwise is disrupting school work;
  - 5. whether there is a widespread whispering campaign or rumor sparked by the off campus incident that disrupts the school environment and students' abilities to focus on school;
  - 6. whether administrators who dealt with the incident were pulled from their ordinary tasks to address the incident and how much time it took out of an administrator's day to do so;

7. whether speech similar to the off-campus speech in this incident has occurred in the past and has resulted in violence or near violence at school;
- B. Utah Code 53G-9-605 (3) and 53G-9-605 requires that this policy be developed with input from (1) students, (2) parents, (3) teachers, (4) school administrators, (5) school staff, or (6) law enforcement agencies. This is being accomplished by involving teachers, administrators and staff directly in the development of the Policy and students and parents by opening this matter for discussion at the WSU Charter Academy Board meetings.
- C. All information received in a complaint, names of complainants shall be treated with the utmost confidence to the extent possible.
- D. The student assessment of the prevalence of bullying in WSU Charter Academy, specifically locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, and lunch areas, will be provided on a bi-annual basis.
- E. This Policy does not create or alter tort liability. This Policy does not waive any defense or immunity provided by federal or state law including the Utah Governmental Immunity Act, 63G-7-101 et. seq. and this Policy does not create any contractual rights.
- F. Nothing in this Policy prohibits a victim of bullying, cyber-bullying, harassment, hazing, or retaliation from seeking legal redress under any other provisions of civil or criminal law.

WSU Charter Academy will also follow the Weber State University Harassment Policy to include bullying, cyber-bullying hazing, and harassment.

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##### M. Harassment

Unwelcome conduct that is demeaning or derisive of or occurs substantially because of the race, color, ethnic background, national origin, religion, creed, age, lack of American citizenship, disability, status of veteran of the Vietnam era, sexual orientation or preference or gender of a student or employee or groups of these individuals and which creates a hostile learning or work environment. Harassment shall include one or more of the three levels described below. Behavior described in Levels One and Two shall constitute harassment only when a pattern of such conduct continues after the harasser knew, or should have known, that the conduct was unwelcome, unless such conduct is "clearly offensive," in which case only one such incident is necessary.

##### 1. Level One: Generalized Harassment

- a. Includes intentional behavior directed at an entire group which is based on demeaning or derisive stereotypes, is so pervasive that it creates a hostile learning or work environment and that is not a part of a discussion or exchange of an idea, ideology or philosophy.

b. Examples include comments or jokes, physical gestures or visual displays such as posters, etc.

2. Level Two: Individually Targeted Harassment

a. Includes intentional, non-criminal behavior which is targeted at an individual or particular members of a group adversely affecting the work or learning environment, which can be verbal, visual or physical.

b. Examples include negative or offensive comments, jokes, suggestions or gestures directed to an individual's or group's race, ethnicity or national origin.

3. Level Three: Criminal Harassment

a. Harassing behavior which violates state or federal criminal statutes.

b. Examples include criminal harassment, criminal assault, sexual assault, rape, criminal mischief, arson and trespass.

N. Participant

A person, other than a student or employee, who is participating in or attempting to participate in, or is receiving or attempting to receive the benefits of any program or activity conducted under the auspices of the University, including, but not limited to, applicants for employment, clients, spectators, visitors and volunteers.

O. Respondent

A person named in a discrimination complaint as having engaged in or being responsible for a discriminatory act or omission.

P. Retaliation

Any form of sanction 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 University 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.

Q. Sexual Harassment

Any unwelcome treatment that is sexual in nature or occurs substantially because of the gender of the victim which creates a hostile work or learning environment. There are two types of sexual harassment:

1. hostile environment sexual harassment, which consists of three levels (see definition of "Harassment" above) and

2. *Quid Pro Quo* sexual harassment (see definition below).

*Quid Pro Quo* Sexual Harassment is when a faculty member or supervisor's behavior creates the reasonable perception in the mind of a student or subordinate that the granting or withholding of tangible academic or job benefits shall be based on the granting of sexual favors.

R. Student

A person applying for admission to, admitted to and duly registered as a participant in, or formerly admitted to any program of instruction or training offered by the University at any level, whether or not for credit.

S. Subordinate

Placed below another in rank, authority, power, status, etc.

T. UADD

Utah Anti-discrimination Division of the Industrial Commission.

#### **IV. MANAGEMENT PROVISIONS**

A. Applicability

1. Protection of academic freedom is valued in higher education. Deference to this ideal requires delicate balancing when applying this policy in an instructional setting. Instructors' good faith selection of subject matter and methodology, and the content of class discussions will be exempt, therefore, from the provisions of this policy. This exemption shall not apply to harmful or offensive personal attacks substantially based on a person's race, color, ethnic background, national origin, religion, creed, age, lack of American citizenship, disability, status of veteran of the Vietnam era, sexual orientation or preference or gender.
2. Any student or employee of Weber State University who is or has been subjected to discrimination, or harassment in violation of this policy may use the complaint procedures described herein.
3. Any supervisor or faculty who knows or has reason to know of violations of this policy within her/his area of responsibility must take corrective action. Such action may be to attempt an informal resolution or to refer the matter to the AA/EO Office. (See V, A below)
4. Any student or employee who knows or has reason to know of violations of this policy in any activity conducted under the auspices of Weber State University is encouraged to report such conduct to the AA/EO Office.
5. Questions regarding discrimination or harassment may be directed to the AA/EO Office.
6. The initial notice or inquiry may be submitted either orally or in writing. If a notice or inquiry is submitted orally and no complainant is willing to file a written complaint, the director shall proceed with the investigation if he/she, in consultation with the appropriate vice president or presidential assistant, believes that the interests of the parties or the institution dictate. Regardless of whether a signed complaint or intake form is received, the director shall use her/his best efforts to resolve the problem.

7. Complaints should be brought as soon as possible after the event(s) which gives rise to the complaint. Complaints should be filed within six months of the most recent act which violates the policy. Where the interests of justice require, however, this time limit may be waived with the consensus of the director, the appropriate vice president or presidential assistant and the University counsel.

#### B. Options

1. Those who believe they are victims of discrimination or harassment; witnesses or others may address discrimination or harassment issues by utilizing one or more of the following options:
  - a. Consult with the AA/EO Office.
  - b. Seek to resolve issues directly with the individual(s) alleged to have discriminated or harassed.
  - c. Seek to resolve issues through supervisor personnel.
  - d. Register a complaint with the AA/EO Office.
2. Those who believe they are victims of discrimination or harassment, witnesses or others may also initiate outside legal action through private sources, the UADD or the appropriate federal enforcement agency. It is recommended that where time allows (before applicable statutes of limitations have run) grievance procedures within the University described above will be utilized.
3. The director may initiate an independent investigation into alleged discrimination or harassment which need not be based upon the alleged victim's choice of action.
4. If an investigation reveals evidence of criminal conduct in discrimination, or harassment, the director may refer the matter to the County Attorney's Office. This decision need not be based upon the alleged victim's choice of action.
5. Consideration shall be given to the alleged victim's requests in the investigation process and fact-finding hearing. University officials, however, reserve the right to override the alleged victim's preferences in handling complaints. The justification for any decision to override the alleged victim's preference shall be documented in writing.
6. The director, and others designated by the institution, may provide direction and assistance to those involved in a discrimination complaint.

#### C. Protection of the Parties

1. Complaint investigations shall be treated with discretion to protect the privacy of those involved, as permitted by law.
2. The intentional disparagement of a complainant, respondent or witness during the pendency of an investigation shall constitute a violation of this policy.
3. Complainants shall not be required during the investigation to confront respondents outside of the investigative hearing.
4. Neither the respondent nor her/his representatives shall contact the complainant

regarding allegations of discrimination unless such contact is arranged by the responsible supervisor handling the complaint or the AA/EO Office with the permission of the complainant.

5. The University shall vigorously pursue this policy to protect against discrimination, or harassment.
6. The director shall promptly inform the respondent(s), in writing, of the existence and nature of the charge(s) filed against them as set out in V, B, 3 below.

#### D. Retaliation

1. Retaliation against any person who opposes a practice which is forbidden by this policy, or has filed a complaint, testified, assisted or participated in any manner in an investigative proceeding or hearing under this policy is prohibited.
2. Individuals found guilty of any retaliation may face disciplinary action up to and including termination or expulsion.

#### E. The following types of conduct on the part of a gender/sexual harassment complainant shall not constitute a complete defense for the alleged harassment, but may provide evidence that the respondent did not have notice that her/his conduct was unwelcome:

1. The fact that a gender/sexual harassment complainant did not complain at the time of the conduct.
2. The voluntary participation in the alleged harassing behavior by the gender/harassment complainant.
3. The behavior, speech, dress and/or demeanor on the job or in school claimed to be sexually provocative.

#### F. Education

1. Weber State University recognizes the importance of educating its students and employees regarding the prevention of discrimination or harassment, the promotion of cultural pluralism, and the observance of high ethical standards in consensual relationships. Benefits from such a program include the following:
  - a. Informing individuals of their rights under this policy.
  - b. Notifying individuals of proscribed conduct,
  - c. Informing supervisors/managers about the proper way to address complaints of violations of this policy.
  - d. Helping to educate members of the campus community about the problems this policy addresses.
2. To these ends, the University will organize an ongoing educational program in this area. Notice of this policy will be widely distributed. Workshops will be periodically conducted for employees of the University regarding discrimination, harassment, including sexual harassment, cultural pluralism and consensual relationships.

#### G. Available Remedies

1. These complaint procedures do not set any limit on existing administrative discretion or powers. Remedies should be considered on a case-by-case basis.



2. Employees and students found guilty of discrimination or harassment may face disciplinary action up to and including termination or expulsion. Imposition of such discipline may not occur unless the respondent has been afforded due process.

#### H. Records

1. Records of all discrimination or harassment complaints shall be maintained and stored for a minimum of three years in the AA/EO Office.
2. All information contained in the complaint file is classified as confidential.
3. Participants in such complaint proceedings shall treat all information as confidential.

### V. PROCEDURE

#### A. Initial Contact

1. Any person who believes he or she is the victim of discrimination or harassment or who has knowledge of such conduct is encouraged to report that conduct directly to the AA/EO Office or to an appropriate supervisor. Appropriate supervisors include department chairs, deans, vice presidents or directors at the departmental level or higher, or teachers of classes.
2. Reports of discrimination or harassment may be oral or written.
  - a. If the report is not in writing, an attempt should be made to acquire the complainant's signature to the Discrimination/Harassment Intake Form.
  - b. If a complainant is unwilling to sign an Intake Form attesting to the truth of the allegations contained therein, the complainant should be informed that her/his refusal may prevent the AA/EO Office from conducting an investigation. Regardless of whether a signed complaint or intake form is received, the director shall use her/his best efforts to resolve the problem.
  - c. The Intake Form shall include the identities of respondents; the frequency, intensity and duration of the behaviors complained of; the emotional and/or physical damages the complainant alleges resulted from the conduct; and the remedial action sought by the complainant.
3. If the initial report is directed to a line supervisor of the respondent:
  - a. The supervisor shall complete the Intake Form after interviewing the complainant.
  - b. The supervisor may either refer the complaint to AA/EO or attempt to resolve the complaint directly with the parties.
  - c. If the dispute is resolved to the satisfaction of the parties, the agreement shall be documented in writing with all parties signing and receiving copies. The agreement shall then be sent to the AA/EO director to review its legal adequacy.
  - d. If the agreement is approved by the director, she/he shall review the complaint 90 days from the date of the agreement to verify that its terms have been carried out by all parties. If so, the complaint will be closed. If

- not, an investigation by the AA/EO Office shall be conducted.
  - e. If the AA/EO director, with the concurrence of the University attorney, determines that the agreement reached by the parties is inadequate, then the AA/EO director shall contact the supervisor and attempt to assist that supervisor and parties to reach an agreement that is adequate. If the director fails in that effort then the AA/EO Office shall conduct an investigation as defined below.
  - f. If the supervisor fails to resolve the complaint within thirty days of its receipt, she/he shall refer the complaint to the AA/EO Office for investigation as defined below.
4. If the initial complaint of a violation of this policy is received by any employee of the University other than a supervisor with line authority over the respondent, the person contacted will refer the complaint to the appropriate supervisor or the AA/EO Office in a timely fashion.
  5. If the initial complaint is directed to the AA/EO Office or if an unresolved complaint is referred to the AA/EO Office:
    - a. The AA/EO Office shall complete the Intake Form and, if the complaint includes allegations which would constitute a violation of this policy, initiate an investigation as defined below.
    - b. The director shall attempt informally to facilitate an agreement satisfactory to the parties. As part of this effort, the director shall encourage the parties to meet for face-to-face negotiations. No party, however, shall be forced to meet with the other party at this stage of the complaint procedure.
    - c. Agreements towards resolution of complaints shall be documented in writing with all parties signing and receiving copies.
    - d. The director shall inform dean level supervisors with line authority over the respondent(s) named in the complaint that an investigation has been initiated.

#### B. Investigation

1. When required by the above procedures, the AA/EO Office shall conduct an investigation of complaints. When conducting investigations, the AA/EO Office shall disclose its role as a neutral investigator for the institution, as distinguished from an advocate for any of the parties involved.
2. The extent of an investigation shall be determined by the director, but at a minimum shall include interviews with all complainants and respondents. It is within the director's discretion to determine the order of these interviews.
3. The director shall promptly inform the respondents, in writing, of the existence and nature of the charge(s) filed against them. This shall be done by providing a copy of one of the following: 1) the written complaint, 2) the Intake form described in V, A, 2, c above or 3) a written summary of the complaint. The

director shall also inform the respondents of their rights and responsibilities during the investigation and shall overview the anticipated investigative procedures.

4. An investigation shall be completed as quickly as practicable, but in any event, within twenty-five working days of receipt of the complaint, unless a longer period of time is reasonably required. Reasonable cause for delay includes, but is not limited to the unavailability of key witnesses or the discovery of new evidence requiring further investigation. The director shall attempt to keep the parties informed of the progress of the investigation throughout its duration. When delays occur, the parties shall be informed of them as soon as practical.
5. Within ten working days of the conclusion of the investigation, the director shall make available to the parties a written report. The report shall review the complaint, response, evidence adduced from the investigation and findings. The findings shall indicate whether it was more likely than not that a violation of this policy occurred.
6. The parties shall then have ten working days to provide to the director their written responses to the investigation report. At the end of that ten day period the director shall file the report and any written responses received from the parties with the appropriate vice president or presidential assistant.

#### C. Remedial Action

1. If a complaint is found to be factually supported in whole or in part, the appropriate vice president or presidential assistant shall implement corrective and remedial steps necessary to eliminate the effects of the discrimination upon the complainant and upon any other person similarly situated.
2. The complainant and respondent shall be given a written copy of the specific corrective and remedial action ordered to be taken.

#### D. Sanctions

1. No sanctions of any kind may be imposed solely on the basis of a complaint investigation by the AA/EO Office.
2. Once the appropriate vice president or presidential assistant has reviewed the report of the director along with any responses thereto filed by any of the parties, she/he shall determine whether to close the complaint, attempt informal conciliation between the parties or initiate disciplinary proceedings. These proceedings shall include due process rights for the respondent, as provided by the following policies. These policies also indicate the rights of complainants to appeal any decision to close the complaint without disciplinary sanctions being imposed.
  - a. Respondents who are staff employees (non-faculty) are entitled to due process as set out in PPMs 3-33 and 3-31. Completion of the investigative procedures of this policy may, at the discretion of the director of Human Resources, constitute completion of steps one and two of PPM 3-31.

- b. Respondents who are faculty are entitled to due process as set out in PPMs 9-9 to 9-14. Completion of the investigative procedures of this policy may, at the discretion of the provost, constitute completion of a preliminary investigation as outlined in PPM 9-11.
- c. Respondents who are students are entitled to due process as set out in the Student Policies and Procedures Manual. Completion of the investigative procedures of this policy may, at the discretion of the vice president for Student Services and the student(s) or student groups involved, constitute completion of informal resolution procedures outlined in Chapter VIII of that document.
- d. Under circumstances which could otherwise result in multiple hearings, each of which would be investigating complaints arising from the same occurrence(s), these various hearings may be consolidated into one hearing. Such a hearing would be conducted before a panel composed of representatives of the groups which fairly reflect the parties involved in the complaint. The line supervisor most proximate to all complaining and responding parties, with the concurrence of the University attorney, and all parties involved with the complaint shall determine the necessity for such consolidation. If there is such agreement, the line supervisor most proximate to all complaining and responding parties, with the concurrence of the University attorney shall determine the composition of the hearing panel. If any of the parties are unwilling to consolidate, then separate hearings will be undertaken.

#### E. Complaint Review

- 1. Within 90 days following the resolution of a complaint or the imposition of sanctions resulting from a complaint, the AA/EO Office shall conduct a review to determine if the resolution of the case is being followed.
- 2. If the review indicates that the resolution is being followed, the matter shall be terminated and the case file closed.
- 3. If the follow-up review indicates that the resolution is not being followed, the case shall be referred back to the appropriate vice president or presidential assistant for consideration of additional disciplinary action(s), including possible disciplinary action against violators and their supervisors who knew that the resolution was not being followed, or that the unacceptable behavior continued to exist, and failed to take corrective action.

# Disabilities

Approved April 2, 2013

Reapproved March 7, 2017

**Purpose:** Title I of the Americans with Disabilities Act generally prohibits discrimination with respect to the terms and conditions of admission, educational services, or employment against a qualified individual with a disability, solely by reason of such individual's disability. In compliance with this Act, WSU Charter Academy has established the following procedure to be followed by site administrators and supervisors in responding to requests for reasonable accommodation from qualified applicants or employees with disabilities.

**Policy:** All students who meet the definition of an individual with a disability will be evaluated, identified, and provided with Free Appropriate Public Education (FAPE) as applicable. WSU Charter Academy will make available to all eligible children with disabilities a free appropriate public education in the least restrictive environment according to their needs.

Parents of children with disabilities are entitled to procedural safeguards, including individual notice and an impartial hearing. If parents have a disability discrimination complaint, relevant information for the grievance procedure is available at the WSU Charter Academy office.

The WSU Charter Academy will comply with the Americans with Disabilities Act (ADA) wheel-chair accessibility features which include:

- One or more accessible entrances
- Accessible routes to classrooms and outdoor learning environments
- At least one accessible restroom
- If there are any drinking fountains, at least one or more is accessible

## **Monitoring Responsibility**

Weber State University's Americans with Disabilities Act Coordinator (hereafter "ADA Coordinator"), as identified in Policy and Procedures Manual (PPM) Section 3-34 II, will monitor and coordinate the application of this procedure.

## **Procedures**

- a. Definitions relating to this policy are found in PPM 3-34 II.
- b. Procedures for filing of requests for accommodations are listed in PPM 3-34 III.
- c. Response to requests for accommodations, issuance of decisions to deny accommodations, and appeals procedures are found in PPM 3-34 IV – VI.
- d. The classification and treatment of records relating to requests for accommodations is detailed in PPM 3-34 VII.
- e. Relations to other laws (PPM 3.34 VIII).

This rule does not prohibit or limit the use of remedies available to individuals under the Utah Anti-Discrimination complaint procedures, Section 67-19-32; the Federal ADA complaint procedures (28 CFR Sub-part F. beginning with Part 35.170, 1990 edition); or any other Utah or federal law that provides equal or greater protection for the rights of individuals with disabilities.

## **References**

Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 et seq., Americans with Disabilities Act, CFR 28 § 35.140 - Employment discrimination prohibited Americans with Disabilities Act, CFR 29 § 1630.1 et seq. - Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act.

## **Americans with Disabilities Act & Section 504 Request for Accommodation**

No.	3-	Rev.	Date	3-12-
34			96	

([http://www.weber.edu/ppm/Policies/3-34\\_ADA.html](http://www.weber.edu/ppm/Policies/3-34_ADA.html))

## **I. POLICY**

It is the policy of Weber State University to eliminate discrimination against individuals with disabilities, and to assure equality in providing services, activities and programs to all university constituents, (students, employees, applicants, and patrons). Title II of the Americans With Disabilities Act., Sec. 202, states, in part, "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of, the services, programs or activities of a public entity, or be subjected to discrimination by any such entity." In that spirit, WSU personnel shall work cooperatively with those who request accommodation in order to provide access to the programs, services and activities when viewed in their entirety, and they shall attempt to discover an opportunity to provide accommodation in a manner favorable to every qualified individual with a disability who requests such accommodation.

Therefore, Weber State University, pursuant to 28 CFR 35.107 herein adopts, defines, and publishes a procedure for receiving and responding to requests for accommodation. Further, Policy and Procedure #3-32 establishes a procedure to provide equitable resolution of disputes regarding requests for accommodation.

## **II. DEFINITIONS**

- A. "The ADA Coordinator" means Weber State's designated individual, or his/her designee who has responsibility for investigating and providing prompt and equitable resolution of requests for accommodation made by qualified individuals with disabilities.
- B. "The ADA Committee" means that committee appointed by the President's Council of Weber State University. The committee shall meet as often as needed, but not less than once per quarter, and review reports, requests for accommodation, barrier remediation issues, accommodation actions, personnel actions involving the disabled, and for such other business as may be required.

- C. "Qualified Individual With a Disability" means a person whose physical or psychological condition (other than those conditions excepted by Title I of the ADA) substantially limits one or more of her/his major life activities and who meets the essential eligibility requirement for the receipt of services or the participation in programs or activities provided by Weber State University, or an otherwise qualified applicant for vacant employment positions, and those who are employees of Weber State University.
- D. "Major Life Activities" means functions such as caring for one's self, performing manual-tasks, walking, seeing, hearing speaking, breathing, learning, and working.
- E. "Americans With Disabilities State Coordinating Committee" means that committee formed by the State of Utah to implement the Americans With Disabilities Act. It is a consultative body designed to address: (1) ADA user group requests; (2) agency complaint resolution proposals requiring unforeseen budget, facility and employee accommodations; and (3) recommended changes to state statutes and agency ADA complaint procedure rules. The committee will address other ADA issues when needed.

### **III. FILING OF REQUESTS**

- A. A request for accommodation when made by a student shall be made to the Center for Students with Disabilities and when made by an employee shall be made to the ADA Coordinator or the Assistant Vice President for Human Resources. A request for accommodation may be given to the supervisor or instructor of the requester, in written form (or in another format which is accessible to both the individual and the supervisor and instructor), in a timely manner to assure prompt, effective assessment and consideration; or in the case of an identified need for accommodation, as soon as the need is known. Any instructor or supervisor receiving a request for accommodation is encouraged to accommodate the request on a temporary basis, if it appears reasonable, but is not authorized to refuse such request before following the procedures outlined below.

When students seek accommodation in a regularly scheduled course, they have the responsibility to make such requests at the Center for Students with Disabilities before the beginning of the quarter in which the accommodation is being requested. When a student fails to make such arrangements, interim accommodations can be made by the instructor, pending the determination of the request for a permanent accommodation.

- B. If the request is not accommodated; the supervisor or professor shall refer the request to the ADA Coordinator of WSU, in the form described below, as soon as possible, but no later than ten (10) working days from receipt of the request.
- C. Each request forwarded to the ADA Coordinator of WSU shall:
  - 1. Include the requesting individual's name and address;
  - 2. Include the nature and extent of the individual's disability as shared by the requesting individual;
  - 3. Describe the requested accommodation in sufficient detail to determine its appropriateness; and

4. Be signed by the requesting individual or by his/her legal representative.

D. Requests filed on behalf of classes or third parties shall describe or identify by name, if possible, the intended beneficiaries of the request.

#### **IV. RESPONSE TO REQUEST FOR ACCOMMODATION**

A. The ADA Coordinator shall investigate each request for accommodation received. This investigation shall include communicating with the requesting individual or her/his representative, to better understand the request and discuss possible accommodations.

B. If disability is not apparent in the requestor, the Coordinator shall work with the Center for Students with Disabilities for student-related requests, or the Human Resources Department for employment-related requests, who shall secure the necessary medical information to verify disability and to identify associated functional limitations.

C. When conducting the investigation, the Coordinator is encouraged to seek, where appropriate, assistance from the Assistant Attorney General, University Counsel, Human Resources, Center for Students with Disabilities and budget staff.

D. Before making any decisions that would involve:

1. Refusal of a request for accommodation;
2. Termination based in part or whole on a disability;
3. Reclassification or reallocation in grade;
4. An expenditure of funds which is not absorbable within the University's academic or administrative budgets and would require appropriation authority; the Coordinator shall consult with the ADA State Coordinating Committee.

#### **V. ISSUANCE OF DECISION IF ACCOMMODATION NOT GRANTED**

A. Within 15 working days after receiving the request for accommodation, the ADA Coordinator shall issue a decision, outlining in writing, or in another format accessible to the requestor, stating what action, if any, shall be taken on the request.

B. If the Coordinator is unable to reach a decision within the 15 working day period, he/she shall notify the individual with a disability in writing or by another format accessible to the requestor, why the decision is being delayed and what additional time is needed to reach a decision.

#### **VI. APPEALS**

The individual may appeal the decision of the ADA Coordinator by filing a claim alleging discrimination on the basis of disability with the Director of EEO/AA in accordance with Weber State University Policy and Procedure 3-32.

#### **VII. CLASSIFICATION OF RECORDS**

The record of each request for accommodation and appeal, and all written records produced or received as part of such actions, shall be classified as "protected" as defined under Section 63-2-



304 until the ADA Coordinator of Weber State University issues the decision, at which time any portion of the record which may pertain to the individual's medical condition shall remain classified as "private" as defined under Section 63-2-302, or "controlled" as defined in Section 63-2-303. Such information for student requests shall be retained for three years after graduation or the date of the student's last attendance at Weber State University. All other information gathered as part of the complaint record shall be classified as "private" information.

The University reserves the right to internally share ADA information on a "need to know" basis. Supervisors and faculty who are to provide accommodations, however, will receive only information about such limitations and needed accommodations and not information regarding the requestor's disability, unless it is a life-safety issue.

#### **VIII. RELATIONS TO OTHER LAWS**

This rule does not prohibit or limit the use of remedies available to individuals under the Utah Anti-Discrimination complaint procedures, Section 67-19-32; the Federal ADA complaint procedures (28 CFR Sub-part F. beginning with Part 35.170, 1990 edition); or any other Utah or federal law that provides equal or greater protection for the rights of individuals with disabilities.

## **Dissemination of Information about Juvenile Offender**

Approved October 29, 2013

Reapproved May 2, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Administrative Code R277-6714 and 53G -8 -404 .

**Policy:** The Principal, school staff, and teacher have authority to receive private information about students who are designated juvenile offenders if the offense poses a potential threat to the welfare of the offender, other students, or staff members. Such information will be disseminated by the Principal or his/her designee. Violent crimes and drug related crimes are examples of offenses that pose possible future threats. Petty theft is an example of an offense that would be left to the discretion of the Principal. The School reserves the right to judge the potential threats of any juvenile offender and to act in good faith to preserve the safety of the staff and students, while respecting the privacy of the offender.

#### **Discipline and Confidentiality.**

School officials shall strictly protect student confidentiality in matters of discipline and take all reasonable measures to keep information dissemination on a need to know basis.

# Family Educational Rights and Privacy Act (FERPA)

(NAEYC Standard 10D.6)

Approved April 2, 2013

Reapproved May 2, 2017

**Purpose:** The purpose of this policy is to comply with the Family Educational Rights and Privacy Act (FERPA) as fully outlined in 20 U.S.C. 1232g; 34 CFR Part 99)

**Policy:** The Family Educational Rights and Privacy Act (FERPA) is a Federal law that protects the privacy of student education records. Under FERPA, schools must generally afford parents:

- The right to inspect and review their student's education records (although they are not necessarily required to provide copies of records)
- The right to seek to have their student's records amended
- The right to written parental consent prior to the release of any information from the student education record. However, schools may disclose those records, without consent, to the following parties or under the following conditions:
  - School officials who have legitimate educational interests
  - Schools to which the student is transferring
  - Appropriate officials who are conducting audits or evaluations
  - Specified parties in conjunction with financial aid to the student
  - Organizations conducting specified studies for or on behalf of the school
  - Accrediting organizations
  - Compliance with a judicial order or lawfully issued subpoena
  - Appropriate officials as related to health and safety emergencies
  - State and local authorities, within a juvenile system, pursuant to specific State law

Additionally, schools may disclose, without consent, "directory" information, such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance, unless a parent/guardian has advised the school to the contrary in accordance with school procedures. Parents/guardians are given notice of their rights under FERPA in their enrollment packet as well each year annually thereafter and allowed the opportunity to request that the school not disclose directory information about them. Examples of directory information include, but are not limited to playbills, yearbooks, honor roll or other recognition lists, graduation programs, team lists, etc. Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Examples of outside organizations include, but are not limited to, yearbook publishers, manufacturers of class rings, etc.

Parents/guardians of students who are enrolled in WSU Charter Academy who do not wish to have directory information disclosed from their student's educational record without prior

written consent must notify the school in writing by August 25 of each school year. WSU Charter Academy has designated the following information as directory information: Student name, address, telephone listing, e-mail address, photograph, date and place of birth, date of school attendance, grade level, participation in recognized school activities or sports, honors or rewards received, and the most recent educational agency or institution attended.

### **Access to Education Records**

Schools are required by FERPA to:

- Provide a parent with an opportunity to inspect and review his or her child's education records within 45 days of the receipt of a request
- Provide a parent with copies of education records or otherwise make the records available to the parent if the parent, for instance, lives outside of commuting distance of the school
- Redact the names and other personally identifiable information about other students that may be included in the child's education records.

Schools are not required by FERPA to:

- Create or maintain education records;
- Provide parents with calendars, notices, or other information which does not generally contain information directly related to the student;
- Respond to questions about the student.
- Amendment of Education Records

Under FERPA, a school must:

- Consider a request from a parent to amend inaccurate or misleading information in the child's education records;
- Offer the parent a hearing on the matter if the school decides not to amend the records in accordance with the request;
- Offer the parent a right to place a statement to be kept and disclosed with the record if as a result of the hearing the school still decides not to amend the record.
- A school is not required to consider requests for amendment under FERPA that:
- Seek to change a grade or disciplinary decision;
- Seek to change the opinions or reflections of a school official or other person reflected in an education record;
- Seek to change a determination with respect to a child's status under special education programs.

### **Disclosure of Education Records**

A school must:

- Have a parent's consent prior to the disclosure of education records;
- Ensure that the consent is signed and dated and states the purpose of the disclosure.

A school MAY disclose education records without consent when:

- The disclosure is to school officials who have been determined to have legitimate educational interests as set forth in the school district's annual notification of rights to parents;
- The student is seeking or intending to enroll in another school;
- The disclosure is to state or local educational authorities auditing or evaluating Federal or

State supported education programs or enforcing Federal laws which relate to those programs;

- The disclosure is pursuant to a lawfully issued court order or subpoena; and
- The information disclosed has been appropriately designated as directory information by the school.

### **Annual Notification**

A school must annually notify parents of students in attendance that they must allow parents to:

- Inspect and review their children's education records;
- Seek amendment of inaccurate or misleading information in their children's education records;
- Consent to most disclosures of personally identifiable information from education records.

The annual notice must also include:

- Information for a parent to file a complaint of an alleged violation with the FPCO;
- A description of who is considered to be a school official and what is considered to be a legitimate educational interest so that information may be shared with that person;
- Information about who to contact to seek access or amendment of education records.

Means of notification:

- Can include local or student newspaper; calendar; student programs guide; rules handbook, or other means reasonably likely to inform parents;
- Notification does not have to be made individually to parents.

### **For Further Information or Complaints of Alleged Violations**

Complaints of alleged violations may be addressed to:

Family Policy Compliance Office  
US Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901

Complaints must:

- Be timely submitted, not later than 180 days from the date you learned of the circumstances of the alleged violation
- Contain specific allegations of fact giving reasonable cause to believe that a violation has occurred, including:
  - Relevant dates, such as the date of a request or a disclosure and the date the parent learned of the alleged violation;
  - Names and titles of those school officials and other third parties involved;
  - A specific description of the education record around which the alleged violation occurred;
  - A description of any contact with school officials regarding the matter, including dates and estimated times of telephone calls and/or copies of any correspondence

- exchanged between the parent and the school regarding the matter;
- The name and address of the school, school district, and superintendent of the district;
- Any additional evidence that would be helpful in the consideration of the complaint.

## Family Involvement Committee (FIC) Policy

Approved April 2, 2013

Reapproved October 3, 2017

**Purpose:** The purpose of this policy is to provide guidelines to encourage family participation through the Family Involvement Committee and comply with Utah Code 53E-2-303.

**Policy:** A Family Involvement Committee (FIC) comprised of parents and other family members and an academy representative will be formed to oversee and coordinate activities. The committee may oversee fundraising events, the coordination of field trips, family literacy events, parental education activities, community service projects, parent/guardian opportunities to inform selection of instructional materials, and volunteer activities in the school. The school views family involvement as having great value and want our families to be involved in the classroom and at home, but understand that 70% of school-age children have both parents in the workforce (Children's Defense Fund, 2010). Each family is required to complete 30 volunteer hours annually. To facilitate greater family involvement, Weber State University Charter Academy will allow for flexibility in time and place to enable family members to volunteer their talents and interests. Some potential activities organized by the FIC may include:

- A parent volunteer meeting scheduled at the beginning of each academy year;
- Parent surveys sent home for parents to list their desired ways to volunteer;
- Flexible parent volunteer opportunities provided at the academy or at home;
- Parent volunteers help with trips, indoor and outdoor classrooms, or other activities held throughout the year;
- Participating in learning activities with children at home. For example: reading to children, teaching children how to do household chores, visiting the library with children, etc.
- Parent volunteer training;
- Parent and family coordinated field trip activities in the local community;
- Parenting workshops on child guidance, discipline, academic involvement, dialogic reading strategies, and other relevant areas;
- Fundraisers;

WSU Charter Academy values parents having a voice and participating in decision-making by working together with educators to share their ideas and views, solve problems, and work toward a shared vision. The FIC will provide opportunities for parents to act as leaders for other parents by representing their opinions, ideas, and concerns on behalf of children's learning and development. Additionally, these parent leaders can bring the information about academy decisions and policies back to the families. Many parents will have the opportunity to serve on

various supporting committees of the academy. Among the tasks of the Board of Directors will be to annually review parent involvement and academy policies and provide feedback and recommendations.

**Procedures:**

Family involvement committee members will be identified in August through sign-up forms at the parent orientation. An email will also be sent to all parents. The family involvement committee will meet at least twice annually. Once in the fall scheduled between August and October. Once in the winter/spring scheduled between January and March. Meeting schedule will be determined by the committee chair.

Measurement of family involvement will include total number of volunteer hours documented by parents online and documentation of participation rates and effectiveness of committee planned activities.

**Meetings and Notification**

The school community will be notified of FIC meetings via e-mail, on the school's website, on the annual calendar, and through agendas posted at the school building. Parents teachers, and members of the community are welcome to attend meetings and voice their opinions. Families may e-mail comments or concerns to committee members and contact individual committee members to discuss school issues.

**FIC Meeting Business**

FIC meeting business and agendas may include fundraising activities, family education and social events, and opportunities for families to inform selection of instructional materials.

**Fundraising activities**

Fundraising activities for school families may be planned and funds used to enrich children's educational experiences. Fundraising activities must be approved by the WSU Charter academy administration.

**Family Volunteer Service**

Families are required to complete 30 hours of volunteer service each year. The FIC committee will assist in coordinating the activity of parent volunteers in the school and will assist with other school functions such as fundraising, school events, and child recognition. The activities of committees will include duties that take place both during school hours and the in the evenings so that all parents have opportunities to participate.

Parents with applicable experience or expertise may be invited to participate in presentations on topics that align with curriculum objectives, in virtual fieldtrips, or in other special events or presentations.

**Family Education and Social Events**

The FIC committee may plan family education and social events. Events may include family education workshops and family socials such as supporting children in developing reading skills, teacher/staff appreciation week activities, and the end of the year art show and children's opera

performance.

## Foreign Exchange Students Policy

Approved October 29, 2013

Reapproved May 2, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Administrative Code R277-612.

**Policy:** Federal immigration laws do not authorize foreign students on short-term tourist visas in the United States to enroll in public school. Foreign students in grades K – 8 are not eligible to attend public school as international exchange students in the United States. Only students in grades 9 – 12 with F-1 visas are eligible to attend public school in the United States as foreign exchange students.

The Utah State Office of Education (USOE) and WSU Charter Academy or its Board of Directors, has no authority over immigration matters and will not provide individuals with advice regarding immigration issues.

## Individual with Disabilities Act (IDEA)

(NAEYC Standard 7B.3)

Approved November 2012

Reapproved April 2, 2013

Reapproved May 2, 2017

**Purpose:** Charter schools are required to abide by IDEA 2004 and Utah State Special Education Rules, Utah SPED Rules and IDEA can be found at <http://www.schools.utah.gov>.

### **Policy:**

See Special Education Handbook for more detail.

#### I. GENERAL PROVISIONS (USBE SER I)

##### A. Policies and Procedures.

Weber State University Charter Academy, in providing for the education of students with disabilities enrolled in its academy, has in effect policies, procedures, and programs that are consistent with the Utah State Board of Education Special Education Rules (USBE SER) as described in this Policies and Procedures Manual.

##### B. Definitions.

1. Charter Academy (Elementary and Secondary Education Act (ESEA) of 1965 Section 5210(1)). (USBE SER I.E.6) 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 the ESEA;

- 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;
- d. Provides a program of elementary or secondary education, or both;
- e. Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;
- f. Does not charge tuition;
- g. 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 Individuals with Disabilities Education Act (IDEA);
- h. Is a school to which parents 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;
- i. 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;
- j. Meets all applicable Federal, State, and local health and safety requirements;
- k. Operates in accordance with State law; and
- l. 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 charter schools 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 charter.

- 2. WSU Charter Academy has adopted all of the other applicable definitions as found in USBE SER I.E.1-44.

C. Budget Information and Categories.

WSU Charter Academy provides detailed budget information and budget categories in its annual application for IDEA Part B funding submitted to the Utah State Office of Education.

D. Assurances.

Students are admitted to WSU Charter Academy based solely on the lottery and other requirements under the Utah Code and the USBE Administrative Rules for Charter Schools, and without restrictions due to race, color, gender, national origin, disability status, or religion. Assurances with regard to compliance with IDEA Part A and Part B,



as well as the National Instructional Materials Accessibility Standard, and compliance with other Federal laws including “New Restrictions on Lobbying,” “Debarment, Suspension, and Other Responsibility Matters,” and the Drug-Free Workplace Act of 1988 are submitted to the Utah State Office of Education (USOE) annually with the application for IDEA Part B funding.

E. General program description.

WSU Charter Academy is located on the campus of Weber State University in the McKay Education Building, 1301 University Circle, Ogden, Utah, 84408-1301. One large classroom is dedicated to the 2 half-day kindergarten classes of 20 students each. The Utah Core Curriculum is the foundation for the curriculum, with basal and supplementary materials used for daily instruction in classrooms.

WSU Charter Academy was founded by a group of faculty and professional staff all sharing a desire to be more intimately involved in providing research-based instruction to benefit children and pre-service teachers at Weber State University. Each of the founding members share commonalities in how they would like to have a greater voice in the decisions that are made regarding the education of children. Founding members had personal experience with differentiated instruction in education as well as service learning, as an integral part of the curriculum.

The WSU Charter Academy Board believes that:

- No two children are alike.
- No two children learn in an identical way.
- An enriched environment for one student is not necessarily enriched for another.
- In the classroom children should be taught following Developmentally Appropriate Practice (DAP).

The Board of Directors at WSU Charter Academy believes strongly that an annual self-improvement plan is essential to improving the education program. Each year the Board will assess WSU Charter Academy’s performance as it relates to academic performance, its vision, and UPASS, with the self-assessment driving the goals and objectives for each annual improvement plan.

F. Free Appropriate Public Education (FAPE).

1. WSU Charter Academy follows the requirements of Charter Schools and Their Students (USB SER III.O)
  - a. Students with disabilities ages 3 through 21 who attend public charter schools and their parents retain all rights under Part B of the IDEA and the USB SER.
  - b. WSU Charter Academy is an LEA that receives funding under Part B, and is responsible for ensuring that all of the requirements of Part B of the IDEA and these Rules are met.
  - c. WSU Charter Academy, a public charter school, provides a Free Appropriate Public Education (FAPE) to all eligible students with disabilities in conformity with the requirements of the Utah State Board of Education

Special Education Rules (USBE SER) and the United States Department of Education Final Regulations for the Individuals with Disabilities Education Act of 2004 (IDEA) August 2006.

2. Free appropriate public education (FAPE). (USBE SER I.E.15) Special education and related services that:
  - a. Are provided at public expense, under public supervision and direction, and without charge;
  - b. Meet the standards of the USOE and Part B of the IDEA;
  - c. Include preschool, elementary school, and secondary school education in Utah; and
  - d. Are provided in conformity with an Individualized Education Program (IEP) that meets the requirements of Part B of the IDEA and these Rules.

G. Full Educational Opportunity Goal (FEOG).

WSU Charter Academy hereby affirms the goal of providing a full educational opportunity to all students with disabilities determined eligible for special education or special education and related services under the IDEA and the USBE SER, of the ages served by the Charter School between three and 22, and in accordance with all of the timeline requirements of the IDEA with respect to the identification, location, evaluation, and provision of a free appropriate public education.

II. IDENTIFICATION, LOCATION, and EVALUATION of STUDENTS SUSPECTED of HAVING DISABILITIES

III.

A. Child Find. (USBE SER II)

WSU Charter Academy has policies and procedures to ensure that all students with disabilities enrolled in the grades the school serves, including students who are highly mobile and students who have been suspended or expelled from school, regardless of the severity of the disability, are identified, located, and evaluated. This includes a practical method for determining which students are currently receiving needed special education or special education and related services.

B. Child Find Procedures.

WSU Charter Academy conducts the following procedures to ensure that students suspected of having a disability are identified and located:

1. Finding students who have been receiving needed special education or special education and related services.
  - a. The enrollment application includes questions about whether a student has received special education or special education and related services in the previous school or educational program.
  - b. Parents are asked during registration if the students received any services beyond the regular program in the previous school.
  - c. If parents respond in the affirmative, a phone contact is made with the previous school to locate the special education records.
  - d. WSU Charter Academy follows all the procedures detailed on the In-

State and Out-of-State Transfer Student Checklist of the USOE.

2. In identifying and locating students who are suspected of having a disability but have not been previously identified or determined eligible for special education or special education and related services, WSU Charter Academy implements the following procedures:
  - a. Annual training of all staff on the *Child Find* obligation and how to be alert for observed behaviors that suggest a suspected disability.
  - b. Notice in the parent handbook of the referral procedures and of the availability of services for eligible students with disabilities.
  - c. If a parent or staff member is concerned about a student outside the grade levels of the charter school, the parent or staff member is referred to the district of the student's parent's residence.

C. Referral.

1. Procedure:

When a parent or school staff member suspects a student may have a disability, the following referral procedure is implemented:

- a. Teachers implement pre-referral interventions and provide documentation of the results to a Child Management Team (CMT), which includes a general education teacher (see additional description of CMT in the SLD evaluation process in Section II of this Manual).
- b. Note: Pre-referral interventions may not be used to substantially delay an evaluation for eligibility.
- c. The referring person completes and signs a referral form. If school personnel are making the referral, attach documentation of contacts with the parents about the concerns regarding the student's educational performance.
- d. The referral form is given to the principal, who reviews existing data (including pre-referral intervention results and Child Management Team recommendations) on the student and determines if the referral should go forward for a full evaluation. If it is decided that the evaluation should take place, the principal assigns a staff member to oversee/conduct the evaluation. If the referral is not going to result in a full evaluation, the principal sends the parent a Written Prior Notice of Refusal to take the action of conducting an evaluation.

D. Evaluation.

1. Parental Consent.

- Prior to initiating a full and complete individual evaluation, parental consent is required. The consent informs the parent that the evaluation is being proposed because the student is suspected of having a disability that affects his educational performance and that he/she may be eligible for special education or special education and related services. The consent indicates the areas in which the evaluation team will conduct tests or administer other assessment tools to the student. Consent for evaluation must not be construed as consent for provisions of special education

services.

- Reasonable efforts to obtain parental consent are made and documented by the Charter Academy. WSU Charter Academy follows the requirements of USBE II.C.4 with respect to parents who cannot be located.
- Parental consent is not required before administering a test or other evaluation that is given to all students, or before conducting a review of existing data.

2. Written Prior Notice.

The parent is given Written Prior Notice that the evaluation will take place. (See Section IV.C of this Policy and Procedures Manual for required components of Written Prior Notice.) Written Prior Notice is embedded in the WSU Charter Academy Consent for Evaluation form.

3. Evaluation Timeline.

When the signed parental consent or refusal of consent for evaluation is received at the academy, the academy secretary or special education teacher writes the date it was received on the form to document the beginning of the timeline for the evaluation. The Charter Academy completes all evaluations within 45 school days of receiving the consent. The 45 school day timeline does not apply if the parent fails to produce the student for the evaluation. If the student enrolls in the Charter Academy after the timeframe has started in a previous LEA, the Charter Academy must make sufficient progress to ensure prompt compliance in accordance with a written agreement with the parent as to when the evaluation will be completed.

4. Evaluation Process.

a. Review of Existing Data.

When conducting an initial evaluation (when appropriate), the evaluation team considers existing data on the student's educational performance. This may include student records of grades, courses completed, statewide test results, LEA-wide test results, classroom assessments, teacher interviews, observations, notes in the student's cumulative file, and any other information available.

b. Administration of Additional Assessments.

In addition, the special education staff administers assessments in other areas as part of a full and individual initial evaluation, as indicated on the Consent for Evaluation, in order to determine eligibility and the student's educational needs. The test administration follows all of the requirements of the USBER SER II.F-H, including:

- Use of a variety of assessment tools
- Use of more than one procedure
- Use of technically sound instruments
- Selection of tools that are not discriminatory on a racial or cultural basis
- Administration in student's native language or mode of communication

- Use of assessments for the purposes intended and in accordance with the publisher's administration standards
- Administration by trained and knowledgeable personnel
- Use of tools that assess what they purport to measure and not just the student's disability
- Assessment in all areas related to the student's suspected disability
- Comprehensive assessment, not just in areas commonly associated with the specific disability

c. Evaluation Requirements.

Evaluations for students suspected in each of the 13 areas of disability include the requirements for evaluation procedures and assessment of student performance in specific areas identified in USBE SER II.J.1-13.

E. Reevaluation Procedures. (USBE SER II.G)

1. WSU Charter Academy conducts a reevaluation of each student with a disability when the educational or related service's needs, including improved academic achievement and functional performance, of a student warrant a reevaluation; or if the student's parent or teacher requests a reevaluation.
2. Parental consent for reevaluations.
  - a. WSU Charter Academy obtains informed parental consent prior to conducting any reevaluation of a student with a disability, if the reevaluation includes the administration of additional assessments to the student.
  - b. If the parent refuses to consent to the reevaluation, the LEA may, but is not required to, pursue the reevaluation by using the consent override procedures provided in the procedural safeguards, and including mediation or due process procedures.
  - c. The reevaluation may be conducted without parental consent if the school can demonstrate that it made reasonable attempts to obtain such consent and the student's parent has failed to respond. A written record of the attempts is maintained in the student's special education file.

F. Additional Requirements for Initial Evaluation and Reevaluation Procedures. (USBE SER 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 review existing evaluation data on the student. This review may be conducted without a formal meeting. The special education teacher/case manager may review and discuss the existing data with team members and the parent individually. Existing data may include evaluations and information provided by the parents of the student; current classroom-based, local or State assessments, and classroom-based observations; observations by teachers and related services providers; grades;

2. attendance, and other information regarding the student's current educational performance.
3. The IEP team and appropriate other qualified professionals, based on their data review and input from the student's parents, identifies what additional data, if any, are needed to determine whether the student is or continues to be a student with a disability and the educational needs of the student, and
  - a. The present levels of academic achievement and related developmental needs of the student;
  - b. 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
  - c. 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.
4. If the IEP team and other qualified professionals, as appropriate, determine that no additional data are needed to determine continuing eligibility and student needs, the parents are given Written Prior Notice of that decision and of their right to request additional assessment. The Charter Academy then prepares a new Evaluation Summary Report, including new and previous data as appropriate, and sends a Notice of Meeting for Eligibility Determination. A new Eligibility Determination form is completed and signed by the team, and the parents are given Written Prior Notice of that determination along with a copy of the Evaluation Summary Report and the Eligibility Determination documents. Written Prior Notice is embedded in the Eligibility Determination document.
4. If the parent requests additional assessment as part of the reevaluation, WSU Charter Academy conducts assessment in the areas of educational functioning requested. When the additional assessment is completed, the Charter Academy then prepares a new Evaluation Summary Report, including new and previous data as appropriate, and sends a Notice of Meeting for Eligibility Determination. A new Eligibility Determination form is completed and signed by the team, and the parents are given Written Prior Notice of that determination along with a copy of the Evaluation Summary Report and the Eligibility Determination documents. Written Prior Notice is embedded in the Eligibility Determination document.
5. Evaluations before change in eligibility.
  - a. WSU Charter Academy evaluates students with disabilities before determining that students are no longer eligible for special education or special education and related services. However, an 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 the student's reaching age 22, as provided under State law.
  - b. 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 FAPE under State law, WSU Charter Academy provides the student with a summary of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting the student's postsecondary goals.

6. Parental consent is not required before:
  - a. Reviewing existing data as part of an evaluation or a reevaluation; or
  - b. Administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

#### G. Evaluation Timelines.

1. An initial evaluation must be completed within 45 school days of the date the school receives parental consent for the evaluation.
2. Upon completion of the evaluation or reevaluation, the IEP team and other appropriate professionals determine eligibility within a reasonable time.
3. A reevaluation:
  - a. May not be conducted more than once a year, unless the parent and the LEA agree otherwise; and
  - b. Must occur at least once every three (3) years, unless the parent and the LEA agree that a reevaluation is unnecessary.

#### H. Eligibility Determination.

1. Notice of Meeting.

Upon completion of the evaluation, the special education teacher (case manager) arranges a meeting of the eligibility team at a mutually agreeable time and place. A Notice of Meeting will be sent to the parent and other members of the team stating the meeting purposes, time, place, who is expected to be in attendance, and letting the parent know that they may bring others who have knowledge of the student to the meeting.
2. Evaluation Summary Report.

The special education case manager collects all of the results of the evaluation, and writes a summary report of the evaluation information. This Evaluation Summary Report is included in WSU Charter Academy's Eligibility Determination document for each disability category.
3. Eligibility Team Membership.

The eligibility team shall include a group of qualified professionals and the parent. In the WSU Charter Academy, this may include the special education teacher, regular education teacher, speech-language pathologist, school psychologist, occupational therapist, physical therapist, and others who have conducted parts of the evaluation, as appropriate.

4. Eligibility Categories, Definitions, and Criteria.  
The WSU Charter Academy has adopted the definitions, evaluation requirements, and eligibility criteria in USBE SER.II.J.1-13.
5. For the category of Specific Learning Disability (SLD) the WSU Charter Academy has selected Method C: Combination of RTI and Discrepancy. However, WSU Charter Academy will only serve students ages 4-6 enrolled in kindergarten, and it is anticipated that the IDEA category of Developmental Disability will be used with these very young children so that they may receive the greatest amount of support as needed.
6. Determining Eligibility. (USBE SER II.)
  - a. Using the criteria for each category of disability as described above, the eligibility team shall determine:
    1. Whether the student has a disability that adversely affects his educational performance, and
    2. Whether the student requires special education or special education and related services.

*Special education* is defined (USBE SER I.E.38) as specially designed instruction to meet the unique needs of a student with a disability and may include related services if they meet the definition of special education.

*Specially designed instruction* (USBE SER I.E.39) is adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student's disability, and to ensure access of the student to the general curriculum, so that the student can meet educational standards of the Charter Academy that apply to all students.

- b. Disclaimers. (USBE SER) A student must not be determined to be a student with a disability if the determinant factor 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 math; or
  3. Limited English proficiency.
- c. The determination of eligibility is documented on the appropriate "Team Evaluation Summary Report and Written Prior Notice of Eligibility Determination" form with signatures of team members.



- d. If the disability is determined to be a Specific Learning Disability, any team member who disagrees with the rest of the team's decision may put his reasons in writing.
- e. Parents are provided with a copy of the Team Evaluation Summary Report and Written Prior Notice of Eligibility Determination document.

7. Evaluations before Change in Eligibility. (USBE SER II.H.6)

- a. The WSU Charter Academy evaluates a student with a disability before determining that the student is no longer an eligible student with a disability.
- b. An evaluation is not required before the termination of a student's eligibility 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.
- c. 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, WSU Charter Academy provides the student with a summary of the student's academic achievement and functional performance, which includes recommendations on how to assist the student in meeting the student's postsecondary goals.

IV. IEP DEVELOPMENT and SERVICE DELIVERY.

WSU Charter Academy implements the following policies and procedures to address the IEP requirements of USBE SER III.I-U.

A. IEP Team Meeting.

Within 30 calendar days of the determination of eligibility, the special education teacher/case manager shall arrange a meeting of the IEP team to develop an IEP at a place and time that is mutually convenient to the parent and the Charter Academy. A Notice of Meeting will be sent to the parent and other members of the team stating the purposes, time, place, who is expected to be in attendance, and letting the parent know that the parent or the Charter Academy may bring others who have knowledge or special expertise about the student to the meeting. The determination of knowledge or expertise of the invited person is made by the party who invited that person.

B. Parental Opportunity to Participate.

- 1. Parents are expected to be participants along with school team members in developing, reviewing, and revising the IEP. This includes providing critical information about needs and strengths of their student, contributing to discussions about the student's needs for special education, determining how the student will

be involved and make progress in the general curriculum, deciding how the student will participate in the state- and district wide assessments, and deciding what services the WSU Charter Academy will provide and in what settings.

2. WSU Charter Academy documents in writing its attempts to get parental participation in IEP meetings. If the parent cannot attend, participation by other means such as teleconference may be used. Parents must be given whatever help they need to understand the proceedings of the IEP meetings, such as interpreters. If the Charter Academy cannot obtain parental participation, it proceeds with the development of the IEP as required by Part B of the IDEA and USBE SER.

C. IEP Team.

The team shall consist of the parent, the special education teacher and regular education teacher of the student, a representative of the Charter Academy, a person who can interpret the results of the evaluation, and the student when appropriate. Other team members may be added when they are likely to provide services to the student. The representative of the Charter Academy must meet the Charter School administrator standards, and have knowledge of the general education curriculum and of the availability of resources of the Charter Academy.

D. IEP Team Attendance. (USBE SER III.F)

1. A required member of the IEP team is not required to attend all or part of a particular IEP team meeting if the parent of a student with a disability and the Charter Academy 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 all or part of a particular IEP meeting when the meeting does involve a modification to or discussion of the member's area of the curriculum or related services, if the parent and the LEA consent to the excusal in writing; and the member submits written input into the development of the IEP to the parent and the IEP team, prior to the meeting.

E. IEP Timelines.

1. An IEP is in effect for each identified student with a disability prior to the beginning of the school year.
2. Each student's IEP is reviewed and revised at least annually. The IEP Team reviews the IEP at least annually to determine whether the annual goals for the student are being achieved. The Team may decide to meet at the request of the parent or other IEP Team member to revise the IEP to address lack of expected progress toward annual goals and lack of progress in the general curriculum, the results of any reevaluation, information about the student provided to or by the parents, the student's anticipated needs, or other matters.

3. An IEP is developed within 30 calendar days of initial determination that a student is an eligible student with a disability.
4. Once parental consent for the initial provision of special education or special education and related services is obtained, the special education services, related services, and supplementary aids and services are provided as soon as possible.

F. Transfer Students.

WSU Charter Academy provides a student transferring from another LEA in or out of the state with comparable services to those listed on an existing IEP while it determines next needed steps in accordance with the In-State and Out-of-State Transfer Student Checklist of the USOE.

G. IEP Development and Content.

1. The IEP Team will develop an IEP that is reasonably calculated to confer a free appropriate public education for the student.
2. In developing the IEP, the IEP team must consider the student's strengths, parental concerns, evaluation results, academic development and functional needs, and special factors.
3. The IEP must include:
  - a. A statement of the student's present level of academic achievement and functional performance, including baseline data on his achievement and how the student's disability affects his access and progress in the general curriculum for his age or grade level.
  - b. Measurable annual goals and short term objectives based on the present level statement that enable the student to be involved and make progress in the general education curriculum and addressing each of the student's educational needs resulting from the student's disability.
  - c. How progress on the goals will be measured and reported to the parents on a periodic basis.
  - d. The special education and related services, and the supplementary aids and services, the student needs to address his goals and make progress in the general curriculum. The services are based on peer-reviewed research to the extent practicable.
  - e. Program modifications and supports for the student and the teacher in the regular education classroom.
  - f. The dates that services, accommodations, and program modifications will begin and end (no more than one year from the date of the IEP); and the frequency, location, and amount of each service listed. Services listed must be specific, such as "reading comprehension," not "resource."
  - g. Consideration of special factors as follows:

1. In the case of a student with limited English proficiency, 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;
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 communications 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; and
5. In the case of a student whose behavior impedes the student's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.
  - a. When making decisions on behavioral interventions, the IEP team must refer to the *USOE Special Education Least Restrictive Behavior Interventions (LRBI) Guidelines* for information on research-based intervention procedures in order to protect the safety and well-being of students with disabilities, provide protection for students, teachers, other school personnel, the Charter Academy, and the USOE, and ensure that parents are involved in the consideration and selection of behavior interventions to be used with their students.

## **Definitions**

**Emergency:** When an emergency situation occurs that endangers staff or other students and therefore requires the immediate use of moderately or highly intrusive interventions to protect the student or others from harm, the staff shall complete and submit the emergency contact information to the Charter School director or principal and notify the student's parents within 24 hours.

Pattern of Behavior: If a behavior requiring emergency procedures occurs more than once per week, two times in a month, or four times in a year, it is a pattern that must be addressed in the IEP and/or a behavior intervention plan.

i.

Appeals: Parents may appeal a determination of emergency or implementation of emergency procedures by a written request to a designated LEA representative of WSU Charter Academy. The LEA representative and two other staff members with knowledge of the incident will review the determination or implementation and make a final decision that will be provided to the parent in writing.

ii.

Training: WSU Charter Academy ensures that all appropriate staff members receive the training necessary to effectively implement a continuum of behavioral interventions and supports.

iii.

Oversight: WSU Charter Academy has established an LRBI Committee to monitor its policies for disciplinary plans, actions and behavioral intervention procedures, protections and safeguards. This Committee reviews the use of highly intrusive interventions as well as the effectiveness of and need for additional staff training. The Committee is composed of a school administrator, a parent, and two other members of the professional staff.

6. As appropriate, the student should receive a functional behavioral assessment and behavior intervention services and modifications that are designed to address the behavior.
  - a. If the IEP team in considering the special factors described above decides that a student needs a particular device or services for educational purposes, which could be an intervention, accommodation, or other program modification in order to receive a FAPE, the team must include these in the IEP.
  - b. How the student will participate in LEA-wide and statewide assessments. While every student with a disability must participate, an individual student may be determined to participate with some accommodations based on his disability, or with modifications. Students who have the most significant cognitive disabilities, and meet other criteria in the USOE Assessment Participation and Accommodation Policy, may be assessed with Utah's Alternate Assessment (UAA). The IEP Team must indicate this on the IEP Assessment Addendum, along with the reason that the student cannot otherwise participate in the statewide assessment program.
  - c. In addition to the required elements of the statewide assessment program, WSU Charter Academy

administers the following school wide assessments: DIBELS in grade K. All students, including students with identified disabilities, are included in these assessments. Students with disabilities may participate in the assessments with appropriate accommodations and modifications as determined by the IEP Team and documented in the student's IEP. Alternate assessments for individual students, as determined by the student's IEP Team and documented in the student's IEP, are provided for students who cannot participate in the school wide assessment in any other way.

- d. Physical education is not provided to any student attending WSU Charter Academy since the program consists of a half-day kindergarten.
  - e. Each IEP team must determine whether the student will need Extended School Year (ESY) services in order to receive a free appropriate public education.
    - i. This determination in the WSU Charter Academy will be based on regression and recoupment data collected over at least two breaks in the school year consisting of 4 or more weekdays when there is no school.
    - ii. If the student's recovery from measured regression on pinpointed skills directly related to the IEP goals takes so long that he would not receive FAPE without services during the summer or other school break, the IEP Team must find him eligible for ESY services.
    - iii. The IEP Team shall develop a written document that indicates which IEP goals the student will work on during the ESY, what services will be provided, how long and how often the ESY services will be provided, and the setting(s) in which the services will be provided.
    - iv.
7. Assistive Technology. WSU Charter Academy will make assistive technology devices or assistive technology services, or both, available to a student with a disability if required as part of the student's special education, related services, or supplemental aids and services. School-purchased assistive technology devices may be used in the student's home, if the IEP Team determines, on a case-by-case basis, that assistive technology in the home is required for the student to receive a FAPE.

#### H. IEP Team Access to IEP Information.

1. The WSU Charter Academy makes the student's IEP accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. Each teacher and provider is informed of his or her specific responsibilities related to the implementation of the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP.
2. WSU Charter Academy prepares a summary of the present level of academic achievement and functional performance, goals, services, and program modifications and supports for each teacher of the student. This summary is provided to the teacher prior to the time of initial implementation of the IEP as well as annual updates as appropriate.

I. Placement in the Least Restrictive Environment (LRE). (USBE SER III.P)

1. Placement decisions are made by a group of persons, including the parents and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. This group may be the IEP Team, including the parent. The group determines the placement on the continuum of placement options where the student will receive special education or special education and related services.
2. WSU Charter Academy ensures that the parents of each student are members of any group that makes decisions on the education placement of their student. If unable to get the parents to participate, after repeated and documented attempts, the team may need to proceed with a placement decision. However, no initial placement and provision of services may be put in place without written parental consent.
3. Placement is determined at least annually, based on the student's present levels of performance, goals, services, and program modifications as detailed in the IEP.
4. Identified students with disabilities shall receive the special education or special education and related services in the Least Restrictive Environment to the maximum extent appropriate to meet the student's needs. This means that the student will not be removed from the regular education classroom, with regular education peers, unless the IEP Team determines that due to the nature and severity of the disability, the student's educational needs cannot be addressed satisfactorily in the regular education environment, even with the use of supplementary aids and services.
5. The WSU Charter Academy provides the IDEA required range of placement options, including placement in the regular education classroom, with or without itinerant services; placement in a special class; placement in a special school; placement in a residential program, and homebound or hospitalized

placement.

6. WSU Charter Academy provides supplementary services, such as resource or itinerant instruction, in conjunction with placement in the regular education classroom, when needed.

J. Nonacademic Settings, Activities, and Services. (USBE SER III.U-V)

1. The WSU Charter Academy ensures that each student with a disability participates with nondisabled students in the extracurricular services and activities to the maximum extent appropriate to the student's needs. This includes meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school, referrals to agencies that provide assistance to individuals with disabilities and employment of students, and other activities and services of the Charter Academy.
2. WSU Charter Academy ensures that each student with a disability has the supplementary aids and services determined by the student's IEP Team to provide the nonacademic and extracurricular services and activities in such a way that students with disabilities are given an equal opportunity to participate.

K. Parental Consent for Initial Placement and Provision of Services. (USBE SER III.T)

1. In order for the IEP to be implemented and the special education services the team has determined can begin, written parental consent must be obtained. If the parent refuses consent for the provision of those services, the LEA may not implement the IEP and may not access due process procedures.
2. WSU Charter Academy does not use a parent's refusal to consent to one service or activity to deny the parent or student any other service, benefit, or activity of the Charter Academy, or to fail to provide a student with a FAPE.
3. If, at any time subsequent to the initial provision of special education and related services, the parent of a student with disabilities revokes consent in writing for the continued provision of special education and related services, the Charter Academy:
  - a. May not continue to provide special education and related services to the students, but must provide written prior notice before ceasing the provision of special education and related services;
  - b. May not use the due process procedures in order to obtain agreements or a ruling that the services may be provide to the student
  - c. Will not be considered in violation of the requirement to make FAPE available to the student, and
  - d. Is not required to convene an IEP team meeting or develop an IEP for the student.

L. Documentation of Participation.



1. All members of the IEP team will sign the IEP document indicating that they participated in the development of the IEP. A parent's signature on the IEP does not mean that the parent is in full agreement with the content of the IEP and does not abrogate the parental right to access the Procedural Safeguards of the IDEA.
2. If the Charter Academy, despite at least two documented attempts, is unsuccessful in having parental attendance at the meeting, the rest of the IEP team shall proceed with the meeting.
3. Parents may participate via telephone conference or video conference.
4. Parents will be provided with a copy of the completed IEP, and Written Prior Notice of the Charter Academy's intent to implement the program and services in the IEP. This notice is embedded in the IEP form. If the Charter Academy refuses to include in its offer of FAPE as detailed on the IEP services or program modifications the parent has requested, a Written Prior Notice of that refusal is provided to the parent.

M. Changes to the IEP.

1. Changes to the IEP may be made at the request of any member of the IEP Team in a meeting or by amendment to the existing IEP.
2. Changes may be needed if there is new information about the student's performance.
3. Amendments to the IEP without a team meeting may be made only with the agreement of the Charter Academy and the parent.
  - a. Amendments such as a change in the amount of a special education or related service that is no more than 30 minutes per week, a change of location that is no more than 60 minutes per week, or a goal change that is the next logical step forward or backwards and is based on the student's progress may be made without a team meeting.
  - b. If the change involves a move on the continuum of Least Restrictive Environment placement options, or the amount of services to be changed is more than indicated above, or a service is to be added, an IEP Team meeting is held with a Notice of Meeting to all team members.
4. The parent will be provided with a copy of the amended IEP including Written Prior Notice that these additional actions or changes in actions are going to be implemented.

N. Transition from Part C to Part B. (USBE SER VII.A)

1. In the case of a student who was previously served under Part C of the IDEA, the parent may request that an invitation to the initial IEP meeting be sent to the Part C service coordinator or other representatives of the Part C system to

assist with the smooth transition of services. Upon such request, WSU Charter Academy shall provide the Notice of Meeting to the Part C representative.

O. Least Restrictive Behavior Interventions (LRBI).

WSU Charter Academy follows all parts of the USOE LRBI Guidelines as written. These requirements are already addressed on pages 20-21 and do not have to be repeated unless the Charter Academy wants to elaborate.

The WSU Charter Academy also implements the following procedures:

1. Emergency situations: In an emergency consisting of danger to self, danger to others, severe destruction of property, or threatened abuse of self, others, or property the WSU Charter Academy may need to intervene using a moderate to intensive intervention to ensure the safety of students and staff. If an emergency situation occurs that requires the immediate use of highly intrusive individual interventions to protect the student or others from harm, the staff shall complete and submit the emergency contact information to the LEA and notify the student's parents within 24 hours (Utah State Office of Education Special Education Rules III I (b)(5)(c)).
2. Pattern of behavior: If a behavior requiring emergency procedures occurs more than:
  - Once per week or
  - Two times in a month or
  - Four times in a year, the behavior should no longer be considered an emergency or crisis and should be addressed in the IEP and/or BIP. Additionally, the allowable instances of a behavior requiring emergency procedures are cumulative in number, regardless of whether a different highly intrusive individual intervention is used.
3. Appeals process: The parents have the right to challenge the appropriateness of the special education program for a student with disabilities using the mediation, State complaint, or due process hearing procedures in the Procedural Safeguards.
4. Provisions for staff training: Training for school administrators and teachers will include an annual review and/or in-service of Least Restrictive Behavior Interventions (LRBI) policies and procedures.
5. Procedures for monitoring LRBI policies: School administrators will conduct an annual audit of all cases involving emergency situations, patterns of behavior, and the use of intrusive individual interventions. The audit will be used to further refine staff development activities to safeguard the safety of all students and to improve behavioral and classroom management strategies.

P. Private School Placements by WSU Charter Academy. (USBE SER VI.A)

Before WSU Charter Academy places a student with a disability in, or refers a student to, a private school or facility, or a public or private residential program in order to provide a FAPE to the student, it initiates and conducts a meeting to develop an IEP for the student, with a representative of the private school in attendance. The costs of such placements, including non-medical care and room and board, are at no cost to the parents.

Q. Students with Disabilities Enrolled by their Parents in Private Schools When FAPE Is at Issue. (USBE SER VI.C)

If the parents of a student with a disability who had previously received special education or special education and related services from WSU Charter Academy enroll the student in a private school without the consent of or referral by the school, the WSU Charter Academy is not required to pay for the cost of that placement if the school made a FAPE available to the student. Disagreements between the parents and the WSU Charter Academy 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 complaint procedures in USBE SER IV.G-V. The WSU Charter Academy follows other requirements in USBE SER VI.C as written.

V. PROCEDURAL SAFEGUARDS

The SUCA, consistent with the requirements of Part B of the IDEA and the USBE Special Education Rules, has established, maintains, and implements Procedural Safeguards for students with disabilities and their parents.

A. Opportunity for Parental Participation in Meetings.

The WSU Charter Academy affords parents the opportunity to participate in all decisions related to the location, identification, evaluation, and provision of FAPE for their student, including decisions related to the Discipline requirements of Part B of the IDEA. This includes arranging meetings at a mutually convenient time and place, providing Notice of Meeting at least one week prior to a scheduled meeting, and making at least two documented attempts to obtain parent participation in meetings.

B. Independent Educational Evaluation (IEE). (USBE SER IV.C)

1. Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the Charter Academy responsible for the education of the student in question.
2. WSU Charter Academy has established and implements the following policies and procedures related to independent educational evaluation which meet the requirements of Part B of the IDEA and the USBE SER.
  - a. The parents of a student with a disability have the right to obtain an independent educational evaluation of the student at public expense if they disagree with an evaluation obtained by the Charter Academy.
  - b. The Charter Academy provides to parents, upon request for an

independent educational evaluation, information about where an independent educational evaluation may be obtained, and the Charter Academy's criteria applicable for independent educational evaluations. WSU Charter Academy has available a list of persons and/or agencies where an IEE may be obtained by the parent. In addition, the WSU Charter Academy considers any other evaluator or agency proposed by the parent to conduct the IEE if the examiner and the evaluation meet the Charter Academy's criteria. A qualified examiner is one who meets the USOE criteria for qualified personnel as a special education teacher, school psychologist, psychologist with expertise in administration and analysis of assessments, or other equivalent qualifications as determined by the Charter Academy. Criteria for the evaluation are that the evaluation procedures meet all of the same standards as those listed in Section II.D-H of this Policy and Procedures Manual. The WSU Charter Academy either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

- c. The WSU Charter Academy ensures that when a parent requests an IEE, either the Charter Academy files a due process complaint to request a hearing to show that its evaluation is appropriate, or that the independent educational evaluation is provided at public expense, unless the evaluation obtained by the parent does not meet the Charter Academy criteria as described above. If a due process complaint decision finds the Charter Academy evaluation was appropriate, an IEE obtained by the parent is considered by the team, but is not provided at public expense.
  - d. Additional protections for the parent of a student with a disability and for the Charter Academy are followed as written in USBE SER IV.C.3(c-h).
3. An independent educational evaluation conducted at the Charter Academy's expense becomes the property of the Charter Academy, in its entirety.

C. Written Prior Notice.

WSU Charter Academy provides Written Prior Notice to parents a reasonable time before it proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or provision of a free appropriate public education to the student. The notice includes: a description of the action proposed or refused, an explanation of reasons for the proposal or refusal, a description of evaluations or other information the proposal or refusal is based on, a statement that the parents and eligible student have protection under the Procedural Safeguards and how to obtain a copy of the Safeguards, sources of assistance to understand Part B of the IDEA, a description of other options the IEP Team considered and why the other options were rejected, and a description of other relevant factors to the proposal or refusal. The Written Prior Notice is provided in understandable language and in the parents' native language or other mode of communication.

D. Procedural Safeguards Notice.

A copy of the Procedural Safeguards is given to the parent once a year at the annual IEP review, except that a copy also is given to the parent upon initial referral or parental request for evaluation, upon receipt of the first State complaint or due process complaint in that school year, and upon request by the parent at any time. WSU Charter Academy uses the USOE Procedural Safeguards Notice that is posted on the USOE website, [www.schools.utah.gov](http://www.schools.utah.gov). The special education teacher/case manager provides a brief explanation of the main provisions of the Procedural Safeguards to the parents at consent for evaluation, eligibility determination, and annual IEP meetings.

This notice contains an explanation of the procedural safeguards related to independent educational evaluations, written prior notice, parental consent, access to educational records, opportunity to present and resolve complaints through State complaint or due process complaint procedures, opportunity for the Charter Academy to resolve the complaint, availability of mediation, student's placement during pendency of hearings, procedures for students placed in an interim alternative educational setting, requirements for unilateral placement of student in private schools at public expense, hearings on due process complaints, civil actions, attorney's fees. This notice is in language understandable to the parents.

E. Parental Consent.

Informed written parental consent is obtained for evaluation and reevaluation, initial placement/provision of special education, and for release of records to certain parties. Efforts to obtain consent are documented in writing. No student receives special education or special education and related services without the signed initial consent for placement in the student file. Other relevant parental consent requirements are addressed in Sections II and III of this Policies and Procedures Manual.

F. Dispute Resolution.

The WSU Charter Academy follows the Dispute Resolution requirements of the USBE SER described in IV.G-U as written. These include the procedures for State Complaints, Mediation, Due Process Complaints, Resolution Process, Due Process Hearings, Civil Actions, Attorney's Fees, and Student's Status during Proceedings.

G. Surrogate Parents.

The WSU Charter Academy assigns a surrogate parent for a student when the parent cannot be identified or cannot be located, the parent's rights to make educational decisions has been taken away by a court, the student is a ward of the state, or the student is an unaccompanied homeless youth. The surrogate parent meets the requirements of USBE SER IV.V.5-8. WSU Charter Academy contacts the USOE for assistance in obtaining names of trained surrogates and maintains a list of surrogate parents who are available when needed.

H. Confidentiality of Information. (USBE SER IV.X)

The WSU Charter Academy takes appropriate steps to ensure the protection of the confidentiality of any personally identifiable data, information, and records it collects or maintains related to Part B of the IDEA.

1. Definitions. As used in these 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, or from which information is obtained, under Part B of the IDEA.
2. Access Rights.
  - a. WSU Charter Academy permits parents to inspect and review any education records relating to their student that are collected, maintained, or used by the Charter Academy. WSU Charter Academy complies 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 includes the right to:
    - A response from the Charter Academy to reasonable requests for explanations and interpretations of the records;
    - Request that the Charter Academy provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
    - Have a representative of the parent inspect and review the records.
    - WSU Charter Academy may presume that the parent has authority to inspect and review records relating to his or her student unless the school has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.
3. Record of Access.

WSU Charter Academy keeps a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA (except access by parents and authorized employees of the Charter Academy) in each student’s special education file, including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records. If any education record includes information on more than one

student, WSU Charter Academy ensures that the parents of a student has the right to inspect and review only the information relating to their student or to be informed of that specific information.

4. List of Types and Locations of Information.

On request, WSU Charter Academy provides parents with a list of the types and locations of education records collected, maintained, or used by the Charter Academy. This list is maintained in the office at WSU Charter Academy.

5. Fees.

WSU Charter Academy may charge a fee for copies of records that are made for parents under Part B of the IDEA if the fee does not effectively prevent the parents from exercising their right to inspect and review those records; however, it may not charge a fee to search for or to retrieve information under Part B of the IDEA.

6. Amendment of Records at Parent's Request.

- a. A parent who believes that information in the education records collected, maintained, or used under Part B of the IDEA is inaccurate or misleading or violates the privacy or other rights of the student may request the Charter Academy that maintains the information to amend the information. The Charter Academy must decide whether to amend the information within a reasonable period of time of receipt of the request. If the Charter Academy decides to refuse to amend the information, it must inform the parent of the refusal and advise the parent of the right to a hearing on the matter.
- b. The Charter Academy, on request, provides 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. If, as a result of the hearing, the Charter Academy 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 in writing. If, as a result of the hearing, the Charter Academy 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 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 Charter Academy. Any explanation placed in the records of the student under this section must be maintained by the Charter Academy as part of the records of the student as long as the record or contested portion is maintained; and if the records of the student or the contested portion is disclosed by the Charter Academy to any party, the explanation must also be disclosed to the party. WSU Charter Academy follows the

hearing procedures described in USBE SER IV.12 as written.

- c. If the parent revokes consent in writing for the student's receipt of special education and related services, the Charter Academy is not required to amend the student's education record to remove any references to the student's receipt of special education and related services because of the revocation of consent.

7. Release and Disclosure of Records.

Parental consent is not required for disclosure of records to officials of agencies collecting or using information under the requirements of Part B of the IDEA, to other school officials, including teachers within the school who have been determined by the Charter Academy to have legitimate educational interests, to officials of another school or school site in which the student seeks or intends to enroll, or for disclosures addressed in referral to and action by law enforcement and judicial authorities, for which parental consent is not required by 34 CFR 99.

(All Utah Local Education Agencies (LEAs) include in the annual Procedural Safeguards notice that it is their policy to forward educational records of a student with disabilities without parental consent or notice to officials of another school or school district in which a student seeks or intends to enroll.)

Written parental consent is obtained prior to releasing any records to any other person or agency not listed above.

8. Safeguards.

- a. WSU Charter Academy protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.
- b. The principal/director of WSU Charter Academy assumes responsibility for ensuring the confidentiality of any personally identifiable information.
- c. Staff members at WSU Charter Academy who collect or use personally identifiable information receive training or instruction regarding the State's policies and procedures in USBE SER IV.X and 34 CFR 99 on an annual basis.
- d. WSU Charter Academy maintains, for public inspection, a current listing of the names and positions of those employees within the school who may have access to personally identifiable information on students with disabilities. This list is posted on the locked cabinet in which students' special education files are maintained and updated annually.

9. Destruction of Information.



The WSU Charter Academy informs parents or the student age 18 or older when personally identifiable information collected, maintained, or used under Part B of the IDEA is no longer needed to provide educational services to the student. Information no longer needed must be destroyed at the request of the parents or student age 18 or older. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. Each student's records may be considered "no longer needed to provide educational services" and may be destroyed three (3) years after the student graduates or three (3) years after the student turns 22.

10. Students' Rights.

The rights of privacy afforded to parents are transferred to the student who reaches the age of 18, providing the student has not been declared incompetent by a court order, including the rights with regard to education records.

I. Discipline.

The WSU Charter Academy follows the Discipline requirements and procedures described in USBE SER V.A-K as written.

VI. LEA ELIGIBILITY and RESPONSIBILITIES

A. Participation in assessments and reporting of assessment results.

All students enrolled in the WSU Charter Academy, including students with disabilities, participate in the statewide testing program and the school-wide testing program. Participation requirements in the USOE Assessment Participation and Accommodation Policy are followed. The IEP Team determines how a student with disabilities will participate, and accommodations needed, if any. Results of statewide assessments are posted on the USOE website annually.

B. Public participation in policies and procedures development.

This Policy and Procedures Manual, as well as any future changes to the contents, are presented to the WSU Charter Academy Board in a public meeting for review and input. The agenda for WSU Charter Academy board meetings is posted at least 1 week prior to each meeting as required by state law.

C. Public posting of USOE monitoring results.

Results of monitoring from the Utah Program Improvement Planning System are posted on the USOE website annually.

D. Methods of ensuring services.

The WSU Charter Academy ensures that each eligible student with a disability enrolled in the school receives the services included in the IEP through a systematic process of review of IEPs and monitoring of service delivery by Charter Academy personnel and contracted service providers.

E. Supervision.

All personnel of the WSU Charter Academy are supervised by appropriately qualified staff as determined by the local Charter Academy Board.

F. Use of Part B funds.

The WSU Charter Academy follows the requirements of USBE SER IX.B in ensuring the appropriate use of funds under Part B of the IDEA. WSU Charter Academy participates in the single audit process required by State law that includes an audit of Part B funds.

G. Personnel standards.

All special education and related services personnel of the WSU Charter Academy meet the educator licensing requirements of the USOE for the positions in which they work, as described in the USBE SER IX.H and the Highly Qualified requirements of the USOE State Plan under No Student Left Behind and Educator Licensing – Highly Qualified Assignment (Administrative Rule R-277-510-1 through 11). 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. WSU Charter Academy provides a program of professional development for all special education personnel, based on the identified skill and knowledge needs of teachers, assistants, related service providers, and others, and including targeted training for persons working with students with specific and individual needs for academic and social behavior instruction.

H. Performance goals and indicators in the State Performance Plan.

The WSU Charter Academy participates in additional procedures and collects and provides additional information which the USOE may require in order to meet Federal reporting requirements, including suspension and expulsion rates, LRE environments, disproportionality data, and others. (USBE SER IX.A.2)

I. Early Intervening Services.

The WSU Charter Academy uses not more than 15 percent of the amount it receives under Part B of the IDEA for any fiscal year, in combination with other amounts to develop and implement coordinated early intervening services for students in kindergarten who are not currently identified as needing special education or special education and related services, but who need additional academic and behavioral support to succeed in a general education environment. These funds are used to carry out activities including professional development that enables school personnel to deliver scientifically based academic and behavioral interventions, as well as educational and behavioral evaluations, services, and supports.

The WSU Charter Academy provides any and all required data on its Early Intervening Services to the USOE annually.

J. Caseload Guidelines.

WSU Charter Academy follows the USOE Caseload Guidelines in overseeing the

caseload of each special educator, including related service providers, to ensure that a FAPE is available to all eligible students with disabilities.

K. Enforcement.

The confidentiality requirements of Part B of the IDEA are reviewed and approved as part of the LEA eligibility process.

- L. **Routine checking of hearing aids and external components of surgically implanted medical devices.** WSU Charter Academy must ensure that hearing aids worn in school by students with hearing impairments, including deafness, are functioning properly. WSU Charter Academy must ensure that external components of surgically implanted medical devices are functioning properly.

## STUDENTS WITH DISABILITIES IN OTHER SETTINGS

### VI.A PRIVATE SCHOOL PLACEMENTS BY LEAs. (§300.325)

#### 1. Developing IEPs.

- a. Before an LEA places a student with a disability in, or refers a student to, a private school or facility, the LEA must initiate and conduct a meeting to develop an IEP for the student in accordance with Part B of the IDEA and these Rules.
- b. The LEA 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.

#### 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 the LEA.
- b. If the private school or facility initiates and conducts these meetings, the LEA must ensure that the parents and an LEA representative:
  - Are involved in any decisions about the student's IEP; and
  - 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 the LEA and the USOE.
4. Residential placement. (§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 parents of the student.

**VI.C STUDENTS WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOLS WHEN FAPE IS AT ISSUE. (§300.148)**

1. An LEA 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 parents elected to place the student in a private school or facility. However, the LEA must include that student in the population whose needs are addressed consistent with Rule VI.B.
2. Disagreements between the parents 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 Rule IV.G-V.
3. If the parents of a student with a disability, who previously received special education and related services under the authority of an LEA, 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 parents 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 USOE and LEAs.
4. The cost of reimbursement may be reduced or denied if:
  - a. At the most recent IEP team meeting that the parents attended prior to removal of the student from the public school, the parents did not inform the IEP team that they were rejecting the placement proposed by the LEA to provide a FAPE to their student, including stating their concerns and their intent to enroll their student in a private school at public expense; or
  - b. At least ten (10) business days (including any holidays that occur on a business day) prior to the removal of the student from the public school, the parents did not give written notice to the LEA of the information described in VI.C.4.a;

- c. Prior to the parents' removal of the student from the public school, the LEA informed the parents, through the written prior 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 parents did not make the student available for the evaluation; or
  - d. Upon a judicial finding of unreasonableness with respect to actions taken by the parents.
- 5. Notwithstanding the requirements for parents to provide notice to the LEA prior to removal of the student, the cost of reimbursement:
  - a. Must not be reduced or denied for failure to provide the notice if:
    - The school prevented the parents from providing the notice;
    - The parents had not received written prior notice of the notice requirement in VI.C.4.a-b; or
    - Compliance with the notice requirements in VI.C.4.a-b would likely result in physical harm to the student; and
    - May, in the discretion of the court or a hearing officer, not be reduced or denied for failure to provide this notice if:
      - The parents are not literate or cannot write in English; or
      - Compliance with VI.C.4.a-b would likely result in serious emotional harm to the student.

## **Prohibition of Corporal Punishment Policy**

(NAEYC Standards 1B.8, 1B.9, 1B.10)

Approved April 2, 2013  
Reapproved October 3, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Administrative Code R277-608 Prohibition of Corporal Punishment in Utah's Public Schools and with Utah Code 53G -8 -3 01 through 305 Physical Restraint Guidelines, and Utah Code 53G-8-3.

**Policy:** A school employee may not inflict or cause the infliction of corporal punishment upon a child.

**Definition:** Corporal punishment means the intentional infliction of physical pain as a disciplinary measure upon the body of a child under the age of 19 or under the age of 23 who is receiving educational services as

an individual with a disability.

A school employee may use reasonable and necessary physical restraint in self-defense or when otherwise appropriate to the circumstances to:

- obtain possession of a weapon or other dangerous object in the possession or under the control of a child;
- protect the child or another individual from physical injury;
- remove from a situation a child who is violent or disruptive; or
- protect property from being damaged, when physical safety is at risk.

Any rule, ordinance, policy, practice, or directive which purports to direct or permit the commission of corporal punishment is void and unenforceable. A school employee may not be subjected to any sanction for failure or refusal to commit corporal punishment.

This policy does not apply to a law enforcement officer as defined in Section 53-13-103.

Behavior reduction intervention which is in compliance with Section 76-2-401 and with state and local rules adopted under Utah Code Section 53E-7-202 that explains physical restraint for children with disabilities is excepted from this prohibition policy.

**Procedure:**

Violations of the prohibition of corporal punishment should be reported to the Principal. If a violation of the prohibition of corporal punishment is confirmed, school administrators shall take prompt and appropriate action, including in-service training and other administrative action, to ensure against a repetition of the violation. Any individual who makes a report or cooperates in an investigation concerning a violation is immune from any civil or criminal liability that might otherwise result by reason of those actions.

## **Protection of Pupil Rights Amendment (PPRA)**

Approved April 2, 2013  
Reapproved May 2, 2017

**Purpose:** The purpose of this policy is to comply with the Protection of Pupil Rights Amendment (PPRA) as fully outlined in (20 U.S.C. § 1232h; 34 CFR Part 98)

**Policy:** The Protection of Pupil Rights Amendment (PPRA) is a federal law that affords certain rights to parents of minor students with regard to surveys that ask questions of a personal nature. Briefly, the law requires that schools obtain written consent from parents before minor students are required to participate in any U.S. Department of Education funded survey, analysis, or evaluation that reveals information concerning the following areas:

- Political affiliations;

- Mental and psychological problems potentially embarrassing to the student and his/her family;
- Sex behavior and attitudes;
- Illegal, anti-social, self-incriminating and demeaning behavior;
- Critical appraisals of other individuals with whom respondents have close family relationships;
- Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- Religious practices, affiliations, or beliefs of the student or student's parent\*; or
- Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.)

**Procedure:** Parents/guardians shall receive notice of any of the following activities and shall have the right to opt-out:

- Activities involving collection, disclosure, or use of personal information obtained from students for purposes of marketing or selling or otherwise distributing the information to others;
- Administration of any protected information survey (a survey containing one or more of the above-described eight categories of information) even those not federally funded; and
- Any non-emergency, invasive physical examination or screening required as a condition of attendance, administered by the school and scheduled by the school in advance, and not necessary to protect the immediate health and safety of the student or of other students, except for hearing, vision or scoliosis screenings, or any physical exam or screening permitted or required under state law.

Parents/guardians have the right to inspect the following, upon request, prior to administration by the school:

- Protected information surveys of students (including an instructional materials used in connection with the survey), as described above;
- Documents used to collect personal information from students for any of the marketing, sales, or other distribution purposes referred to above; and
- Instructional materials used as part of the educational curriculum.

### **Annual Notice**

The school shall annually notify parents/guardians of their rights under the Protection of Pupil Rights Amendment (PPRA). The annual notice must also include:

- A description of who is considered to be a school official and what is considered to be a legitimate educational interest so that information may be shared with that person;
- Information about who to contact to seek access or amendment of education records.

### **For Further Information or Complaints of Alleged Violations**

Parents and eligible students who need assistance or who wish to file a complaint of alleged violations under FERPA or PPRA should do so in writing to the Family Policy Compliance Office, sending pertinent information through the mail, concerning any allegations to the following address:

Family Policy Compliance Office

U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-5920

A full copy of FERPA and PPRA rights are available through the school

## Recognizing Constitutional Freedoms in the Schools

Approved April 2, 2013  
Reapproved May 2, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Administrative Code 277-105-9 (A)(2)

**Policy:** This policy is adapted from Utah Code 53G-10-202.

WSUCA will maintain constitutional freedom regarding religious observation and education. Instructional activities, performances, or displays which include religion, or religious thought or expression, or the influence of religion on music, art, literature, law, politics, history, or any other element of the curriculum which is designed to achieve secular educational objectives may be undertaken.

No aspect of cultural heritage, political theory, moral theory, or societal value will be included or excluded from the curricula simply because it affirms, ignores, or denies religious belief, religious doctrine, a religious sect, or the existence of a spiritual realm or supreme being.

WSUCA administrators and employees will not engage in religious practices such as leading prayer or other religious devotionals in school or school related settings. WSUCA administrators and employees will neither encourage nor discourage children from engaging in constitutionally protected religious observances, such as prayer, on their own.

WSUCA officials and employees will not use their position to endorse, promote, or disparage a particular religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint.



# Responding to Family Concerns Regarding Curriculum and Instructional Materials Policy

(NAEYC Standards 7A.2, 7A.3, 7A.4, 7A.5, 7A.6, 7A.7, 7B.3, 7C.1)

Approved April 2, 2013

Reapproved October 3, 2017

**Purpose:** The purpose of this policy is to make individuals aware of the process to have concerns regarding curriculum addressed and to ensure compliance with Utah Administrative Rule R277-468.

**Policy:** Families may occasionally have a concern in regard to Weber State University Charter Academy curriculum or instructional materials. Open and honest communication between parents and WSU Charter Academy is welcome and encouraged.

Teachers will list the instructional materials they intend to use in the open disclosure documents provided to parents and children at the beginning of the school year. Some materials, specifically those concerning human sexuality education, may require parental permission for use in the classroom. Materials that may be considered sensitive under prevailing community standards should be specifically noted in a teacher's open disclosure document. Materials will be made available to parents to review upon request.

Parents/guardians should be given sufficient advance notice that such materials will be used to instruct their children so that interested parents may review the materials and register any objection. Parents/guardians should, in a timely manner and in accordance with the procedures inform teachers of any sensitive materials they do not wish their children to use. Children will not be forced to use any instructional material deemed objectionable by their parents/guardians.

Parent/guardians will be provided with opportunities to inform consideration of instructional materials, including written notification of changes and opportunities to provide feedback, parent/guardian representation on the Board of Directors, and through the Family Involvement Committee.

## **Procedure:**

In order for the staff of WSU Charter Academy to best meet the needs of the child and the school, parents are asked to adhere to the following procedure when addressing concerns:

1. Parents should first make every attempt to familiarize themselves with the outline of the Utah State Core Curriculum, Developmentally Appropriate Practices, Brain-based Principles and any other curricular materials used by the School. The WSU Charter Academy curricular information is available at the school.

2. The parent/guardian should then address the concern with the teacher or individual with whom the concern is directly related, or person most able to address the concern, and no one else. Often, a comfortable accommodation can be reached at this step.
3. If the teacher or individual is not able to resolve the concern to the parents' satisfaction, the concern should then be addressed with the appropriate WSU Charter Academy Administrators including the Principal. Names and contact information of the WSU Charter Academy Administrators can be found in the Parent Handbook, as well as on the school's website.
4. If the appropriate Administrator cannot resolve the issue satisfactorily, a Request for Reconsideration of Instructional Material may submit to the Dean of the Moyes College of Education, Weber State University. The request should include:
  - description of the instructional material
  - formal objections to instructional material

Within 10 business days, the Dean of the Moyes Colleges of Education, will establish a reconsideration committee for evaluation. The reconsideration committee will be composed of the following appointed by the Dean of the Moyes College of Education:

- an elementary school principal or early childhood program director
- two parent representatives
- College of Education faculty member with expertise in Early Childhood Education
- an early childhood teacher

At its first meeting, the reconsideration committee will meet in open session and:

- distribute copies of the parent request;
- distribute copies of the challenged instructional material as available;
- give the complainant, or spokesperson, an opportunity to talk about the request; and
- provide reputable professional views of the material when available.

At a second or subsequent meeting, the committee will make its recommendation in open session. The committee's recommendation may be to take no action, or to remove all or part of the challenged material. The written recommendation and its justification will be forwarded to the Dean of the Moyes College of Education.

5. If a parent/guardian does not feel their concern has been resolved after taking the above steps, they may bring their concern to the Provost of Weber State University.

6. If a parent/guardian does not feel their concern has been resolved after taking the above steps, they may bring their concern to the President of Weber State University.
7. If the concern still persists beyond these steps, the parent/guardian may submit a formal request for a confidential review of the concern to the Chair of the Weber State University Board of Trustees. Parents may choose to either present their case directly to the Board of Trustees or have the case presented on their behalf by the Chair of the Board of Trustees. The Board of Trustees will respond as quickly as circumstances dictate.

## Student Code of Conduct Policy

Approved April 2, 2013

**Purpose:** The overall goal of guidance and limits in the school is to help students become self-regulated individuals who can make appropriate decisions about their own behavior. The administration of student policies should be conducted in a manner that will foster the ethical development and personal integrity of students and promote an environment that is in accord with the overall educational mission of the school. The policy ensures compliance with Utah Administrative Code R277-613 and Utah State Code 53G -8 -202-209 .

**Policy:** STUDENTS LEARN AND GROW IN A SAFE AND ORDERLY ENVIRONMENT. In order to achieve an optimal learning environment, students shall conduct themselves in a developmentally appropriate manner that contributes to a productive atmosphere for themselves and their classmates. Students are expected to be attentive, cooperative, and industrious while in the classroom.

WSU Charter Academy teaches values and concepts that encourage students to act in a positive manner. As students learn and focus on positive behaviors that make them happy, healthy, and responsible, the school's climate takes on those same characteristics.

### **General Limits:**

- A. No student will be allowed to hurt another student or adult.
- B. No student will be allowed to hurt himself or place himself in unsafe circumstances.
- C. No student will be allowed to destroy property.
- D. No student may infringe upon the rights of others - this includes but is not limited to bullying.

### **Comportment:**

All students and staff will demonstrate correct behavior with regard to their physical selves. Hands and feet will be kept to oneself, and respect will be shown by walking in an orderly manner in the hallways, elevators, and in other school areas. Interaction will be friendly and helpful, without horseplay or other physical demonstrations that are inappropriate.

### **Dress:**

All students are required to adhere to the guidelines set forth in the WSU Charter Academy Dress Code.

**Language and Communication:**

Students shall speak with respect and kindness at all times. Voices will be kept quiet, with no shouting or yelling inside the school. Language and communication that is positive and promotes the school's mission will be taught, modeled, and fostered. Students and staff will notice positive behavior in others, and will commend others for their efforts. Language that builds, supports, and encourages will be frequently and consistently used.

**Assemblies and Activities:**

Assemblies and school activities are considered special student privileges where participation is contingent upon appropriate behavior. Students shall show respect to all performers. Students, who disturb, disrupt, or show disrespect shall lose the privilege of attending.

**School Facilities and Equipment:**

All school property will be used appropriately in such a way that it is preserved and protected. Students may be disciplined for improper use or treatment of school facilities and/or equipment.

**Sportsmanship:**

Students are expected to demonstrate good sportsmanship in all competitive events and to conduct themselves according to the rules of fair play both as spectators and participants. While healthy competition is encouraged when appropriate, cheating or rude and disruptive conduct is not acceptable.

## **Student Discipline Policy**

(NAEYC Standard 1B.8, 1B.9, 1B.10)

Approved October 29, 2013

Reapproved November 5, 2018

**Purpose and Philosophy:** The purpose of this policy is to foster a developmentally appropriate environment for learning and educating the whole child while focusing on all areas of development including culture and a strong emphasis on family involvement. recognizes that every student should have the opportunity to learn in an environment that is safe, conducive to the learning process, and free from unnecessary disruption. At times, student behavior may present an immediate danger requiring emergency safety interventions. Behavioral interventions for students should promote and facilitate their safety and dignity. This policy outlines restrictions on, and allowable uses of, emergency safety interventions for all students. This policy also complies with Administrative Code R277-609.

**Policy and Procedures:** WSU Charter Academy recognizes that student discipline is essential to further the educational process and provide an environment conducive to learning. The Administration will take appropriate action to preserve order among the students and staff and to

protect school property. Acts of violence, use or possession of a weapon or facsimile, criminal behavior, and gang activity in or about school property, or activities shall be dealt with in accordance with WSU Charter Academy policies and the law. (See Utah Code 53G-8-202)

The Administration shall take appropriate disciplinary action when students engage in activities which disrupt the educational environment, threaten or harm persons or property, or disrupt school activities. This policy shall be administered according to the WSU Charter Academy procedures for this policy.

The WSU Charter Academy Board of Directors recognizes that children should be treated in an ethical and respectful manner and excessive force, physical punishment, psychological abuse and coercion will not be tolerated.

**Definitions:**

“Coercion” means the practice of persuading someone to do something by using force or threats. Examples include: rough handling (shoving, pulling, pushing, grasping any body part); forcing a child to sit down, lie down, or stay down, except when restraint is necessary to protect the child or others from harm; physically forcing a child to perform an action (such as eating or cleaning up).

"Discipline" includes:

- a. Imposed discipline; and
- b. Self-discipline.

"Disruptive student behavior" includes:

- a. The grounds for suspension or expulsion described in Utah Code Ann., Section 53G-8-205; and
- b. The conduct described in Utah Code Ann., Subsection 53G-8-209(2)(b).

"Emergency safety intervention" means the use of seclusion or physical restraint when a student presents an immediate danger to self or others, and the intervention is not for disciplinary purposes.

“Evidence-based alternative intervention” is a youth court or comparable restorative justice program. Evidence-based interventions can be created by the school or school district. Collaborations on the development of interventions can be made between the school, school district, local education agency, local authorities, the Utah State Board of Education and the juvenile court.

"Immediate danger" means the imminent danger of physical violence/aggression towards self or others likely to cause serious physical harm.

“Mechanical restraint” means the use of a device as a means of restricting a student’s freedom of movement.

“Physical punishment” means anything done to cause pain or discomfort in response to a child’s

behavior. Examples include: shaking, hitting, spanking, slapping, jerking, squeezing, kicking, biting, pinching, excessive tickling, and pulling of arms, hair, or ears; requiring a child to remain inactive for a long period of time.

“Psychological abuse” means any kind of abuse that is emotional rather than physical in nature. Examples include: shaming, name calling, ridiculing, humiliation, sarcasm, cursing at, making threats, or frightening a child; ostracism, withholding affection.

"Physical restraint" means personal restriction that immobilizes or reduces the ability of an individual to move the individual's arms, legs, body, or head freely.

"Restorative justice program" means a school-based program or a program that is used or adopted by a local education agency that is created to increase school safety, reduce school suspensions, and limit referrals to court, and is designed to help minors take responsibility for and repair the harm of behavior that occurs in school. (HB 132)

"Seclusion" means the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion is not timeout as that term is defined in this policy. In addition to the foregoing, and consistent with Utah Administrative Code R277-609, seclusion means that a student is:

Placed in a safe enclosed area:

- a. By school personnel; and
- b. In accordance with the requirements of Utah Administrative Code R392-200, which provides requirements for the design, construction, operation, sanitation, and safety of schools; and R710-4-3, which provides fire safety requirements;
- c. Purposefully isolated from adults and peers; and
- d. Prevented from leaving, or reasonably believes that the student will be prevented from leaving, the enclosed area.

“Timeout” means a behavior management technique that may be part of an approved treatment plan involving the separation of the student from the group, in a non-locked setting, for the purpose of calming. Timeout is not seclusion.

**Training: (NAEYC Standard 1B.9)**

Appropriate school personnel will receive initial training upon being hired and ongoing training in:

- a. Guidance and Discipline;
- b. Crisis intervention;
- c. Emergency Safety Intervention professional development; and
- d. Policies related to emergency safety interventions consistent with evidence based practices.

**Prohibited Practices: (NAEYC Standard 1B.8, 1B.10)**

Emergency Safety Interventions should not include:

- A. Physical restraint except when a student:

- a. Presents a danger of serious physical harm to self or others; or
  - b. Is destroying property of significant value, whether monetary, sentimental, or other.
- B. Physical restraint that obstructs the airway of a student, or any physical restraint that adversely affects a student's primary mode of communication;
- C. Prone, or face-down, physical restraint; supine, or face-up, physical restraint;
- D. Mechanical restraint, except those protective, stabilizing or required by law, any device used by a law enforcement officer in carrying out law enforcement duties, seatbelts, car seats, or any other safety equipment when used to secure students during transportation, including bus harnesses. Use of a bus harness should be approved by the Director of Special Education and written into a student's Behavior Intervention Plan (BIP).
- E. Chemical restraint, except as:
  - a. Prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and
  - b. Administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under state law;
- F. Seclusion, except when a student presents an immediate danger of serious physical harm to self or others.
- G. For a student with a disability, emergency safety interventions written into a student's Individualized Education Program (IEP), as a planned intervention, unless school personnel, the family, and the IEP team agree less restrictive means which meet circumstances described in Utah Admin. Code R277-608-4 have been attempted, a Functional Behavior Assessment (FBA) has been conducted, and a (BIP) based on data analysis has been written into the plan and implemented. Use of ESI as a planned intervention under this paragraph requires approval from the Director of Special Education after consultation with a District-level behavior specialist.

### **Physical Restraint and Seclusion:**

If an employee physically restrains a student or puts a student in seclusion:

- a. The school or the employee shall notify the student's parent or guardian and school administration consistent with Section 7; and
- b. The employee must immediately terminate physical restraint or seclusion when the student is no longer an immediate danger or if the student is in severe distress. The use of restraint should be for the minimum time necessary and never for more than 30 minutes.
- c. The school shall use a release criteria.
- d. The school shall ensure that any door remains unlocked.
- e. The school shall maintain the student within line of sight of the employee.

WSU Charter Academy will not use physical restraint, psychological abuse, coercion or seclusion as a means of discipline or punishment.

**Emergency Safety Intervention Committee:**

The school shall establish an Emergency Safety Intervention (ESI) Committee. The WSU Charter ESI Committee shall include:

- a. the school administrator;
- b. at least one parent or guardian of a student enrolled in the Charter Academy, appointed by the administrator and;
- c. one certified educational professional with behavior training and knowledge in both state rules and WSU Charter Academy discipline policies;

The Committee shall:

- a. Meet often enough to monitor the use of emergency safety intervention in the Charter Academy.
- b. Determine and recommend professional development needs.

**Parent/Guardian Notification:**

When ESI is used, the school shall notify the WSU Charter Academy Board Chair and the student's parent or guardian as soon as possible and no later than the end of the school day. The notice shall be documented within student information systems (SIS) records. The school shall provide a parent or guardian with a copy of notes and documentation taken during the use of ESI upon request of the parent or guardian. Within 24 hours of the use of ESI, the school shall notify a parent or guardian that the parent or guardian may request a copy of notes and documentation taken during the use of ESI. A parent or guardian may request a time to meet with school staff and administration to discuss the incident that required use of ESI.

In addition the Charter Academy shall:

- a. Provide notice to parents and information about resources available to assist a parent in resolving the student's disruptive behavior;
- b. Provide for notices of disruptive behavior to be issued by schools to qualifying minor(s) and parent(s) consistent with:
  - i. Numbers of disruptions and timelines in accordance with Utah Administrative Code Section 53G-8-210;
  - ii. School resources available; and
  - iii. Cooperation from the appropriate juvenile court in accessing student school records, including attendance, grades, behavioral reports and other available student school data.

**Allowable Use:**

Consistent with Utah Code Ann. Section 53G-8-302, nothing in this policy shall prohibit an employee from using reasonable and necessary physical restraint or force in self-defense or otherwise appropriate to:

- a. obtain possession of a weapon or other dangerous object in the possession or under the control of a student;



- b. protect a student or another person from physical injury;
- c. remove from a situation a student who is violent or threatening; or
- d. protect property from being damaged.

A. Each LEA or school shall develop and implement a board approved comprehensive LEA plan or policy for student and classroom management, and school discipline.

B. The plan described in R277-609-3A shall include:

- 1. the definitions of Section 53G-8-210;
- 2. written standards for student behavior expectations, including school and classroom management;
- 3. effective instructional practices for teaching student expectations, including self-discipline, citizenship, civic skills, and social skills;
- 4. systematic methods for reinforcement of expected behaviors and uniform methods for correction of student behavior;
- 5. uniform methods for at least annual school level data-based evaluations of efficiency and effectiveness;
- 6. an ongoing staff development program related to development of:
  - a. student behavior expectations;
  - b. effective instructional practices for teaching and reinforcing behavior expectations;
  - c. effective intervention strategies; and
  - d. effective strategies for evaluation of the efficiency and effectiveness of interventions;
- 7. procedures for ongoing training of appropriate school personnel in:
  - a. crisis intervention training;
  - b. emergency safety intervention professional development; and
  - c. LEA policies related to emergency safety interventions consistent with evidence-based practice;
- 8. policies and procedures relating to the use and abuse of alcohol and controlled substances by students;
- 9. policies and procedures related to bullying, cyber-bullying, harassment, hazing, and retaliation consistent with requirements of R277-613; and
- 10. policies and procedures for the use of emergency safety interventions for all students consistent with evidence-based practices including prohibition of:
  - a. subject to the requirements of R277-609C, physical restraint except when a student:
    - presents a danger of serious physical harm to self or others; or
    - is destroying property;
  - b. prone, or face-down, physical restraint; supine, or face-up, physical restraint;
  - c. physical restraint that obstructs the airway of a student, or any physical restraint that adversely affects a student's primary mode of communication;
  - d. mechanical restraint, except those protective, stabilizing or required

- by law, any device used by a law enforcement officer in carrying out law enforcement duties, including seatbelts or any other safety equipment when used to secure students during transportation;
- e. chemical restraint, except as:
    - prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and
    - administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under state law;
  - f. subject to the requirements of R277-609, seclusionary time out, except when a student presents an immediate danger of serious physical harm to self or others.
  - g. for a student with a disability, emergency safety interventions written into a student's individualized education program (IEP), as a planned intervention, unless school personnel, the family, and the IEP team agree less restrictive means which meet circumstances described in R277-608-4 have been attempted, a FBA has been conducted, and a positive behavior intervention plan based on data analysis has been written into the plan and implemented; and
11. the policies and procedures explicitly include all the requirements in this rule.
- a. All physical restraint must be immediately terminated when student is no longer an immediate danger to self or others, or if student is in severe distress.
  - b. The use of physical restraint shall be for the minimum time necessary to ensure safety and a release criteria (as outlined in LEA policies) must be implemented.
  - c. If a public education employee physically restrains a student:
    - the school or the public education employee shall immediately notify the student's parent or guardian and school administration; and
    - the public education employee may not use physical restraint on a student for more than 30 minutes.
  - d. In addition to the notice described in R277-609-3C(3), if a public education employee physically restrains a student for more than fifteen minutes, the school or the public education employee shall immediately notify:
    - the student's parent or guardian; and
    - school administration.
  - e. An LEA may not use physical restraint as a means of discipline or punishment.
  - f. If a public education employee uses seclusionary time out, the public education employee shall:
    - use the minimum time necessary to ensure safety;
    - use a release criteria (as outlined in LEA policies);

- ensure that any door remains unlocked; and
    - maintain the student within line of sight of the public education employee.
  - g. If a student is placed in seclusionary time out:
    - the school or the public education employee shall immediately notify:
      - the student's parent or guardian; and
      - school administration; and
      - the public education employee may not place a student in a seclusionary timeout for more than 30 minutes.
  - h. In addition to the notice described in R277-609-3D(2), if a public education employee places a student in seclusionary time out for more than fifteen minutes, the school or the public education employee shall immediately notify:
    - the student's parent or guardian; and
    - school administration.
  - i. Seclusionary time may only be used for maintaining safety and a public education employee may not use seclusionary time out as a means of discipline or punishment.
- E. A plan described in R277-609-3A shall also:
- 1) provide direction for dealing with bullying and disruptive students;
  - 2) direct schools to determine the range of behaviors and establish the continuum of administrative procedures that may be used by school personnel to address the behavior of habitually disruptive students;
  - 3) provide for identification, by position, of an individual designated to issue notices of disruptive and bullying student behavior;
  - 4) designate to whom notices of disruptive and bullying student behavior shall be provided;
  - 5) provide for documentation of disruptive student behavior prior to referral of disruptive students to juvenile court;
  - 6) include strategies to provide for necessary adult supervision;
  - 7) require that policies be clearly written and consistently enforced;
  - 8) include administration, instruction and support staff, students, parents, community council and other community members in policy development, training and prevention implementation so as to create a community sense of participation, ownership, support and responsibility; and
  - 9) provide notice to employees that violation of this rule may result in employee discipline or action.
- F. A plan required under this R277-609-3:
- 1) shall include gang prevention and intervention policies;
  - 2) shall account for an individual LEA's or school's unique needs or circumstances including the role of law enforcement and emergency medical services (EMS);
  - 3) may include the provisions of Subsection 53E-3-509(2); and
  - 4) shall provide for publication of notice to parents and school employees of policies by reasonable means.

**R277-609-4. Implementation.**

- A. An LEA shall implement strategies and policies consistent with the LEA's plan required in R277-609-3A.
- B. An LEA shall develop, use and monitor a continuum of intervention strategies to assist students, including students whose behavior in school falls repeatedly short of reasonable expectations, by teaching student behavior expectations, reinforcing student behavior expectations, re-teaching behavior expectations, followed by effective, evidence-based interventions matched to student needs prior to administrative referral.
- C. An LEA shall implement positive behavior interventions and supports as part of the LEA's continuum of behavior interventions strategies. (Least Restricted Behavioral Interventions Technical Assistance Manual).
- D. An LEA shall provide a formal written assessment of a habitually disruptive student as part of a student's suspension or expulsion process that results in court involvement, once an LEA receives information from the court that disruptive student behavior will result in court action.
- E. An LEA shall use assessment information to connect parents and students with supportive school and community resources.
- F. Nothing in state law or this rule restricts an LEA from implementing policies to allow for suspension of students of any age consistent with due process requirements and consistent with all requirements of the Individuals with Disabilities Education Act 2004.
- G. An LEA shall establish an Emergency Safety Intervention (ESI) Committee before September 1, 2015.
- H. The LEA ESI Committee:
  - 1) shall include:
    - a. at least two administrators;
    - b. at least one parent or guardian of a student enrolled in the LEA, appointed by the LEA; and
    - c. at least two certified educational professionals with behavior training and knowledge in both state rules and LEA discipline policies;
  - 2) shall meet often enough to monitor the use of emergency safety intervention in the LEA;
  - 3) shall determine and recommend professional development needs; and
  - 4) shall develop policies for local dispute resolution processes to address concerns regarding disciplinary actions.
- I. An LEA shall have procedures for the collection, maintenance, and periodic review of

documentation or records of the use of emergency safety interventions at schools within the LEA.

- J. The Superintendent shall define the procedures for the collection, maintenance, and review of records described in R277-609-4H.
- K. An LEA shall provide documentation of any school, program or LEA's use of emergency safety interventions to the Superintendent annually.

**R277-609-5. Special Education Exception(s) to this Rule.**

- A. An LEA shall have in place, as part of its LEA special education policies, procedures, or practices, criteria and steps for using emergency safety interventions consistent with state and federal law.

## **Students with Limited English Proficiency (LEP) Policy**

**(NAEYC Standard 2D.5)**

Approved October 29, 2013

Reapproved May 2, 2017

**Purpose:** The purpose of this policy is to identify which students qualify for services under the IDEA and also to comply with the requirements of Utah Administrative Code R277-716.

**Policy:** In compliance with Title VI, WSU Charter Academy will identify LEP students and provide educational services to assist students in learning English language skills and acquire the knowledge and skills in academic content areas that other students are required to know. WSU Charter Academy will aim to reduce and eliminate the language barriers to educational equality and success in consultation with qualified and credentialed teachers in English Language Learners (ELL) and by conducting reviews of the LEP programs. The school will also help provide communications to home in alternate languages as the need demands.

**Procedures:** Assessment Process

English acquisition is assessed annually by using measurable achievement data through the following process:

1. The school registration card identifies students who may qualify for ELL services by asking the following questions:
  - What was the first language the child learned to speak?
  - What is the language spoken most often by the student?
  - What is the language most often spoken in the home?
  - What is the preferred language for written notification?
2. Students with any language listed on the form other than English are tested for ELL services using the Utah Academic Language Proficiency Assessment (UALPA). The

IDEA Proficiency Test (IPT) test may also be used on occasion for student placement. Testing materials are available through the Office of the State

Superintendent of Education, USOE, 250 East 500 South, PO Box 144200, Salt Lake City, Utah, 84114

3. Test results are then scored into one of the following categories:
  - Pre Emergent: non English speaking
  - Emergent: formally known as level A
  - Intermediate: formally considered high B or low C
  - Advanced Intermediate: formally level D
  - Advanced: formally level E and recommended for exit from the program
4. Based upon test results the teacher will differentiate instruction.

## **Suspension/Expulsion and After School Detention Policy**

(NAEYC Standards 1E.1, 3B.3)

Approved November 2012  
Reapproved April 2, 2013  
Reapproved October 3, 2017  
Reapproved October 9, 2018

**Purpose:** The purpose of this policy is to comply with the requirements Utah Code 53G-8-203, 53G -8 -204 and 53G -8 -205 , and promote a safe and orderly school environment for all children and employees. All children, families, employees, and other adults are aware of these policies and are expected to maintain school standards of behavior on school property and during school-sponsored activities. Criminal acts or disruptive behavior of any kind will not be tolerated, and any individual who engages in such activity will be subject to disciplinary action, criminal prosecution, or both.

**Policy:** Due to the potential negative influence of suspension and expulsion on children's development and learning outcomes, and discriminatory racial and gender differences in national suspension and expulsion rates, it is in the best interest of the child that the WSU Charter Academy seeks to prevent, severely limit, and work towards eliminating explosion and suspension; while ensuring the safety and well-being of all children in the classroom. Strategies used to accomplish this include:

- foster children's social and emotional learning by creating positive classroom climate by implementing preventive guidance and discipline practices;
- develop clear, appropriate, and consistent expectations and consequences to address disruptive child behaviors;
- identifying and providing appropriate intervention services for disabilities and behavioral health issues;

- providing ongoing professional development for teachers and para-educators to ensure adequate training for preventing suspension and expulsion, recognizing age appropriate behaviors and supporting children with challenging behaviors;
- ensure fairness, equity, and continuous program improvement by setting program goals, collecting and analyzing data;
- develop and clearly communicate expulsion and suspension policies;

### **Definitions**

- A. Notification - means notice to parents by a reasonable, reliable process, e.g. by mail, by notice in school newsletter, by child delivery, at school registration.
- B. Timely hearing - means that a hearing will be scheduled no more than 5 school days following the suspension/expulsion. Allowance may be made by mutual agreement of the parties, inability of district to contact parent(s)/guardian(s) despite documented good faith efforts, or lack of cooperation by parent(s)/guardian(s).
- C. Suspension – Suspension is a temporary removal of a child from school and school-sponsored activities for a period of up to one (1) year. Children who are suspended may, to the extent feasible and at the Director’s discretion, have access to homework, tests, and other schoolwork through a home study program but will not be allowed to attend classes or participate in any school activities during the period of suspension.
- D. Expulsion – Expulsion means the formal process of dismissing a child from school. Recognizing that children who commit violent or disruptive acts may pose safety problems, the Academy will work with parents to provide alternative educational placement and programs for the child where appropriate and feasible. However, the Director retains the authority to exclude the child from all programs or activities for the period of expulsion.
- E. Change of Placement – A “change of placement” for a child with a disability occurs if (a) the removal is for more than ten (10) consecutive school days or (b) the child 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 child is removed, and the proximity of the removals to one another. Any "change of placement" requires compliance with the procedures outlined below.

### **Grounds for Suspension or Expulsion**

- A. A child may be suspended or expelled from school for any of the following reasons:
  - frequent, flagrant, or willful disobedience, defiance of proper authority, or disruptive behavior, including, but not limited to: fighting; gang activity; illegal drug, controlled substance and/or contraband possession, use, and/or distribution on school property; noncompliance with school dress code; harassment, including sexual, racial, or religious harassment; the use of foul,

profane, vulgar or abusive language; or other unreasonable and substantial disruption of a class, activity, or other function of the Academy;

- willful destruction or defacing of school property;
- behavior that poses an immediate and significant threat to the welfare, safety, or morals of other children or school personnel or to the operation of the school including bullying or hazing as defined in Utah Code Ann. § 53G-9-601 and/or the School's Bullying and Hazing Policy.;
- inappropriate use or possession of electronic devices in class or in any other way that substantially disrupts the educational environment;
- any criminal activity;
- 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.

B. A child shall be suspended or expelled from school for the following reasons:

- any serious violation affecting another child or a staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any school-sponsored activity, including:
- the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;
- the actual or threatened use of a lookalike weapon with intent to intimidate another person or to disrupt normal School activities; or
- the sale, control, or distribution of a drug or controlled substance as defined in Utah Code Ann. § 58-37-2, an imitation controlled Ann. § 58-37b-2, or drug paraphernalia as defined in Utah Code Ann. § 58-37a-3; or
- 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.
- use, control, possession, distribution, sale, or arranging for the sale of an illegal drug or controlled substance (which includes alcohol), an imitation controlled substance, or drug paraphernalia in a school building, in a school vehicle, on school property, or in conjunction with any school-sponsored activity.
- misuse or abuse, distribution, sale or arranging for the sale of prescription medication at school or a school-sponsored activity.
- misuse or abuse of over-the-counter remedies, or sharing, distribution, sale, or arranging for the sale of over-the-counter remedies. A child 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.

- wearing gang apparel or engaging in gang behaviors.

C. Any child who commits an act for which mandatory suspension or expulsion is provided above, using a real or lookalike weapon, explosive, or noxious or flammable material shall be expelled from all school programs and activities for a period of not less than one (1) year, subject to the following:

- Within forty-five (45) days after the expulsion, the child shall appear before the Case Management Team (“CMT”), which shall be comprised of the Principal and selected teacher (s), selected support staff and when appropriate, a parent or legal guardian; and

The CMT shall determine:

1. what conditions must be met by the child and the child's parent for the child to return to school;
  2. if the child 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 child in order to ensure the safety of children and faculty at the school; and
  3. if it would be in the best interest of both the school and the child to modify the expulsion term to less than a year giving highest priority to providing a safe school environment for all children.
- 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.
  - Children with Disabilities under IDEA and Section 504 – However, whenever a child 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 below must be followed.

D. Children with Disabilities under IDEA and Section 504 – Whenever a child 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 below must be

followed.

**Procedures: NAEYC Standard 1E.1 (d & e)**

**1. Alternatives to Expulsion for Frequent or Flagrant Disruptive Behavior**

A continuum of intervention strategies shall be available to help children whose behavior in school repeatedly falls short of reasonable expectations. Prior to suspending a child for more than ten (10) days or expelling a child 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 child to remain in the Academy.

A. Before referring the child 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:

- Talking with the child;
- Class schedule adjustment;
- Phone contact with the parent or legal guardian;
- Informal parent/child conferences;
- Behavioral contracts;
- After-school make-up time;
- Short-term in-school suspension (ISS); (viii) Short-term at-home suspensions;
- Appropriate evaluation;
- Home study;
- Alternative programs;
- Law enforcement assistance as appropriate.

B. As part of a remedial discipline plan for a child, the school may require the child's parent or guardian, with the consent of the child's teachers, to attend class with the child 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 child, the child shall be suspended in accordance with the provisions of this policy

**2. Immediate Short-Term Suspension (less than 10 days)**

If a school administrator determines a child poses a danger to a person or property or an ongoing threat of disrupting the academic process, the child may be removed immediately using the following procedures:

A. Student and parents should be notified immediately of the school's intent to suspend.

B. Children will only be released to parent/guardian or emergency contact.

- C. Children should hear a brief explanation of reason(s) for suspension prior to suspension.
  - D. Children should have the opportunity to tell his side of the story prior to suspension.
    - This child/administrator or child/teacher conversation or meeting should be documented by the teacher/administrator in writing or on a permanent computer file.
3. Hearings may be convened by school administrators or parents/guardians may request a hearing by sending a written request to the Chair of the Department of Child and Family Studies. Parents shall have and receive notice of:
- A. names of witnesses against him and opportunity to present witnesses (witnesses' names may be protected if school determines they would suffer physical/psychological harm; student cannot compel witnesses);
  - B. reasonable time to prepare the case;
  - C. the opportunity for counsel;
  - D. the right to notice of procedures for the hearing in writing on school website;
  - E. If administrator offers student/parent opportunity to explain or have a hearing, and student or parent refuses or waives the right, due process is satisfied;
  - F. make-up work for absences during suspensions/expulsions are allowed and need not be exactly what the child missed.
4. Due Process Procedures
- A. Authority to Suspend or Expel
    - Authority to Suspend for Ten (10) School Days or Less for Regular Education Children: The Chair of the Department of Child and Family Studies has the authority to suspend a regular education child for up to ten (10) school days. In considering whether to suspend a child, the Chair of the Department of Child and Family Studies shall consider all relevant factors, including but not limited to, the severity of the offense, the child age, disability, academic status and disciplinary record, parental capabilities, and community resources.
    - Authority to Suspend and Duration of Suspension for Children with Disabilities: The Chair of the Department of Child and Family Studies has the authority to suspend a child with disabilities (504 or IDEA) for not more than ten (10) consecutive school days, and additional removals of not more than ten (10) total school days in that same school year for separate incidents of misconduct as long as those removals do not constitute a pattern resulting in a change of placement. The Academy need not provide services during periods of removal of ten (10) days cumulative or less if services are not provided to a child without disabilities who has been similarly suspended.
    - Authority to Suspend for Longer than Ten (10) Days or Expel

for Regular Education Children: Subject to the requirements for due process set forth below, the Chair of the Department of Child and Family Studies may suspend a regular education child for longer than ten (10) days or expel a regular education child. 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 child has expressed a desire for the child to return to the school.

- Parental/guardian Responsibility: If a child is suspended for a period longer than ten (10) days or expelled, the child's parent or legal guardian is responsible for undertaking an alternative education plan that will ensure that the child's education continues during the period of expulsion. The parent or guardian shall work with designated school officials to determine how the child'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 child. Costs of educational services which are not provided by the Academy are the responsibility of the child's parent or guardian. The Academy shall contact the parent or guardian of each child under age 16 who has been expelled from all Academy programs and services at least once a month to determine the child's progress if the parent/guardian of the expelled child has expressed a desire for the child to return to the school.
- Authority to Institute Change of Placement for Child with Disabilities: Where the child 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.

**B. Due Process for Suspensions of Ten (10) Days or Less – The following procedure shall apply to all children facing suspension of ten (10) school days or less:**

- The Chair of the Department of Child and Family Studies shall notify the child's custodial parent or guardian of the following without delay: that the child has been suspended, the grounds for the suspension, the period of time for which the child is suspended, and the time and place for the parent or guardian to meet with the Chair of the Department of Child and Family Studies to review the suspension.
- The Chair of the Department of Child and Family Studies shall also notify the non-custodial parent, if requested in writing, of the suspension. However, this requirement does not apply to

the portion of Academy records which would disclose any information protected under a court order. The custodial parent is responsible to provide the school a certified copy of any applicable court order.

- The Chair of the Department of Child and Family Studies shall document the charges, evidence, and action taken.
- The child shall be requested to present his/her version of the incident in writing. Children with disabilities or young children who are unable to write their own statements shall be accommodated through the use of tape recorder, scribe, etc.
- If the child denies the charges, the child shall be provided with an explanation of the evidence and an opportunity to present his/her version of the incident to the Chair of the Department of Child and Family Studies.
- In general, the notice and informal conference shall precede the child's removal from the school.
- If, in the judgment of the Chair of the Department of Child and Family Studies, notice is not possible because the child poses a danger to a person or property or an ongoing threat of disrupting the academic process, he/she may be removed immediately. However, in such cases, the necessary notice and hearing shall follow as soon as possible.

C. Due Process for Suspensions of More than Ten (10) Days and Expulsions

- If the Chair of the Department of Child and Family Studies believes that a child should be suspended for more than ten (10) days or expelled, the Chair of the Department of Child and Family Studies may make the initial decision and shall meet with the child's parent or guardian to discuss the charges against the child and the proposed discipline within five (5) school days after the suspension or expulsion began. If requested in writing, the Chair of the Department of Child and Family Studies shall also notify the non-custodial parent of the suspension or expulsion as outlined in this policy.
- Notice to Child and Parent/Guardian: During the meeting required in this policy, the Chair of the Department of Child and Family Studies shall provide the child's parent or guardian with written notice that includes all of the following elements (or, if the child's parent or guardian refuses to meet, the Chair of the Department of Child and Family Studies shall send the notice by certified mail, return receipt requested, to the child's parent or legal guardian within ten (10) school days after the suspension or expulsion began):
  1. a description of the alleged violation(s) or reason(s) giving rise to disciplinary action;
  2. the penalty being imposed (duration of suspension

- or expulsion);
  - 3. a statement that a due process hearing may be requested by providing the Chair of the Department of Child and Family Studies with written notice within ten (10) school days of the parent or guardian's receipt of the notice;
  - 4. a statement that, if a due process hearing is requested, the Board, even if less than a quorum is present but a minimum of four members, will conduct the hearing;
  - 5. a statement that the suspension or expulsion is taking effect immediately and will continue for the stated period unless a due process hearing is requested in a timely manner and the Board determines otherwise;
  - 6. the mailing date of the notice;
  - 7. a statement that, if a hearing is not requested within ten (10) school days after receipt of the notice, the Chair of the Department of Child and Family Studies' decision to suspend or expel the child will be final, and the parent's right to oppose the decision will be waived.
- Hearing Procedures: If a Due Process Hearing is requested in response to the notice sent pursuant to this policy, the following procedures shall apply:
- 5. After receipt of the request, the School shall schedule a hearing as soon as possible but not later than ten (10) school days following receipt of the request unless the child's parent or guardian agrees otherwise.
  - 6. A written Hearing Notice shall be sent to the parent or guardian informing the parent or guardian that the Due Process Hearing will be conducted before the Board and of the following information:
    - a. the date, place, and time of the hearing;
    - b. the circumstances, evidence, and issues to be discussed at the hearing;
    - c. the right of all parties to cross-examine witnesses subject to the Board chairman's determination that this right should be limited to protect child witnesses from retaliation, ostracism or reprisal; and
    - d. the right of all parties to examine all relevant records.
  - 7. The Board shall conduct the Due Process Hearing on the record and shall:
    - a. ensure that a written record of the Hearing is made, a copy of which shall be provided to all parties upon request, with the cost borne by the Academy;
    - b. consider all relevant evidence presented at the Hearing;
    - c. allow the right to cross-examination of witnesses, unless the Board chairman determines that this right should be limited to protect child witnesses from ostracism, retaliation, or reprisal;

- d. allow all parties a fair opportunity to present relevant evidence; and
  - e. issue a written decision including findings of fact and conclusions.
    - Hearing Rules: Formal Rules of Evidence do not apply to the Due Process Hearing, and no discovery is permitted. However, the following rules will apply:
      - a. parties may have access to information contained in the Academy's files to the extent permitted by law;
      - b. hearings shall be closed to the press and the public;
      - c. documents, testimony, or other evidence submitted by the parties after the hearing will not be considered by the Board; and
      - d. the Board may excuse witnesses or parties or suspend or terminate a hearing if persons involved in the hearing are abusive, disorderly, disruptive, or if they refuse to abide by the rules and orders of the Board.
8. Re-Admission of Expelled Children: A child who is expelled from the Academy can only be re-admitted to the school through the school's standard lottery procedures. A child may be denied admission to the school if he or she was expelled from the school or any other school during the preceding 12 months.
9. Procedures for Children with Disabilities
- A. Due Process for Change of Placement of Children with Disabilities: Where the child 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.

### **Required Services**

1. 504 and ADA Children: When a determination is made that the conduct of a 504 or ADA child (but not a child who is disabled under IDEA) is not a manifestation of the child's disability, the child shall be subject to the same disciplinary consequences as regular education children, up to and including expulsion from school without educational services. (See OSEP memorandum of April 26, 1995.)
2. IDEA: A school need not provide services during periods of removal to a child 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 child without disabilities who has been similarly removed.
  - If a child 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 child to progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP.

School personnel, in consultation with the child's special education teacher, determine the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and advance toward achieving the goals set out in the child's IEP.

- B. **Change of Placement for Weapons or Drugs:** A child's IEP team may order a change in placement of a child with a disability to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than forty-five (45) days, if:
- The child carries a weapon to school or to a school-sponsored activity; or
  - The child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school-sponsored activity.
- C. **Change of Placement Due to Child's Serious Misconduct:** School officials may request an expedited due process hearing in order to change the placement of a child with a disability to an appropriate interim alternative educational setting, recommended by the child's IEP team, for not more than forty-five (45) days. A hearing officer may order such a change, if he/she:
- Determines that Academy officials have demonstrated by substantial evidence that maintaining the current placement of a child is substantially likely to result in injury to the child or others;
  - Considers the appropriateness of the child's current placement;
  - Considers whether Academy officials have made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and
  - Determines that the interim alternative educational setting being recommended by Academy officials (1) has been selected so as to enable the child 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 child's current IEP, that will enable the child to meet the goals set out in that IEP; and (2) includes services and modifications designed to address the behavior at issue so that it does not recur.
- D. **Parental Notice:** As soon as a decision is made by Academy officials to remove a child with a disability from his/her current placement for more than ten (10) school days, the child's parents must be notified of that decision and of all procedural safeguards outlined by law and school policy.
- E. **IEP Meetings for Manifestation Determination**
- 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 child from the current placement, a review must be



conducted of the relationship between the child's disability and the behavior subject to the disciplinary action.

- The manifestation review must be conducted by the child's IEP team and other qualified school personnel.
- In conducting the manifestation review, the IEP team may determine that the behavior of the child was not a manifestation of child'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 child;
    - b. Observations of the child; and
    - c. The child's IEP and placement; and
  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 Academy's failure to implement the child's IEP.
- If the IEP team determines that either of the standards above was met, the behavior must be considered a manifestation of the child's disability.
- Determination that Behavior was not Manifestation of Disability: If the result of the manifestation review is a determination that the behavior of a child with a disability was not a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities, except that a free appropriate public education must still be made available to the child if the child is suspended or expelled from school.
- Determination that Behavior was Manifestation of Disability: If the result of the manifestation review is a determination that the behavior of a child with a disability was a manifestation of the child's disability, the child must remain in or be returned to the prior placement.

#### F. IEP Meetings for Functional Behavioral Assessments

- Post-Discipline Functional Behavioral Assessments: If School officials have not conducted a functional behavioral assessment and implemented a behavioral intervention plan for the child 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.

- Pre-Discipline Behavioral Intervention Plans: If the child already has a behavioral intervention plan, the IEP team shall review the plan and modify it, as necessary, to address the behavior.

G. Placement During Appeals and Stay Put

- If a parent requests a due process hearing to challenge the interim alternative educational setting or the manifestation determination, the child 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 child is placed in an interim alternative educational setting and school personnel propose to change the child's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement the child must remain in the current placement (the child's placement prior to the interim alternative education setting), unless school officials succeed in getting an order through an expedited hearing as described above.

## Teacher and Student Success Plan Framework Policy

Approved August 2019

**Purpose:** The purpose of this policy is to pursue a Student and Teacher Success Framework that meets UCA 53G-7-1304 requirements.

**Policy:** WSUCA Board of Directors adopts the following framework to provide guidelines and processes for the development of a Teacher and Student Success Plan ("Plan").

1. The school's Principal will develop a Plan in accordance with this framework. Annual timeline for written plan information that the principal provides to governing board is as followings:
  - a. Feb. 30th LAND trust committee approved component of the plan to be approved at March meeting
  - b. Oct. 1st , Jan. 5th , June 1st : Information will be reviewed and approved at governing board meetings in October, Jan., and June.
    - i. i. review current year level of performance with budgeted vs. actual expenditures

- determine if the school meets or exceeds the threshold of point described in the State reading achievement plan (53E-4-306) and School improvement plan (53G-7-1204).
  - determine if the school demonstrates at least a 1% increase in school's total points received under the statewide school accountability system compared to the previous school year or qualifies for and satisfies the performance standards described in section 53E-5-203 (see exemption criteria)
  - work with principal to modify the success plan to address school's performance and oversee and adjust allocation of expenditures until criteria are satisfied.
- c. June 1 st governing board approval of upcoming year plan with budgeted expenditures
  - d. July 1st state board submission
2. The Plan will be developed by integrating school-specific goals and criteria for improving the school's performance within the state accountability system and include the following components:
- a. goals that are measurable and identify the school's most critical academic needs.
  - b. course of action to meet the identified academic needs including a specific listing of any programs, practices, materials, or equipment that the school will need to implement a component of the school's success plan to have a direct impact on the instruction of students and result in measurable increased performance.
  - c. budget that outlines how the school intends to spend the school's allocation of funds under this section to enhance or improve academic excellence at the school.
  - d. The plan shall include the use of the School LAND trust program to provide financial resources to enhance or improve academic achievement to implement a component of the teacher and student success plan.
3. The Plan may contain any of the following strategies:
- a. school personnel stipends for taking on additional responsibility outside of a typical work assignment;
  - b. professional learning;
  - c. additional school employees, including counselors, social workers, mental health workers, tutors, media specialists, information technology specialists, or other specialists;
  - d. technology;
  - e. before- or after-school programs;
  - f. summer school programs;
  - g. community support programs or partnerships
  - h. early childhood education;
  - i. class size reduction strategies;
  - j. augmentation of existing programs; or

- k. any other strategy reasonably designed to improve school performance or student academic achievement.
- 4. Funding received pursuant to the school Plan may not be used:
  - a. to supplant funding for existing education programs;
  - b. for administrative costs;
  - c. for capital expenditures.
  - d. purpose that is not supported by the governing board student success framework.

## Utah Schools for the Deaf and Blind Policy

Approved October 29, 2013

Reapproved May 2, 2017

**Purpose:** The purpose of this policy is to comply with the requirements Utah Administrative Rule R277-800.

**Policy:** WSU Charter Academy in agreement with the Utah Schools for the Deaf and the Blind (USDB) will work together to evaluate any student that might need services under this ruling as agreed upon on October 25, 2013.

### **Procedures:**

#### **Student Identification and Evaluation Child Find**

1. WSU Charter Academy will identify students who are suspected of having a disability and who are in need of special education and related services.
2. As charter schools do not have jurisdiction over a geographical area as most traditional LEA's, the implementation of Child Find activities are only related to students actually enrolled in the charter school.

#### **Agreement with USDB**

WSU Charter Academy will work closely with USDB in the following areas:

1. USDB will provide evaluation services if requested by WSU Charter Academy for hearing and visual impaired testing
2. USDB will provide the use of Braille for the blind or visually impaired or other appropriate reading or writing media as determined appropriate.
3. USDB will help with communication and language needs of the deaf or hearing impaired, including the child's need for open communication opportunities with peers
4. USDB will help if the student requires assistive technology devices and services, and other in order to receive FAPE.
5. USDB will determine if the student needs a particular device or service for special education purposes.
6. The IEP, not the disability classification, determines the services to be provided
7. The regular education teacher and special education teacher shall participate in the

development of the IEP of the child, including the determination of positive behavioral interventions and supports, and other strategies, and the determination of supplementary aids and services, program modifications, and support for school personnel.

### **Regular Education Intervention Procedures**

1. A teacher is often the first person to identify that a student may have a disability qualifying for special education services. Teachers should always be vigilant in monitoring the academic and behavioral successes and struggles of each student. If a teacher suspects a student may have a disability qualifying for special education services, she/he must:
  - a. appropriately and correctly implement classroom interventions and/or programs,
  - b. discuss concerns and develop intervention strategies with the Principal and the Special Education teacher.

### **Evaluation Procedures**

1. Conducting the evaluation WSU Charter Academy will:
  - a. use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent, that may assist in determining
    - whether the child is a child with a disability and
    - the content of the child's individualized education program.
  - b. not use any single measure or assessment as the sole criterion for determining whether the child is a child with a disability or determining an appropriate education program
  - c. use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

### **WSU Charter Academy will ensure that:**

Assessments and other evaluation materials used to assess a child:

1. are selected and administered so as not to be discriminatory on a racial or cultural basis,
2. are provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to administer,
3. are used for purposes for which the assessments or measures are valid and reliable,
4. are administered by trained and knowledgeable personnel, and
5. are administered in accordance with any instructions provided by the producer of such assessments, or irregularities in the administration of the assessment are disclosed as part of the evaluation report.
  - a. the child is assessed in all areas of suspected disability, including, if appropriate, vision and hearing
  - b. assessment tools and strategies that provide relevant information that

- directly assists persons in determining the educational needs of the child are provided, and
- c. assessments of children with disabilities who transfer schools in the same academic year are coordinated with the prior school as necessary and expeditiously as possible to ensure prompt completion and transfer of full evaluations.

**Determination of eligibility and education need:**

Upon completion of the administration of assessments and other evaluative measures:

1. the determination of whether the child is a child with a disability and the educational needs of the child shall be made by a team of qualified professionals and the parent of the child; and
2. a copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent.
3. in determining whether a child has a specific learning disability, WSU Charter Academy may use a process that determines if the child responds to scientific, research-based intervention as part of the evaluative procedures.

**Additional Requirements for Evaluations and Re-evaluations:**

1. Review of existing evaluation data: As part of an initial evaluation and as part of any re-evaluation under this part, the IEP team and other qualified professionals, as appropriate, shall:
  - a. review existing evaluation data on the child, including
    - evaluations and information provided by the parents of the child,
    - current classroom-based, local, or State assessments and classroom-based observations, and,
    - observations by teachers and related services providers, and
  - b. on the basis of the review, and input from the parents, identify what additional data, if any, are needed to determine:
    - whether the child is a child with a disability and the educational needs of the child, or, in the case of a re-evaluation of a child, whether the child continues to have such a disability and such educational needs;
    - the present levels of academic achievement and related developmental needs of the child;
    - whether the child needs special education and related services; and
    - whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP and to participate as appropriate, in the general education curriculum.

## **Volunteer Service Policy**

**(NAEYC Standard 10E.3)**

Approved May 7, 2013  
Reapproved October 3, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of National Child Protection Act, Public Law 103-209, Utah Administrative Codes R277-516 R277-611, and 53G-11-406.

**Policy:** A “volunteer” at WSU Charter Academy is any person who donates service to the school without pay or other compensation, except for expenses actually and reasonably incurred as approved by school administration or through the FIC.

WSU Charter Academy has a variety of volunteer opportunities for children’s family members, and WSU students and faculty. Volunteer opportunities are diverse in nature to accommodate individual circumstances. Parents/families are asked to contribute 30 volunteer hours per school year. Hours may include time assisting with classroom activities and engaging in learning experiences with children during time at home. The Family Involvement Committee (FIC) serves as the conduit for organizing committees and coordinating parental involvement throughout the school.

**Procedures:**

1. Volunteers should contact the classroom teacher or Principal to arrange volunteer responsibilities and times.
2. Classroom volunteers must fill out a Weber State University Volunteer Service Application at this website: <https://portalapps.weber.edu/Volunteers/signup.aspx> Application must be approved by authorized WSU Charter Academy staff.
3. WSU Charter Academy will require ALL classroom volunteers who is not a parent of a child in the classroom must submit to fingerprinting and a criminal background check as a condition of volunteer appointment.
4. Volunteer’s fingerprints will be registered with BCI and associated with the WSU Charter Academy. If a volunteer commits a crime, subsequent to passing a background check, the WSU Charter Academy will be notified by BCI of the criminal action. The associated costs are to be paid for by the applicant. Information regarding fingerprinting and background checks is available at the school office and on the school website. The associated background check costs are to be paid for by the applicant. Information regarding fingerprinting and background checks is available at the school office and on the school website.
5. At no time shall any classroom volunteer be permitted to be alone in a room with a single child, other than a child over whom the volunteer has legal guardianship, even those volunteers who have been fingerprinted and had a background check.
6. Classroom volunteers shall be required to sign a WSU Charter Academy Confidentially Agreement.
7. All volunteer hours are required to be documented online. Volunteers completing hours in the classroom should also be required to document hours on the volunteer sign-in form.
8. All volunteers will perform volunteer services under the supervision or direction of an assigned school employee, FIC executive member, or board member and shall have the

approval of school administration to perform such volunteer services. Volunteers are expected to follow the direction of those to whom they have been assigned and to conform to all applicable laws, rules, and policies. Failure to do so may give rise to terminating the volunteer from service.

9. If at any point during volunteer service the assigned school employee, FIC executive member, or Board Member believes that there is a conflict of interest with the volunteer they are authorized to remove the volunteer from service for the day. The facts leading to temporary removal of a volunteer from service will be reviewed by the Board and Administration. After review of relevant information, the Board and Principal will determine if the person will be authorized to continue providing volunteer service. Once a determination has been made the volunteer will be contacted by the Principal, or the Board Chair to discuss the results.
10. Volunteers will not have access to the personal information of a child (full name, birthday, SSN, etc.) and/or FERPA protected information (IEPs, counseling records, grades, etc.)
11. While volunteering at WSU Charter Academy, volunteers that handle or observe confidential information shall keep said information in the strictest confidence. If a volunteer is not clear as to the confidential nature of documents or information, he/she is expected to ask the supervisor for clarification.
12. In accordance with school and state policy, all volunteers must maintain strict neutrality regarding religion while performing volunteer services for a school.
13. Serving as a volunteer in the educational setting is not an entitlement and schools are not required to utilize volunteer services. The opportunity to volunteer may be denied or terminated by school administration where services are no longer needed or where the presence of the volunteer may be disruptive to the educational environment.



# **HEALTH AND SAFETY**

# Cleaning / Sanitizing

(NAEYC Standards 5C.5 & 5C.6)

Approved September 4, 2018

**Purpose:** The purpose of this policy is to demonstrate that WSU's Charter Academy has procedures in place to assure that disinfecting, sanitizing and cleaning is done following the NAEYC's Cleaning, Sanitizing, and Disinfecting Frequency Table. This policy is also in place to comply with the NAEYC Accreditation Standards 5C.5 and 5C.6.

**Policy:** The facility will be maintained in a clean and sanitary condition. When a spill occurs, the area will be made inaccessible to children, and the area will be cleaned immediately. You will use ventilation and sanitation rather than sprays, air freshening chemicals, or deodorizers to control odors in inhabited areas of the facility.

When cleaning, fragrance-free, 3rd party certified ([www.ecologo.org](http://www.ecologo.org), [www.epa.gov/saferchoice](http://www.epa.gov/saferchoice), OR [www.greenseal.org](http://www.greenseal.org)), least-toxic products are used. When disinfecting or sanitizing, chlorine bleach and other disinfecting and sanitizing products are EPA-registered, used only for their intended purpose, and in strict accordance with all label instructions. Chlorine bleach solution is mixed fresh daily. Concentration and bleach/water solution ratio is posted.

Toys that have been placed in a child's mouth or that are otherwise contaminated by bodily secretion or excretion will be removed immediately, cleaned with soap and water, then sanitized and left to air dry. This also applies to other surfaces in the classroom. Toys will be cleaned with soap and water then air dried. Surfaces will be disinfected using a non-toxic solution of one tablespoon of household bleach to one quart of tap water made fresh daily. To disinfect, the surfaces will be sprayed until glossy. The bleach solution will be left on for at least two minutes before it is wiped off with a clean paper towel, or it may be allowed to air dry. Machine washable cloth toys that have been placed in a child's mouth or that are otherwise contaminated by body secretion or excretion must be laundered before another child's use. Toys that cannot be cleaned and sanitized will not be used. All contaminated materials that cannot be cleaned are to be disposed of in a plastic bag with a secure tie and placed in a closed container.

You will be trained in cleaning techniques, proper use of protective barriers such as gloves, proper handling and disposal of contaminated materials, and information required by the US Occupational Safety and Health Administration about the use of any chemical agents.

Routine cleaning will be supervised by the entire team (director, supervising teachers, student teachers, kitchen staff, and WSU students) and will follow the NAEYC Cleaning and Sanitation Frequency Table found on the NAEYC website ([www.naeyc.org/torch](http://www.naeyc.org/torch)). A checklist will be completed as indicated in the table.

Staff will maintain sanitary conditions and work to prevent the spread of illness by cleaning and sanitizing toilet seats, toilet handles, toilet bowls, doorknobs, handles, and floors either daily or immediately if visibly soiled.

# Child Supervision and Ratios Policy

(NAEYC Standard 3C.12, 3C.13, 3C.14, 9C.7, 10E.1, 10E.3)

Approved April 2, 2013

Reapproved June 12, 2017

Reapproved October 9, 2018

**Purpose:** The purpose of this policy is to provide guidelines for child supervision and teacher-child ratios at WSU Charter Academy.

**Policy:** For the safety of all children, WSU Charter Academy will provide appropriate supervision. The school will provide two adults for approximately every 24 children. Teaching staff should position themselves in the classroom and in outdoor environments to see as many children as possible.

All staff must be alert to the whereabouts of all children. Providing supervision primarily by sight, allowing supervision by sound only for short periods of time. Systems are in place for accounting for children at regular intervals, especially during periods of transition.

No teacher, staff member, or administrator should be alone in a room with a child without an open door or uncovered observation booth windows. New teaching staff will not work alone with children until they have received an initial orientation to the program and job.

Staff may permit kindergarteners and school-age children to leave the teacher's supervision (out of sight and sound) for no more than 10 minutes so long as the children are in a safe environment (e.g., go to extended care classroom, report to school office). A staff member will check on any children who do not promptly (within 10 minutes) return to the group as expected or if an adult at the child's destination doesn't confirm his or her arrival.

Staff members should never leave children unattended and without the supervision of a paid school employee. No teacher, staff member, or administrator should be alone in a room with a child without an open door or uncovered observation booth windows. New teaching staff will not work alone with children until they have received an initial orientation to the program and job. Support staff and volunteers will not work alone with children. They must be with, and supervised by, regularly scheduled teaching staff at all times.

Each group of children is assigned to specific teaching staff, which assumes primary responsibility for working with that group of children. This teaching staff provides ongoing personal contact, meaningful learning activities, supervision, and immediate care as needed to protect the well-being of the children day-to-day and stably over time.

### **Teacher-Child Ratios**

Teacher-child ratios must be maintained during all hours of operations and throughout all learning experiences, both indoors and outdoors, and during transitions throughout the day. Each classroom needs to include at least 35 square feet of usable space per child.

### **Kindergarten classroom:**

Maximum group size 22 children with a minimum of 2 adults (1 paid supervising teacher and at least one student teacher or paid teacher assistant).

Teacher assistants are hired to fill the student teaching positions for semesters when there are not enough student teachers.

For advance notice absences supervising teachers arrange for a substitute from a preapproved list of bachelor's degree substitutes and paid staff assistants who have completed their student teaching. When a student teacher has demonstrated adequate competencies for supervision of children and lab students they may serve as the lead teacher with a paid teacher assistant for short periods of supervising teacher absences.

In case of student teacher or supervising teacher emergency absence, a student teacher from another group that is over staffed, the director, or one of our paid teacher assistants fills in as a substitute. Occasionally lab students (guidance or planning classes) may be counted towards meeting ratio requirement for very short periods of time and depending on the student's experience and capability as assessed by the program director.

## **Eco-Healthy Practices**

(NAEYC Standard 2L.11, 5B.9)

Approved September 4, 2018

**Purpose:** The purpose of this policy is to educate children and families on eco-healthy practices.

**Policy:** Children in preschool and kindergarten are ready to engage in conversations about responsibility, differences, authority, fairness and friendships. By increasing their participation in taking care of the environments in which they live and contributing to the well-being of the classroom and the community, these discussions are reinforced. Children learn how people can affect their environment in positive and negatives ways, such as recycling and polluting. Environmentally responsible practices are strengthened when the program creates opportunities to educate families as well as children.

The Charter Academy uses products that are in the best interest of the child. For example, when cleaning, fragrance-free, 3rd party certified ([www.ecologo.org](http://www.ecologo.org), [www.epa.gov/saferchoice](http://www.epa.gov/saferchoice), OR [www.greenseal.org](http://www.greenseal.org)), least-toxic products are used. When disinfecting or sanitizing, chlorine bleach and other disinfecting and sanitizing products are EPA-registered, used only for their intended purpose, and in strict accordance with all label instructions. Chlorine bleach solution is

mixed fresh daily. Concentration and bleach/water solution ratio is posted. The Charter Academy also uses this checklist <https://cehn.org/wp-content/uploads/2015/11/EHCC-Checklist-Home-Print-3.2016-Final.pdf> to benefit the health and well-being of the children in their care.

To protect against harmful plastics, staff never use plastic or polystyrene (Styrofoam™) containers, plates, bags, or wraps when microwaving children's food or beverages. Staff choose and use dish wares (including drinking cups or bottles) made of glass (covered with a silicone sleeve to prevent breakage) or polypropylene/ polyethylene options. Staff discard plastic, ceramic or glass dishes and containers that are chipped, cracked or scratched.

## **First Aid, CPR Certification and Food Handler's Permit**

(NAEYC Standards 5A.15, 5B.8, 5B.9)

Approved September 4, 2018

**Purpose:** The purpose of this policy is to comply with NAEYC Accreditation Standards 5A.15, 5B.8 and 5B.9

**Policy:** To ensure that WSU Charter Academy complies with these NAEYC Accreditation Standards, CPR certification and food handler's permits must be obtained. With each group of children, there must be at least one staff member with a complete certificate in first aid training and pediatric CPR training present. Staff must obtain a current food handler's permit and follow appropriate food handling practices, such as washing all fruits and vegetables thoroughly prior to eating and protecting children from exposure to harmful plastics.

Annual renewal of both is required and staff and students completing student teaching provide certificates of completion to the principal annually. Documentations of these courses are kept in personal files. CPR courses may be completed online, including the online courses through McKay Dee Hospital, then attend the in-person class for skills pass off. Food handler's permits are obtained by taking a class at any county health department or online at <http://www.statefoodsafety.com>.

## **Food Safety & Feeding Policy**

(NAEYC Standard 5B.3, 5B.4, 5B.5, 5B.8, & 5B.9)

**Purpose:** The purpose of this policy is to comply with NAEYC Accreditation Standards 5B.3

**Policy:** To ensure that WSU Charter Academy complies with these NAEYC Accreditation Standards related to food safety:

- When food and drinks are provided, staff must take the following steps:
  1. Wash hands thoroughly.
  2. Clean and sanitize table surfaces before and after food and drinks are served.
  3. Wear gloves when serving food and drinks.
  4. Have children wash their hands before being served and after they have finished and cleaned-up.
  5. Make cold foods stay cold and warm foods stay warm.
- Any foods with expired dates must be discarded.
- Staff must wash all fruits and vegetables prior to eating.
- To protect against harmful plastics, staff never use plastic or polystyrene (Styrofoam™) containers, plates, bags, or wraps when microwaving children's food or beverages.
- Records are kept of children's type and quantity of food consumed when special feeding needs are reported to the program. Families are provided with recorded information.

## **Gang Prevention and Intervention Policy**

Approved October 1, 2013

Reapproved June 12, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Administrative Code R277-436 and Utah Code §53E-3-509.

**Policy:** WSU Charter Academy officials are concerned about at-risk youth of and are trained to recognize early warning signs for youth in trouble and will report suspected gang activity to the Principal and law enforcement. The choice to engage in gang activity is influenced by life course environmental risk factors such as poor school performance, trauma, and social emotional learning challenges. For kindergarten children addressing these risk factors is the most effective form of prevention.

A gang is defined as a group of three or more individuals with a unique name, identifiable marks or symbols, who may claim a territory or turf, associate on a regular basis, and who engage in criminal, antisocial behavior, or interfere with the normal orderly operation of the school.

Gang activities are prohibited in school and at extra-curricular or school related activities as is the wearing of gang paraphernalia or apparel that identifies a child as a gang member. Children aligning themselves with gangs or engaging in gang activities may be suspended or expelled from school. Gang paraphernalia or apparel will be confiscated by school officials and not returned. WSU Charter Academy faculty and staff reserve the right to interpret whether attire is appropriate.

**Procedures:** WSU Charter Academy administrators and other school personnel designated by the administration shall have authority to identify child behavior as gang-related and may be allowed under district policy to treat such designated behavior as imminently dangerous to children and staff and follow the procedures outlined in this policy for disciplining children

involved in gang-related activities.

In disciplining children under gang-related provisions, WSU Charter Academy administrators shall act consistently with and be sensitive to Constitutional protections of freedom of expression and freedom of association.

Children and parents/legal guardians should be given notice that courts have determined that the parameters of freedom of expression and freedom of association in a public school setting are different than in society generally.

Indices of gang-related behavior or association may include, but are not limited to:

1. wearing, possessing, using, distributing, displaying or selling any clothing, jewelry, emblem, tattoo, badge, symbol, sign or other items which evidence membership in a gang;
2. use of name associated with or attributed to a gang;
3. Committing any act or omission or using any speech, either verbal or nonverbal, (flashing signs, gestures, handshakes, etc.) that demonstrates membership in or a affiliation with a gang;
4. soliciting others for membership in a gang;
5. designation of turf or an area for gang activities or occupation or ownership; or
6. any combination of the preceding indices or activities.

Demonstrating gang related behavior or association may be grounds for suspension or expulsion (See suspension and expulsion policy).

## General Health & Safety Guidelines for Teachers

Approved September 4, 2018

**Purpose:** The purpose of this policy is to provide general health and safety guidelines for teachers at staff at the Weber State University Charter Academy. It is in place to comply with NAEYC Accreditation Standards.

**Policy:** All staff must be alert to the safety of the environment, the health of each child, known allergies, or special medical conditions.

- All health and safety records are kept in the main office (Room # 107). These records include current screening tests and immunizations (If records are not current on immunizations or screenings for health or religious reasons, records are kept. If records are not current for other reasons parents/guardians provide evidence of appointments before child enters the program, and if screenings indicate abnormal results parents/guardians are expected to ensure these results are addressed and reported to the

Weber State University Charter Academy ), allergies, chronic illness, health insurance, names of individuals authorized by family to have access to health information, and child emergency contact information. These records are kept up to date according to age appropriate immunization schedules, and as changes occur in children's health needs.

- Under the supervision of the supervising teacher, all staff must be alert to the whereabouts of all children. Providing supervision primarily by sight, allowing supervision by sound only for short periods of time. Systems are in place for accounting for children at regular intervals, especially during periods of transition.
- All staff follow proper procedures for hand washing, using disinfectant, and following universal precautions to prevent infections.
- All staff use gloves, other barriers and techniques when needed to minimize contact of mucous membranes or of openings in the skin with potentially infectious body fluids.
- All staff are excluded from working at the program when they are sick.
- All staff are familiar with evacuation routes and procedures.
- At least one staff member who has a certificate of satisfactory completion of pediatric first-aid training, including managing a blocked airway and providing rescue breathing for infants and children, is always present with each group of children.
- All staff protect children and adults from hazards, including electrical shock, burns or scalding, back strain, slipping, tripping, or falling (e.g. floor covering are secured).
- All staff insure all areas that have been recently painted, carpeted, tiled, or otherwise renovated are ventilated before they are used by children.

## Hand Washing

(NAEYC Standard 5A.19)

**Approved September 4, 2018**

**Purpose:** The purpose of this policy is to comply with NAEYC Accreditation Standard 5A.19, which discusses the importance of hand washing in the classroom for adults and children and when to do so.

**Policy:** Frequent hand washing is critical to preventing the spread of infectious diseases. All will teach children how to wash their hands effectively. Posters with graphics showing proper hand washing procedures are placed by each sink.

**The posters outline five steps to washing hands that are as follows:**



1. Wet hands under warm running water.
2. Add soap to help kill germs.
3. Scrub for at least 20 seconds:
  - a. The front and back
  - b. Between your fingers
  - c. Wrists
4. Rinse well under warm running water.
5. Dry hands with a clean towel and use towel to turn off the faucet.

The program follows these practices regarding hand washing:

- Staff members and those children who are developmentally able to learn personal hygiene are taught hand-washing procedures and are periodically monitored.
- Hand washing is required by all staff, WSU students, volunteers, and children. Hand washing reduces the risk of transmission of infectious diseases to themselves and to others.
- Staff assist children with hand washing as needed to successfully complete the task.

*Children and adults wash their hands:*

- upon arrival for the day;
- after diapering or using the toilet;
- after handling body fluids (e.g., blowing or wiping a nose, coughing on a hand, or any touching of mucus, blood or vomit);
- before meals and snacks, preparing or serving food, or handling any raw food that requires cooking (e.g., meat, eggs, poultry);
- after playing in water, playdough, etc. that is shared by two or more people;
- after handling pets and other animals or any materials such as sand, dirt, or surfaces that might be contaminated by contact with animals;
- when moving from one group to another (e.g. visiting) that involves contact with infants and toddlers/twos
- after coming in from outside.

*Adults also wash their hands:*

- before and after feeding a child;
- before and after administering medication;
- after assisting a child with diapering and toileting;
- after handling garbage or cleaning;

*Proper hand-washing procedures are followed by adults and children and include:*

- using liquid soap and running water;
- rubbing hands vigorously for at least 20 seconds, including back of hands, wrists, between fingers, under and around any jewelry, and under fingernails;
- rinsing well;
- drying hands with a paper towel, or a dryer; and avoiding touching the faucet with just-washed hands (e.g., by using a paper towel to turn off water).

*Except when handling blood or body fluids that might contain blood (when wearing gloves is required), wearing gloves is an optional supplement, but not a substitute, for hand washing in any required handwashing situation listed above:*

- staff wear gloves when contamination with blood may occur.
- staff do not use hand-washing sinks for bathing children or for removing smeared fecal material.
- in situations where sinks are used for both food preparation and other purposes, staff clean and sanitize the sinks before using them to prepare food.
- hand hygiene with an alcohol-based sanitizer with 60% to 95% alcohol is an alternative to tradition hand-washing (for children over 24 months and adults) with soap and water when visible soiling is not present.

## Head Injury and Concussion Policy

Approved October 29, 2013

Reapproved June 12, 2017

**Purpose:** In compliance with Utah Administrative Code R277-614, WSU Charter Academy has established this *Head Injury and Concussion Policy* to provide education about concussion for Charter Academy personnel, parents, and students.

**Policy:** WSU Charter Academy seeks to provide a safe return to activity for all students following any injury, but particularly after a concussion. In order to effectively and consistently manage these injuries, administration shall develop procedures to ensure that concussed students are identified, treated and referred appropriately, receive appropriate follow-up medical care during the school day and are fully recovered prior to returning to activity.

Protocols for staff to follow in managing concussions and policy as it pertains to return to play issues following a concussion are outline in the “**Head Injury and Concussion Procedure**”.

Administration, Physical Education Board members/Specialists and/or Committees shall review these protocols annually. Any changes or modifications will be reviewed and given to appropriate school personnel in writing.

All appropriate staff shall attend a yearly in-service meeting in which procedures for managing event-related concussions are discussed.

### Non-Policy Tools and Procedures

#### Recognition of Concussion

A concussion is a type of traumatic brain injury that interferes with the normal function of the brain. It occurs when the brain is rocked back and forth or twisted inside the skull as a result of a blow to the head or body. What may appear to be only a mild jolt or blow to the head or body

can result in a concussion. A concussion can occur even if a player or student in an activity is not knocked out or does not lose consciousness.

#### Common signs and symptoms of sports-related concussion

##### *Signs* (observed by others):

- Student appears dazed or stunned
- Confusion
- Forgets plays
- Unsure about game, score, opponent
- Moves clumsily (altered coordination)
- Balance problems
- Personality change
- Responds slowly to questions
- Forgets events prior to hit
- Forgets events after the hit
- Loss of consciousness (any duration)

##### *Symptoms* (reported by student):

- Headache
- Fatigue
- Nausea or vomiting
- Double vision, blurry vision
- Sensitive to light or noise
- Feels sluggish
- Feels “foggy”
- Problems concentrating
- Problems remembering

These signs and symptoms following a witnessed or suspected blow to the head or body are indicative of probable concussion. Any student who exhibits signs, symptoms, or behaviors consistent with a concussion (such as loss of consciousness, headache, dizziness, confusion, or balance problems) shall be immediately removed from the contest, game, or practice and shall not return to play until cleared by an appropriate health care professional.

#### **Management and Referral Guidelines for All Staff**

1. The following situations indicate a medical emergency:
  - a. Any student with a witnessed loss of consciousness (LOC) of any duration should be spine boarded and transported immediately to nearest emergency department via emergency vehicle.
  - b. Any student who has symptoms of a concussion, and who is not stable (i.e., condition is worsening), is to be transported immediately to the nearest emergency department via emergency vehicle.
  - c. A student who exhibits any of the following symptoms should be

transported immediately to the nearest emergency department, via emergency vehicle.

- 1) Deterioration of neurological function
  - 2) Decreasing level of consciousness
  - 3) Decrease or irregularity in respirations
  - 4) Any signs or symptoms of associated injuries, spine or skull fracture, or bleeding
  - 5) Mental status changes: lethargy, difficulty maintaining arousal, confusion or agitation
  - 6) Seizure activity
2. A student who is symptomatic but stable, may be transported by his or her parents. The parents should be advised to contact the student's primary care provider, or seek care at the nearest emergency department, on the day of the injury.

### **Guidelines and Procedures for Teachers Supervising Contests and Games:**

#### **Recognize concussion**

- a. All educators and agents of the school should become familiar with the signs and symptoms of concussion that are described above.
- b. Educators and agents of school shall have appropriate training about recognizing and responding to traumatic head injuries, consistent with the employees' responsibilities for supervising students.

#### **Remove from activity**

Any student who exhibits signs, symptoms, or behaviors consistent with a concussion (such as loss of consciousness, headache, dizziness, confusion, or balance problems) shall be immediately removed from the activity or event and shall not return to play until cleared by an appropriate health care professional.

**When in doubt, sit 'em out!**

#### **Refer the student for medical evaluation**

1. The Administration or its secretaries are responsible for notifying the student's parent(s) of the injury.
  - a. Contact the parent(s) to inform a parent of the injury. Depending on the injury, either an emergency vehicle will transport or parent(s) will pick the student up at the event for transport.
  - b. A medical evaluation is required before returning to normal activities.
2. In the event that a student's parent(s) cannot be reached, and the student is able to be sent home (rather than directly to medical treatment):
  - a. The Administration should insure that the student will be with a responsible individual, who is capable of monitoring the student and

understanding the home care instructions, before allowing the student to go home.

- b. The Administration should continue efforts to reach a parent.
- c. If there is any question about the status of the student, or if the student cannot be monitored appropriately, the student should be referred to an Emergency Department for evaluation. A staff member should accompany the student and remain with the student until a parent arrives.
- d. The Administration shall provide for supervision of other students for whom he or she is responsible when accompanying the injured student.

### **Return to Play (RTP) Procedures After Concussion**

1. Return to activity and play is a medical decision. The student must meet all of the following criteria in order to progress to activity:

- a. Asymptomatic at rest and with exertion (including mental exertion in school) AND
- b. have written clearance from the student's primary care provider or concussion specialist (student must be cleared for progression to activity by a physician other than an Emergency Room physician, if diagnosed with a concussion).

2. Once the above criteria are met, the student will be progressed back to full activity following the step-wise process detailed below. (This progression must be closely supervised by a school agent.

3. Progression is individualized, and will be determined on a case-by-case basis. Factors that may affect the rate of progression include: previous history of concussion, duration and type of symptoms, age of the student, and activity in which the student participates. A student with a prior history of concussion, one who has had an extended duration of symptoms, or one who is participating in a collision or contact sport may be progressed more slowly.

4. Stepwise progression as described below:

- a. Complete cognitive rest. This may include staying home from school or limiting school hours (and studying) for several days. Activities requiring concentration and attention may worsen symptoms and delay recovery.
- b. Return to school full-time.
- c. Light exercise. This step cannot begin until the student is no longer having concussion symptoms and is cleared by a physician for further activity. At this point the athlete may begin walking or riding an exercise bike. No weight lifting.
- d. Running in the gym or on the field. No helmet or other equipment.
- e. Non-contact training drills in full equipment. Weight training can begin.
- f. Full contact practice or training.

- g. Play in game. Student must be cleared by physician before returning to play.

5. The student should spend 1 to 2 days at each step before advancing to the next. If post-concussion symptoms occur at any step, student must stop the activity and the treating physician must be contacted. Depending upon the specific type and severity of the symptoms, the student may be told to rest for 24 hours and then resume activity at a level one step below where he or she was at when the symptoms occurred. This resumption of activity could be considerably simplified for a student injured during recess compared to a student injured at a game or formal practice.

### **Potential Problem Areas**

While current Utah law designates that a student may be returned to play by “an appropriate health care provider”, WSU Charter Academy may limit the credentials from which it will accept clearance in its sole discretion. Generally, students will be required to provide a note from his/her health care provider before being allowed to return to play. This is a very important decision and will be made after careful consideration by the Principal, Board Chair, teacher, and parent(s). WSU Charter Academy liability carrier may also be consulted.

WSU Charter Academy Administration will not allow students clearly having concussion symptoms to return to play even if given clearance by a health care provider.

## **Medical and Dispensing Medication Policy**

(NAEYC Standard 5A.13, 5A.14, 5A.20, 5A.21, 10D.6, 10D.10)

Approved April 2, 2013

Reapproved October 3, 2017

Reapproved September 4, 2018

**Purpose:** The purpose of this policy is for medical and dispensing medications within the WSU Charter Academy in accord with Utah Code 53G -9 -203 .

**Policy and Procedures:** A medical portfolio will be kept on each child enrolled in the Weber State University Charter Academy. The portfolio will contain:

- Physical Examination Report
- Family History Form

NO INFORMATION WILL BE RELEASED TO A THIRD PARTY WITHOUT WRITTEN PARENT PERMISSION.

### **63G-2-107. Disclosure of records subject to federal law.**

1. Notwithstanding the provisions of Subsections **63G-2-201** this chapter does not apply to a record containing protected health information as defined in 45 C.F.R.,

2. Part 164, Standards for Privacy of Individually Identifiable Health Information, if the record is:
  - a. controlled or maintained by a governmental entity; and
  - b. governed by 45 C.F.R., Parts 160 and 164, Standards for Privacy of Individually Identifiable Health Information.
3. The disclosure of an education record as defined in the Family Educational Rights and Privacy Act, 34 C.F.R. Part 99, that is controlled or maintained by a governmental entity shall be governed by the Family Education Rights and Privacy Act, 34 C.F.R. Part 99.

### **Confidentiality**

The content of each child's health and safety file is confidential but is immediately available upon request to:

- Administrators and teaching staff who have consent from a parent or legal guardian to access the records
- The child's parents or legal guardians
- Regulatory authorities

### **Injuries or Illnesses**

Minor injuries such as scratches, abrasions and bruises should be cleaned with soap and water, hydrogen peroxide and a Band-Aid if necessary. All injuries should be noted on the accident report and initialed by teachers and parent. Potentially serious illnesses and injuries requiring immediate care by you and by a physician should be handled according to current American Red Cross practices.

### **Sick Children**

The WSU Charter Academy is unable to care for sick children. Children go outside every day. If your child is too ill to go outside, they are too ill to come to school. If your child is ill, please make other arrangements since we cannot let them attend. If your child becomes ill, we will make every effort to contact you or the persons listed on your emergency cards and it will be your responsibility to take your child elsewhere. The following are guidelines for excluding children from our school and reasons to keep a child home or find other arrangements:

- A temperature of 100.4 or above.
- Vomiting, diarrhea, nausea or severe abdominal pain (must have not had an episode for 24 hours before returning to school).
- Unusual lethargic behavior.
- Mouth sores associated with an inability to control saliva.
- Rash with fever or behavior change.

- Infestation (e.g. scabies, head lice (children should be excluded until after the first treatment), pinworm). Information about head lice can be found at this link: [http://health.utah.gov/epi/diseases/head\\_lice/flyer\\_schools-daycares\\_Eng.pdf](http://health.utah.gov/epi/diseases/head_lice/flyer_schools-daycares_Eng.pdf)
- Impetigo (begin treatment and cover lesions)
- Strep throat (must be on medication 24 hours before returning to school).
- Ringworm
- Chicken Pox, Whooping Cough, Red Measles, German Measles, Mumps, Meningitis, Influenza and other communicable diseases.

The best advice for parents determining if a child should come to school (after following the guidelines above) is to use common sense. Parents generally know the symptoms their own child exhibits when ill or when their child's behavior is unusual.

Parents must inform WSUCA immediately IF THEIR CHILD HAS A COMMUNICABLE DISEASE OR INFESTATION. This will allow us to NOTIFY OTHER PARENTS AND THE HEALTH DEPARTMENT, IF NECESSARY.

Children shall be excluded from classroom activities and sent home when experiencing symptoms that include a fever above 101 degrees F; prevent the child from participating comfortably in activities; result in a need for care that is greater than the staff can provide without compromising the health and safety of other children; or poses a risk of spread of harmful diseases to others.

Children shall be sent home from school when experiencing symptoms that:

- include a fever above 100.4 degrees F;
- prevent the child from participating comfortably in activities;
- results in a need for care that is greater than the staff can provide without compromising the health and safety of other children;
- poses a risk of spread of harmful diseases to others.

### **Medication**

Personnel at the WSU Charter Academy are able to dispense only maintenance medications (e.g. inhaler, mood suppressants) and emergency medications for allergies, seizure and/ or breathing. Parents must administer non-maintenance medication (e.g., antibiotics, pain and fever reducers).

If a physician has ordered a special medical management procedure for a child in care, an adult trained in the procedure must be on-site whenever the child is present.

School personnel may only administer maintenance medication with a consent form and a prescribing health professional's authorization form for each prescription medication being administered. The consent form must include the child's name, name of medication, date (s) and times the medication is to be given, dose of medication to be given, how the medication is to be administered, and period of time the consent form is valid which may not exceed the length of time the medication is prescribed for, the expiration date of the medication or one year, whichever is less.



The school will keep accurate records of maintenance medications and emergency medicines given and will store said medications in a locked container. Medications that must be readily available are stored in a safe manner, inaccessible to children, while allowing quick access by staff. One staff member (supervising teacher) will be responsible to dispense maintenance and emergency medication.

**Personnel shall not administer any medications to children under the following circumstances:**

- missing parent/guardian consent form and authorization from prescribing health professional;
- medication is new. Personnel cannot administer medication for the first time to a child while s in their care;
- instructions are unclear or the supplies needed to measure doses or administer the medication are not available or not in good working condition;
- medication has expired;
- staff person or his/her backup who has been trained to give that particular medication is not present (in the case of training for medications that require specific skills to administer properly, such as inhalers, injections, or feeding tubes/ports)

**Immunizations**

WSU Charter Academy adheres to all immunization laws. Prior to the start of school, every child must have the following immunizations:

- 5 DTP/DTaP/DT - 4 doses if 4th dose was given on/after the 4th birthday
- 4 Polio - 3 doses if 3rd dose was given on/after the 4th birthday
- 2 Measles, Mumps, Rubella (MMR)
- 3 Hepatitis B
- 2 Hepatitis A
- 2 Varicella (Chickenpox)

A Utah Certificate of Immunization form or equivalent, signed by the physician, is required at registration. Occasionally, additional vaccinations may become required by law. The school reviews all immunization forms and will notify parents of missing immunizations. It is the parent's responsibility to ensure all requirements for the child are met or that the child is on track to receive all scheduled doses.

To apply for an exemption to immunization requirements, by presenting: (1) a certificate from a licensed physician stating that due to the physical condition of the student one or more specified immunizations would endanger the student's life or health; (2) A completed form obtained at the local health department where the student resides, providing the required information related to a personal belief opposed to immunizations, properly signed and witnessed by the local health officer or his designee; or (3) a statement that the person is a bona fide member of a specified, recognized religious organization whose teachings are contrary to immunizations, signed by one of the following persons: (i) one of the student's parents; (ii) the student's guardian; (iii) a legal age brother or sister of a student who has no parent or guardian; or (iv) the student, if of legal age.

**Procedures:**

The day a communicable illness or parasite is discovered in our facility, we will inform the families. If a vaccine-preventable disease to which children are susceptible occurs in the program, staff promptly implement a plan to exclude the child who is under-immunized. Parents and families of the children will be notified. The child who is under-immunized will be removed from the room. An individual notification will be placed in the mailbox of each child who has been exposed. The name of the ill child or staff person will remain confidential.

In the event that any of the previous symptoms appear in school, the following procedures will be followed:

- If a child becomes ill at school, he/she will be taken to the Principal's office to be isolated from other children.
- The child's parents will be notified that their child is ill and must be picked up from school. Children are to be picked up within one hour of notification.
- If a parent cannot be reached or pick-up the child the emergency contact person will be called.
- In case of a serious or life-threatening injury or illness, the school will call 9-1-1 for medical assistance. All efforts will be made to notify the parents immediately. Emergency personnel will decide if the child needs to be transported to a hospital. WSUAC is not responsible for any bills incurred by calling for emergency personnel.

For communicable disease and infestation symptoms that require a child be excluded from school the teacher or principal will:

- Make decisions about caring for the child while awaiting parent/guardian pick-up on a case-by-case basis providing care that is comfortable for the child considering factors such as the child's age, the surroundings, potential risk to others and the type and severity of symptoms the child is exhibiting. The child should be supervised by someone who knows the child well and who will continue to observe the child for new or worsening symptoms. If symptoms allow the child to remain in their usual care setting while awaiting pick-up, the child should be separated from other children by at least 3 feet until the child leaves to help minimize exposure of staff and children not previously in close contact with the child. All who have been in contact with the ill child must wash their hands. Toys, equipment, and surfaces used by the ill child should be cleaned and disinfected after the child leaves;
- Discuss the signs and symptoms of illness with the parent/guardian who is assuming care. Review guidelines for return to child care. If necessary, provide the family with a written communication that may be given to the primary care provider. The communication should include onset time of symptoms, observations about the child, vital signs and

times (e.g., temperature 101.5°F at 10:30 AM) and any actions taken and the time actions were taken.

- Contact the local health department if there is a question of a reportable (harmful) infectious disease in a child or staff member in the facility;
- Document actions in the child's file with date, time, symptoms, and actions taken (and by whom); sign and date the document;
- In collaboration with the local health department, notify the parents/guardians of contacts to the child or staff member with presumed or confirmed reportable infectious infection.

### **Readmission Considerations**

If the child seems well to the family and no longer meets criteria for exclusion, there is no need to ask for further information from the health professional when the child returns to care.

Children who had been excluded from care do not necessarily need to have an in-person visit with a health care provider. If the child has been seen by their primary health provider, follow the advice of the provider for return to child care. Children experiencing the following symptoms however, shall not be readmitted until appropriate criteria have been met:

- A. COVID-19, until cleared by the Weber-Morgan Health Department or other medical professional.
- B. all cases of diarrhea with blood or mucus. Readmission can occur following the requirements of the local health department authorities, which may include testing for a diarrhea outbreak in which the stool culture result is positive for Shigella, Salmonella serotype Typhi and Paratyphi, or Shiga toxin-producing Ecoli.
- C. vomiting more than two times in the previous twenty-four hours, unless the vomiting is determined to be caused by a non-infectious condition and the child remains adequately hydrated;
- D. abdominal pain that continues for more than two hours or intermittent pain associated with fever or other signs or symptoms of illness;
- E. mouth sores with drooling that the child cannot control shall not be readmitted unless the child's primary care provider or local health department authority states that the child is noninfectious;
- F. rash with fever or behavioral changes, until the primary care provider has determined that the illness is not an infectious disease;
- G. active tuberculosis, until the child's primary care provider or local health department states child is on appropriate treatment and can return;

- H. impetigo, only if child has not been treated after notifying family at the end of the prior program day. Exclusion is not necessary before the end of the day as long as the lesions can be covered;
- I. Streptococcal pharyngitis (i.e., strep throat or other streptococcal infection), until the child has two doses of antibiotic (one may be taken the day of exclusion and the second just before returning the next day);
- J. Head lice, only if the child has not been treated after notifying the family at the end of the prior program day. (note: exclusion is not necessary before the end of the program day);
- K. Scabies, only if the child has not been treated after notifying the family at the end of the prior program day. (note: exclusion is not necessary before the end of the program day);
- L. Chickenpox (varicella), until all lesions have dried or crusted (usually six days after onset of rash and no new lesions have appeared for at least 24 hours);
- M. Rubella, until seven days after the rash appears;
- N. Pertussis, until five days of appropriate antibiotic treatment;
- O. Mumps, until five days after onset of parotid gland swelling;
- P. Measles, until four days after onset of rash;
- Q. Hepatitis A virus infection, until one week after onset of illness or jaundice if the child's symptoms are mild or as directed by the health department. (Note: Protection of the others in the group should be checked to be sure everyone who was exposed has received the vaccine or receives the vaccine immediately.);
- R. Any child determined by the local health department to be contributing to the transmission of illness during an outbreak.

**Accepting Medications:** The process of accepting medication from parents/guardians includes:

1. Verifying the consent form;
2. Verifying the medication matches what is on the consent form and has not expired;
3. Accept authorization for prescription medications from the child's prescribing health professional only if the medications are in their original container and have the child's name, the name of the medication, the dose and directions for giving the medication, the expiration date of the medication, and a list of warnings and possible side effects;

4. Accept authorization for OTC medications from the child's prescribing health professional only if the authorization indicates the purpose of the medication and time intervals of administration, and if the medications are in their original container and include the child's name, the name of the medication, dose and directions for use, an expiration date for the medication, and a list of warnings and possible side effects;
5. Verifying that a valid Care Plan accompanies all long-term medications (i.e., medications that are to be given routinely or available routinely for chronic conditions such as asthma, allergies, and seizures);
6. Verifying any special storage requirements and any precautions to take while the child is on the prescription or OTC medication.

#### **Medication Handling and Storage:**

- Medications shall be stored, prepared, and distributed in a quiet area completely out of access to children in a place that ensures confidentiality (locked containers);
- All medications are kept in their original packaging in locked containers, readily available and stored in a safe manner that is inaccessible to children, while allowing for quick access by staff;
- Emergency medications shall be kept in locations inaccessible to children but readily available to teacher or staff trained to give them;
- Medications that require refrigeration should be left in the original container and placed in the school refrigerated inside a container marked "medication";
- Expired medications must be disposed of (see procedures for disposing of medication below);
- Only emergency medications such as inhalers may be kept at the facility overnight.

#### **Administering Medications:**

- Only adequately trained designated staff may administer medication;
- Before administering medication staff should recheck written consent form and verify prescribing healthcare professional authorization form;
- Adhering to the "six rights" of safe medication administration: right child, right medication, right time/date, right dose, right route, and right documentation;
- A medication administration record should be maintained on an ongoing basis by designated staff and should include the following: Specific, signed parental/guardian consent for the caregiver/teacher to administer medication including documentation of receiving controlled substances and verification of the amount received; Specific, signed authorization from the child's prescribing health professional, prescribing the medication, including medical need,

medication, dosage, and length of time to give medication. Information about the medication including warnings and possible side effects;

- After medication staff shall use the medication administration log to document amount administered and when, medication errors, adverse effects of the medication, whether the child vomited or spit up the medication.

**Returning Medication to the Family:** When returning the medication to the family the medication shall be given to the child's parent/guardian with a copy of the medication log that includes an accurate account of controlled substances being administered and the amount being returned to the family;

**Disposal of Medications that Cannot be Returned to Family:** Medication that have expired shall not be returned to families and should be given to the Principal for disposal. The school shall follow FDA procedures for disposal:

- Remove and destroy identifiable information from medication container.
- Follow disposal instructions on the medication if available.
- Take to community medication take-back program.
- If no disposal instruction or community take-back program is available medications will be removed from original containers, placed in a sealable bag, and mixed with an undesirable substance, such as coffee grounds or kitty litter. Then dispose of in a garbage container that is inaccessible to children.

## **Medical Needs Policy**

(NAEYC Standards 10.D.10)

Approved April 2, 2013

Reapproved June 12, 2017

**Purpose:** Allow children to possess and self-administer asthma medication and diabetes medication, as age appropriate, providing certain requirements are met as outlined in Utah State Code Section 53G-9-503 and 53G-9-506, respectively.

**Policy and Procedures:** As outlined in Utah State Code Section 26-41-104, at least one or more school personnel shall receive training from a qualified individual regarding the storage and emergency use of an epinephrine auto-injector, as well as all follow-up procedures such as calling 9-1-1 and notifying parents if possible.

Appropriate forms are available in the office as developed by the Utah Department of Health and must be completed.

Upon receiving a signed statement from a parent/guardian of a child with diabetes certifying that glucagon has been prescribed for the child, the school will appropriately train required personnel

in the administration of glucagon, as well as adhere to all related requirements as outlined in Utah State Code Section 53G-9-504.

Children who have particular health concerns will be flagged with a Red Health Alert Folder which is kept in the administration office. This folder will have detailed instructions on the procedures to follow in case of an emergency, as well as any parental permission required. Teachers will receive a copy of these instructions as well. The health concerns of any child who has a Red Health Alert Folder will be discussed with the teachers, office staff, and administration to ensure the child's needs are met.

## **Product Safety**

(NAEYC Standard 9A.5)

Approved June 12, 2017

**Purpose:** The purpose of this policy is to comply with NAEYC Accreditation Standard 9A.5. WSU Charter Academy program administrators receive and use Consumer Product Safety Commission (CPSC) product recall notices to protect staff and children from exposure to harmful chemicals.

**Policy:** Program administrators are aware of current information about the safety of products used in the classroom. Administrators sign up for Consumer Product Safety Commission (CPSC) product recall notices and post relevant information in the WSU Charter Academy classroom to benefit both staff and parents. Choosing only digital thermometers and thermostats are used to avoid exposure to mercury hazards.

## **Reporting Child Abuse and Neglect Policy**

(NAEYC Standard 6A.10, 10D.5)

Approved April 2, 2013

Reapproved June 12, 2017

Reapproved November 5, 2018

Reapproved August 6, 2019

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Administrative Code R277-401, Utah Code 53E-6-701, and Utah Code 62A-4a-403.

**Policy:** Utah law requires that whenever any person, including any school employee, has reason to believe 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. All WSU Charter Academy Staff and student teachers shall complete annual training for educators on child abuse and neglect. Included in the training is instruction on child sexual abuse prevention and awareness.

## **Training**

WSU Charter Academy Staff will receive training on awareness and the prevention of child sexual abuse that includes human trafficking. Training shall include ways to provide support and appropriately respond to the disclosure of child sexual abuse. Staff shall extend this training and awareness to parents or guardians of elementary school students by informing them on how to recognize warning signs of a child who is being sexually abused. Staff will provide parents or guardians with age-appropriate methods and materials for discussing topics of child sexual abuse with children. WSU Charter Academy staff cannot give children instruction unless the parent or guardian has been notified in advance of the content of instruction. Parents or guardians have the right to excuse their child from the instruction. If the parent or guardian does not exclude their child, they have the right to be present during the presentation. Materials are provided by the Utah State Board of Education.

**Procedure:** 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.

1. If at all possible, notify the principal and make the report together.
2. Complete the "Child Concern Information Sheet" before making the oral report to DCFS.
3. 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.
4. A copy of the written report shall be put in a file maintained to record all reports of child abuse; and another copy shall be placed in a separate file to be maintained by the principal, for all reported cases of suspected child abuse or neglect.
5. The report shall not be placed in the student's personal file.

The Board recognizes that the Utah law requires the reporting of child abuse and neglect by any person who has reason to believe that a child has been abused or neglected. To implement this law the board authorizes the administration to develop procedures for school employees to carry out the intent of the law.

The administration recognizes that in order to fully implement the law on reporting child abuse or neglect, school personnel must be fully informed and made aware of their responsibilities in this area. The administration shall train personnel annually. Any school employee who knows or



reasonably suspects that a child has been subjected to abuse or neglect, shall report or cause reports to be made in accordance with the procedures in this policy.

### **Investigation of Child Abuse and Neglect**

It is not the responsibility of principal or other school employees to prove the child has been abused or neglected, or to determine whether the child needs protection.

1. Investigation by staff prior to submitting a report shall not go beyond that necessary to support a reasonable belief that a reportable problem exists.
2. To determine whether or not there is reason to believe 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.
3. Interviews with the child or suspected abuser shall not be conducted by administrators or school employees.
4. Notes of voluntary or spontaneous statements by the child shall be made and given to the investigating agency.
5. School administrators, Division of Child & 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.
6. Investigations are the responsibility of the Division of Child and Family Services.
  - a. Principal or employee shall not contact the parents, relatives, friends, neighbors, etc. for the purpose of determining the cause of the injury and/or apparent neglect.
  - b. Principal and employees 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.
  - c. Principal and employees shall **not** demand to be present in the investigation. They may be present if invited but should not prompt or answer for the child.
  - d. Request the investigating DCFS representative and/or law enforcement to show ID and sign in.
  - e. If a parent calls about the interview, advise the parent that under law the school may neither confirm nor deny that an interview has taken place, that all such investigations are the responsibility of the Division of Child and Family Services and law enforcement, and that those agencies should be contacted if there are any questions.
7. Persons making reports or participating in good faith in an investigation of alleged child abuse or neglect are immune from any civil or criminal liability that otherwise might arise from those action.

### **Investigation of Staff Accused of Child Abuse or Neglect**

Any staff member or student working in the school who is accused of abusing a child will be excluded from work with children immediately. Steps will be taken to assure that the accuser understands Utah State Law for reporting abuse. If necessary, staff of the Charter Academy will work openly with child protective services. The case will be reviewed by the Charter Academy Director, the Department Chair and the Dean of the college and other appropriate Weber State personnel as needed. When needed, Weber State University: Policies and Procedures Manual will be referenced as part of the case review. The person will not resume work with children until cleared of the charges.

### **Release of Student Information:**

The Federal Family Educational Rights and Privacy Act (FERPA) prohibit many disclosures from student records without prior written consent of the child's parent. However, FERPA allows for release of student information without parental consent to appropriate officials in cases of health and safety emergencies. This is particularly true in the case of "directory information". The school may release directory information without the prior written consent of parents as long as the District has satisfied the required FERPA notification requirements. (Handed out to every student in the registration packet).

**Child Concern Information Sheet**  
To Be Completed by Reporting Party  
(Confidential- To be kept in locked file)

Please complete as much of this form as possible. If possible the reporting party and Principal should make the contact to Law Enforcement or CPS/DCFS as a team.

**A. Reporting Party**

Name: \_\_\_\_\_ Date of Report: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Signature: \_\_\_\_\_

**B. Report Sent To**

☐ Police Department ☐ Child Protective Services / DCFS

Agency Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
Person Contacted: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

**C. Involved Parties**

Victim: \_\_\_\_\_ Birth Date: \_\_\_\_\_ Gender \_\_\_\_ Race \_\_\_\_  
Home Address: \_\_\_\_\_  
Home Phone: \_\_\_\_\_ Present Location of Child \_\_\_\_\_

**Siblings:**

1. _____	Birth Date: _____	Gender ____	Race ____
2. _____	Birth Date: _____	Gender ____	Race ____
3. _____	Birth Date: _____	Gender ____	Race ____
4. _____	Birth Date: _____	Gender ____	Race ____
5. _____	Birth Date: _____	Gender ____	Race ____

**Parents:**

Mother: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
Primary Language: \_\_\_\_\_ Race: \_\_\_\_ Work Phone: \_\_\_\_\_  
Father: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
Primary Language: \_\_\_\_\_ Race: \_\_\_\_ Work Phone: \_\_\_\_\_

**D. Incident Information**

Incident Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Location: \_\_\_\_\_  
School: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

Type of Abuse Suspected (Check all that are relevant):

☐ Physical ☐ Sexual ☐ Emotional ☐ Physical Neglect ☐ Educational Neglect

continued on reverse side

Narrative Description:

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Summarize what the abused child or person accompanying the child said happened:

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Explain known history of similar incidents for this child.

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# Safe School Policy

Approved October 29, 2013

Reapproved June 12, 2017

**Purpose:** The purpose of this policy is to address issues governing inappropriate conduct, safety and welfare of WSU Charter Academy children, WSU pre-service teachers, faculty/staff, parents/guardians, and patrons and comply with the requirements of Utah Administrative Code R277-483.

**Policy and Procedures:** The WSU Charter Academy recognizes that a safe, positive environment is essential to further the educational process. Child acts of criminal behavior that place any person in imminent danger are prohibited in WSU Charter Academy classrooms, on school grounds, at school sanctioned activities or when children are being transported in school vehicles. Disciplinary actions may be taken with children whose conduct, in locations other than those mentioned, threatens or does harm to the school, school property or persons associated with the school.

WSU Charter Academy adopts the definition adopted by the Utah State Board of Education (R277-483). A "persistently dangerous school" is defined as a public K-12 school with any combination of grades that meets the following criteria: The school has at least three percent of the child body, as determined by the October 1 count, that has been expelled in each of three consecutive school years for violent criminal offenses or federal gun free school violations that occur on school property or at school sponsored activities.

## Definitions/References

- A. Aggravated Assault: Utah Code 76-5-103 Assault plus an act which:
- causes serious bodily injury to another intentionally
  - involves use of a dangerous weapon as defined in Utah Code 76-1-601 or other means of force likely to produce death or serious bodily injury
- B. Aggravated Burglary: Utah Code 76-6-203 If in attempting, committing, or fleeing from a burglary the actor/participant in the crime:
- causes bodily injury to a person not involved in the crime
  - threatens the immediate use of a dangerous weapon against another person
  - possesses or attempts to use any explosive or dangerous weapon
- C. Arson: Utah Code 76-6-102
- unlawful and intentional damaging of any property by means of fire or explosives
- D. Assault: Utah Code 76-5-102
- an attempt, with unlawful force or violence, to do bodily injury to another
  - a threat, accompanied by show of immediate force or violence, to do bodily injury to another

- an act, committed with unlawful force or violence, that causes or creates substantial risk or bodily injury to another

E. Bodily Injury: Utah Code 76-1-601(3)

- physical pain, illness or any impairment of physical condition

F. Burglary: Utah Code 76-6-202

- unlawful entry of a building or any portion of a building with intent to commit a felony or theft or commit an assault on any person

G. Criminal Mischief: Utah Code 76-6-106

- action that intentionally damages, defaces, or destroys the property of another, including the use of graffiti

H. Expulsion:

- administrative exclusion from school attendance, without placement in an alternative setting for ten or more consecutive school days

I. Gang Behavior --- Behavior exhibited by an individual or a group of individuals who:

- form an allegiance and engage in criminal, violent or antisocial behavior
- encourage or create an unreasonable and substantial disruption or risk or disruption of a class, activity, program, or other function of a school
- may have a name, turf, colors, symbols, distinct dress
- exhibit any combination of the preceding characteristics

J. Graffiti: Utah Code 76-6-107

- unauthorized painting, writing, spraying, scratching, affixing, or inscribing on the property of another regardless of the content or nature of the material used

K. Harassment: Utah Code 76-5-106

- intentionally frightening or harassing another person through a written or recorded threat to commit any violent felony

L. Hazing: Utah Code 76-5-107.5

- any action or situation that intentionally, knowingly, or recklessly endangers the mental or physical health or safety of any person
- forced conduct that would result in extreme embarrassment or mental stress and affects dignity of the individual
- involvement of any brutality of a physical nature

M. Imminent Danger: (*Black's Law Dictionary*)

- appearance of threatened and impending injury which would lead a reasonable person to attempt an instant defense
- something which is threatening to happen at once, something close at hand, something which is close, although not yet touching, or on the point of happening

N. Out-of-School Suspension:

- administrative exclusion from school attendance for fewer than ten consecutive days

O. Dangerous weapon or firearm: Utah Code 76-1-601, 76-10-505.5, US Code Title 18 Section 921

- includes, but is not limited to firearms knives, explosives, fireworks, chemical devices, martial arts weapons
- instruments that propel an object
- anything that may place any persons in imminent danger

P. Serious Bodily Injury: Utah Code 76-1-601(10)

- creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ
- creates a substantial risk of death

Q. School Safety Violation: Behavior which includes, but is not limited to:

- any action which creates imminent danger
- possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material
- possession or selling illegal substances
- acts of gang behavior

R. Student

- anyone who is currently enrolled in public or private school

## **School Guidelines**

Behaviors and conduct engaged in by students that are in violation of the Safe School Policy vary in range of severity and danger. As such, many issues are best handled at the school level while more serious situations that pose imminent danger, will be investigated by law enforcement.

A. Violation Screening --- Administrators will:

- adhere to School policy
- afford due process procedures
- provide a thorough investigation and documentation of the details of the incident
- determine if the incident did or did not create imminent danger
- determine if the incident displays frequent or flagrant willful disobedience, defiance of proper authority or disruptive behavior

B. If imminent danger is a factor:

- contact WSU police department immediately

C. If imminent danger is not a factor:

- provide appropriate consequences according to school rules
- implement interventions to assist the student in conforming to school/classroom

expectations/rules (examples include but are not limited to: in-school suspension, behavior contract, in-class timeout, parent conference, etc.)

D. If acts of frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior occur:

- make good faith efforts to implement a remedial discipline plan that will allow a student to remain in school prior to sanctions being imposed on the student for repeated acts which are not deemed imminent danger
- a variety of alternatives to out-of-school suspension should be included in the school discipline plan

WSU Charter Academy Student Consequences for a Safe School Violation may include, but are not limited to the following:

A. Suspension:

- student may be suspended for up to ten days

B. Alternative Placement - Student may be removed from his/her home school and placed in an alternative school program.

- length of this placement will be determined by the seriousness of the situation and circumstances (a few days up to and including one full school year)
- evaluation of student's progress will occur throughout the prescribed time period
- successful completion of student goals may result in the student returning to their home school (Extenuating circumstances may result in placement in another school in the district)
- failure to complete assigned goals may result in continued placement in the alternative program until objectives are met

C. Expulsion may occur for:

- violations that are intentional and life threatening
- possession of a firearm

*Note: If a student is expelled from school, the responsibility to enroll the student in an educational program falls on the parent/legal guardian. Utah Code 53G-8-208.*

### **WSU Charter Academy Special Education Consequences**

Consequences, beyond 10 days of suspension, will be tailored to the student's Individualized Education Plan in accordance with the Individuals with Disabilities Act (IDEA)

### **State And Federal Legal Provisions**

Grounds For Suspension Or Expulsion From A Public School

Utah Code 53G-8-205 provides guidance regarding suspension and expulsion of students from a public school:



- a. A student MAY be suspended or expelled from a public school for any of the following reasons:
- frequent or flagrant willful disobedience, defiance of proper authority or disruptive behavior, including the use of foul, profane, vulgar, or abusive language
  - willful destruction or defacing of school property
  - behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or the operation of the school
  - possession, use, or control of an alcoholic beverage (as defined in Administrative Memo #95)
  - behavior which threatens or does harm to the school or school property, to a person associated with the school, or property associated with that person, regardless of where it occurs
- b. A student SHALL be suspended or expelled from a public school for any serious violation affecting another student or staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity including:
- possession, control, or actual or threatened use of a real weapon, explosive, noxious, or flammable material
  - the actual or threatened use of a look alike weapon with intent to intimidate another person or to disrupt normal school activities
  - sale, control or distribution of a drug or controlled substance, an imitation controlled substance, or drug paraphernalia (as defined in Administrative Memo #95)
  - commission of any 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

#### **“Parental Notification” and “Students’ Right to Transfer and Continued Attendance”**

WSU Charter Academy will follow all “Parental Notification” and “Students’ Right to Transfer and Continued Attendance” as outlined in Utah Administrative Code R277-483-5 and Utah Administrative Code R277-483-6.

##### **R277-483-5. Parental Notification.**

If a school is designated by the Board as persistently dangerous, parents of all students attending the school shall be notified by the local board of available transfer schools in a reasonable manner by no later than August 15 of the school year of designation.

##### **R277-483-6 Students’ Right to Transfer to and Continued Attendance.**

A. Parents receiving notification of persistently dangerous school status may

choose to transfer and shall indicate desire to transfer and school of preference to the local board within 30 calendar days of the date of the notification letter. Schools or local school boards shall provide by written policy a window of at least 30 school days for student transfers. Students shall be assigned to a non-dangerous school within 30 days of written parent request for transfer.

- B. Parents of students moving into a persistently dangerous school community following the transfer window shall be notified immediately of the school's persistently dangerous status and shall have 30 calendar days following registration to request transfer from the local board and indicate school preference. The local board shall have 30 calendar days to assign a school. Parents shall make a decision within 10 days following notification to accept the school assignment as offered by the local board or have their children remain in the resident school.
- C. The local board shall designate available transfer schools within the district. The local board shall develop criteria for transfer schools and shall not designate other persistently dangerous schools or schools that failed to make adequate yearly progress (Section 1111 of the NCLB Act 1116 NCLB) as transfer schools.
- D. Students attending alternative schools that have been designated as persistently dangerous shall be offered choices consistent with district policies for alternative school placement. If a local board determines that the only appropriate placement for a student is an alternative school, the local board shall offer homebound/hospitalized services, under R277-419, or other home or non-school based programs as an option to the alternative school.
- E. Students who have been disciplined for any of the violations identified in this rule forfeit the right to transfer from a persistently dangerous school.
- F. Students shall be eligible to participate in all extracurricular activities immediately in their new schools of residence if they transfer consistent with this rule.
- G. A student shall have a right to continued attendance at a school selected under this rule or a local board may require, by local board policy, a student to return to the student's resident school upon change of school safety designation, under R277-483-5

# School Emergency Plan Policy

Approved June 12, 2017

**Purpose:** The purpose of this policy is to ensure the safety of children, staff, school and community and comply with Utah Administrative Code R277-400 and Utah Code 53G -4 -402(18), and Weber State University Policies.

**Policy and Procedures:** Because the emergency plan is inclusive of many situations and is being updated regularly, a handbook is written and will be updated regularly. The handbook includes plans for prevention, intervention, and response measures to prepare staff and children to respond promptly and appropriately to school emergencies. The current handbook can be located at this link:

[https://apps.weber.edu/wsuiimages/COE/charter/Charter%20Academy%20Emergency%20Plan-Final%2016-17%20\(1\).pdf](https://apps.weber.edu/wsuiimages/COE/charter/Charter%20Academy%20Emergency%20Plan-Final%2016-17%20(1).pdf)

## Search of Person or Property Policy

Approved October 1, 2013

Reapproved June 12, 2017

**Purpose:** The purpose of this policy is to ensure protection of individual rights against excessive and unreasonable intrusion from happening when a search of person or property is needed in accordance with Utah Administrative Code R277-615 and Utah State Code Section 53G-8-509, 53E-3-401(3), and 53G-8-509.

**Policy:** The Utah State Board of Education has charged school authorities with the responsibility of safeguarding the safety and well-being of the children in their care. Given the school's custodial and tutelary responsibility for children, and the Board's intent to preserve a safe environment for all children and staff, the Board recognizes that Academy officials must have the authority to conduct reasonable searches of children and child property. Academy officials engaging in searches of children and property shall abide by the following guidelines: WSU Charter Academy officials engaging in searches of children and property shall abide by the following guidelines:

Children possess the right of privacy of person as well as freedom from unreasonable search and seizure of property. The individual's right, however, is balanced by the schools' responsibility to protect the health, safety and welfare of its pupils and personnel in accordance with Act 451, Section 380.1306.

The privacy of children or their belongings may not be violated by unreasonable search and seizure and directs that no students are searched without reasonable suspicion or in an unreasonable manner. The extent of the search will be governed by the urgency and seriousness of the alleged infraction, the child's age, and the child's disciplinary history.

## **Definitions**

**Academy Official:** means the most appropriate school employee considering all the circumstances, who should search a child. Usually the Academy official will be the school principal. Generally, the more intrusive the search, the higher the level the Academy official should be who conducts the search. Other factors would include age of the child, gender of the child, if the child has an IEP, the child's background, seriousness of the item(s) being searched for, which appropriate school official is reasonably available, and the urgency of the situation.

**Electronic Device:** means a privately owned device that is used for audio, video, or text communication or any other type of computer or computer-like instrument.

**Reasonable Suspicion:** means a particularized and objective basis, supported by specific articulable facts, for suspecting a person of criminal activity or activity that would endanger self, others, or personal property; reasonableness extends to both the reason for the search and the appropriateness of the scope of the search.

## **Procedures:**

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

- A. With reasonable suspicion a request to search the child or child's possessions should be made to the appropriate Academy official (Principal or Chair of the Department of Child and Family Studies). The Academy official are not required to contact parents before questioning or searching children, but when possible requesting the child consent to conduct the search and informing the parent is recommended. Academy officials may conduct the search without consent to prevent immediate danger for the child and others at the school.

- B. Searches of Children and Child Property:

Searches of a child's person, personal property (coats, hats, backpacks, book bags, purses, wallets, notebooks, gym bags, etc.) may be conducted whenever the child'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 child and nature of the infraction. Circumstances warranting a search include those in which school officials have a reasonable suspicion that the child or child property is concealing items including but not limited to weapons, drugs, alcohol, tobacco, unsafe contraband, pornography, pagers or lost/stolen/misplaced items.

- C. Searches of Personal Belongings:

Personal belongings may be searched by school officials whenever school officials have a reasonable suspicion to believe a child is concealing evidence of a policy violation or criminal activity and the items being searched are capable of concealing such evidence. The child may be asked to open personal belongings

and to turn over personal property for search by a school official. All searches of child 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. 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.

D. Searches of Person: Academy officials shall make sure the search meets the following guidelines:

- (i) The search shall be conducted in a private area of the school by a school official of the same sex as the child being searched.
- (ii) The search shall be observed by an objective third party of the same sex as the child being searched (i.e., Chair of the Department of Child and Family Studies, teacher, police officer);
- (iii) School officials may ask the child to remove his/her hat, coat, shoes and socks, turn pockets inside out, and roll up sleeves to see if the child is hiding contraband;
- (iv) Under no circumstances may school officials require children to remove any other items of clothing or touch children in any way during the search.
- (v) If this limited search does not turn up suspected contraband and school officials have reasonable suspicion that the child 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.

E. Documentation of Searches: School officials shall thoroughly document the details of any search conducted of a child'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:

- (i) The time, place and date of the search;
- (ii) The reasonable suspicion giving rise to the search (what did School officials suspect to find during the search);
- (iii) The name and title of individuals conducting and observing the search;
- (iv) A statement about evidence that was found or not found as a result of the search;
- (v) A statement about who took possession of contraband (i.e., police, school, etc.);
- (vi) Information regarding the attempts of School officials to notify parents about the search;

- (vii) Reporting for possession of a dangerous weapon consistent with Section 53G-8-501.

The scope of any search should be limited by the reasonable suspicion that motivated the search. If an item is found that leads to reasonable suspicion that additional, related items may also exist, the search may be extended. If the initial search produces no evidence of contraband, there should be no extension of the search based on simple curiosity or unreasonable teacher/administrator suspicion.

Anything found in the course of a search which is evidence of a child violation of school rules or federal/state laws may be seized and admitted as evidence in any suspension or expulsion proceeding if it is tagged for identification at the time it is seized and kept in a secure place by the school official until it is presented at the hearing. It may also be turned over to any law enforcement officer after proper notation and receipt. Parents should be notified immediately.

#### Training

- A. 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 Academy's commitment to a safe and orderly school environment.
- B. Employees who have specific responsibilities for investigating and resolving safe schools' violations shall receive yearly training on this policy and related legal developments.
- C. The Principal shall be responsible for informing children, parents, and staff of the terms of this policy including the procedures outlined for investigation and resolution of violations.

## School Personnel and Medical Recommendations

(NAEYC Standard 10E.2)

Approved June 12, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of the Utah Administrative Code 53G -9 -203 and to provide guidelines for training school personnel to make recommendations and report child information.

**Policy and Procedures:** Upon hiring and before interacting with children, the WSU Charter Academy will provide training to school personnel for making recommendations for children and reporting child neglect or abuse.

- A. School personnel means non-licensed employee or licensed employee. School personnel may:
- a. provide information and observations to a student's parent or guardian about that student, including observations and concerns in the following areas:
    - progress;
    - health and wellness;
    - social interactions;
    - behavior; or
    - if a situation exists which presents a serious threat to the well-being of a student;
  - b. communicate information and observations between school personnel regarding a child;
  - c. refer students to other appropriate school personnel and agents, consistent with local school board or charter school policy, including referrals and communication with a school counselor or other mental health professionals working within the school system;
  - d. consult or use appropriate health care professionals in the event of an emergency while the student is at school, consistent with the student emergency information provided at student enrollment;
  - e. exercise their authority relating to the placement within the school or readmission of a child who may be or has been suspended or expelled for a violation of Section 53G-8-205; and
  - f. complete a behavioral health evaluation form if requested by a student's parent or guardian to provide information to a licensed physician.
    - School personnel shall:
  - g. report suspected child abuse,
  - h. comply with applicable state and local health department laws, rules, and policies; and
  - i. conduct evaluations and assessments consistent with the Individuals with Disabilities Education Act.
    - School personnel may not:
  - j. recommend to a parent or guardian that a child take or continue to take a psychotropic medication;
  - k. require that a student take or continue to take a psychotropic medication as a condition for attending school;
  - l. recommend that a parent or guardian seek or use a type of psychiatric or psychological treatment for a child;
  - m. conduct a psychiatric or behavioral health evaluation or mental health screening, test, evaluation, or assessment of a child, except if a disability is suspected; or
  - n. make a child abuse or neglect report to authorities, including the Division of Child and Family Services, solely or primarily on the basis that a parent or guardian refuses to consent to:
    - i. a psychiatric, psychological, or behavioral treatment for a child,

including the administration of a psychotropic medication to a child; or  
ii. a psychiatric or behavioral health evaluation of a child.

- School personnel may make a report if failure to take the action would present a serious, imminent risk to the child's safety or the safety of others.
  - A school counselor or other mental health professional working within the school system may:
- o. recommend, but not require, a psychiatric or behavioral health evaluation of a child;
  - p. recommend, but not require, psychiatric, psychological, or behavioral treatment for a child;
  - q. conduct a psychiatric or behavioral health evaluation or mental health screening, test, evaluation, or assessment of a child and
  - r. provide to a parent or guardian, upon the specific request of the parent or guardian, a list of three or more health care professionals or providers, including licensed physicians, psychologists, or other health specialists.

## Snacks, Food, & Nutrition

(NAEYC Standard 10D.3)

Approved June 12, 2017

**Purpose:** The purpose of this policy is to comply with NAEYC Accreditation Standard 10D.3 and to ensure that the WSU Charter Academy follows government child nutrition guidelines.

**Policy:** The WSU Charter Academy adopts this policy to ensure that staff and employees follow nutritional guidelines to better serve the children in the program.

Attitudes about food develop early in life. The food children eat affects their well-being, their physical growth, their ability to learn, and their overall behavior. We have an opportunity to help children learn about foods, to enjoy a variety of foods from their own culture and others, and to help them begin to appreciate that their bodies need to be strong, flexible, and healthy. Eating moderately, eating a variety of foods, and eating in a relaxed atmosphere are healthy habits for young children to form.



# Student Supervision Policy

Approved April 2, 2013

**Purpose:** The purpose of this policy is to provide guidelines for student supervision at WSU Charter Academy.

**Policy:** Staff members should never leave students unattended and without the supervision of a paid school employee or a school volunteer who has been fingerprinted and has had a background check.

No teacher, staff member, or administrator should be alone in a room with a student without an open door or uncovered observation booth windows.

# Suicide Prevention Programs Policy

Approved June 12, 2017

**Purpose:** The Purpose of this policy is to educate staff about suicide and prevent children from committing suicide while complying with Utah Administrative Code R277-620.

**Policy and Procedures:** The suicide prevention policy is applicable for grades 7-12. WSU Charter Academy is not authorized as a secondary school or provides education for grades 7-12. WSU Charter Academy will request resources from the Department of Health - State Division of Substance Abuse and Mental Health at least every two years about evidenced-based practices and programs to support suicide prevention efforts which are developmentally appropriate for the children at WSU Charter Academy. If at any time an employee is identified as needing professional development about suicide prevention, by self or Principal, professional development will be selected by the Principal based upon the children of WSU Charter Academy and the employee.

# Vending Machine and Selling Foods on School Grounds Policy

Approved October 29, 2013  
Reapproved June 12, 2017

**Purpose:** The purpose of WSU Charter Academy's vending machine and selling foods on school grounds policy is to help promote healthy lifestyle for its children and to comply with the

requirements of Utah Administrative Code R277-719.

**Policy and Procedures:** Vending machines around the WSU Charter Academy are controlled and monitored by Weber State University. WSU Charter Academy does not sell any food on school grounds.

# **NON-INSTRUCTIONAL OPERATIONS**

# Calendar Policy

Approved May 7, 2013  
Reapproved June 12, 2017

**Purpose:** The purpose of this policy is to set the WSU Charter Academy annual school calendar.

**Policy and Procedures:** The WSU Charter Academy annual school calendar is aligned with the Weber State University Academic Calendar and Utah State Board of Education annual calendar. Spring break is aligned with the WSU Academic Calendar. Please check the school website for a current calendar. The school calendar for each academic year is proposed by the Principal and approved by the Board in the April Board of Directors meeting.

## Conducting Research in the WSU Charter Academy Policy

Approved November 2014  
Reapproved June 12, 2017

**Purpose:** Conducting research at the WSU Charter Academy is encouraged for members of the University community. This policy ensures the protection of the children, families, and staff of the WSU Charter Academy.

**Policy and Procedures:**

**Prior to submitting an application to conduct research, you must read this document completely.**

Research must be approved by the WSU Charter Academy Academic Excellence Committee. Research on human subjects requires IRB approval.

Research projects will be supported from any discipline across the University. Limitations of time, space, and child availability may necessitate a prioritizing of research projects. In the event that multiple researchers apply to conduct research at the same time, priority will be given to faculty in the Jerry and Vickie Moyes College of Education and to those projects closely aligned to the mission of the WSU Charter Academy.

The University has the right to post information about all approved research projects on the WSU Charter Academy website to keep the community informed about the research being conducted.

In addition to IRB approved procedures, the WSU Charter Academy requires:

- A maximum of 2 observers in the classroom is permitted at any one time.
- A maximum of 2 sessions of individual testing is permitted (not more than 30 minutes for each) for any single child to be taken out of the class during one week.
- A maximum of 8 hours is permitted for any child to participate in research during one semester which results in the child being removed from the classroom.
- Parents must be allowed to be present at any time researchers are interacting with their children.
- University practicum children may not be asked to assist a researcher unless prior arrangements have been made as part of the research protocol for a particular research project. Supervising teachers may be asked if momentary help is required. However, fulfilling classroom duties and protecting children is their main priority.
- If an administrator or other staff member, at any time, thinks what a researcher is doing will harm a child or does not conform to the IRB procedures or conform to the mission of the WSU Charter Academy, that individual will ask the researcher to leave classroom. The researcher should immediately report the incident to the Administrator and the Academic Excellence Committee of the WSU Charter Academy to resolve the issue as soon as possible.

### **WSU Charter Academy Application and Proposal for Conducting Research**

We appreciate your interest in the Weber State University Charter Academy. By taking the time to complete this application and proposal you are helping us effectively coordinate information between staff, faculty, children, and parents who make up this community.

**Step 1.** Read the research policy (see p. 3 of this document).

**Step 2.** Get IRB approval (submit a digital copy with this application)

**Step 3.** Get background check (required if research involves going into the classroom or pulling children out of the classroom).

**Step 4.** Please complete Application and your Research Proposal (see below) to the Principal of the WSU Charter Academy and the Chair of the WSU Charter Academy Academic Excellence Committee. This application and proposal with the IRB approval must be submitted at least 2 weeks prior to the intended date of initiating data collection. Proposals should be less than 600 words.

Names of Principal and Co-Investigators:

Project Topic/Title:

Name of Applicant:

Contact Information

Phone:

Email:

Affiliation (Your Department and Program):

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Researcher's Signature

Date

### **Proposal Abstract**

*Title:*

*Purpose of the research*

- Give context for your research question(s): Why is this an important area to study?

*Overall research question*

- What do you want to find out?
- What specific questions or hypotheses will you test in order to answer the overall question (be explicit about what these are)?
- How will your research question advance that knowledge?

*Method*

- How will staff, children, parents, or University children be involved?
- How will WSU Charter Academy facilities/materials be used?
- What will you do to answer the overall research question?
- What data will you collect? How will you collect the data? What instruments or procedures will you use?
- How do you plan to analyze and interpret your data?

*Significance of the proposed research (to the scientific community and society)*

- Why are you excited about the proposed research, and why should the reader be as well?
- How does the proposed research relate to what has already been done in this area?

**Step 5.** Give the projected timeline for this research (semester, beginning and end dates). Please estimate how much time each day or week this project will require by those involved.

**Step 6.** After research is completed an Executive Summary must be submitted to the WSU Charter Academy Academic Excellence Committee. This approximately 600 word summary should be an overview of the findings from this research.

*Completion and submission of this online application and proposal acknowledges that I have read the Policy for Conducting Research at the WSU Charter Academy and that I will abide the requirements in this policy.*

## Dress Code Policy

Approved April 2, 2013  
Reapproved June 12, 2017

**Purpose:** The purpose of this policy is to provide guidelines for appropriate dress at the WSU Charter Academy and to comply with Utah Administrative Code 53G -7 -8 02-8 03.

**Policy:** The WSU Charter Academy recognizes that standards of proper dress affect the learning and behavior of children. Children must come to school dressed appropriate for learning. Any dress or grooming that is disruptive to the normal operation of school or that may be considered extreme is not permitted.

The WSU Charter Academy dress standards are:

- Clothing containing references to or pictures of violence and aggression may not be worn
- Clothing that displays images with a commercial tie are strongly discouraged.
- Clothing containing obscene or suggestive words or pictures, including references to tobacco, drugs, or alcohol may not be worn.
- Clothing attachments which could be considered as weapons, i.e., spikes, chains, wristbands, etc. will not be allowed.
- Skirts, dresses, shorts must be mid-thigh.
- Maintain good general hygiene.
- Hats, bandanas, or other headgear may not be worn inside the building unless during designated times as noted by the school administration.
- Appropriate shoes that the child is able to run in should be worn when participating in physical education activities and at recess.
- Flip-flops or open-toed sandals are not recommended.
- Appropriate dress for seasonal weather.

**Procedures:** Children whose clothing does not adhere to WSU Charter Academy standards will need to call their parents to have appropriate clothing brought to the school.

The school staff reserves the right to make judgments on any article of clothing, mode of dress, or personal appearance.

# Drop Off and Pick Up Policy

(NAEYC Standard 10D.7, 10D.9)

Approved October 29, 2013

Reapproved June 12, 2017

**Purpose:** The purpose of this policy is to ensure the safety of attending children by providing guidelines for picking up and dropping off children at the WSU Charter Academy.

**Policy:** All children who attend the WSU Charter Academy are required to be checked in and checked out each day by a parent, guardian or other authorized adult. This will be done formally each day inside of the classroom.

**Procedures:** Children may only be picked up by those who are authorized. The “Emergency & Release Information Form” in “section 3” of the Registration packet lists this information. Parents or guardians must inform the WSU Charter Academy main office and teacher, in writing, of who is authorized to pick up their child. This information will be checked by the teacher or other staff and the individual picking up will have to show an appropriate photo ID (Driver’s License, Passport, Military ID, etc.). No child will be allowed to leave with any individual who has not been authorized by the parent or guardian.

No child is allowed to be dropped off or picked up outside of the classroom or building. WSU Charter Academy is concerned for the safety of all children who attend.

## Dual Enrollment Policy

Approved June 12, 2017

**Purpose:** The purpose of this policy is to comply with the Utah Administrative Code R277-438 and 53G -6 -702 .

**Policy and Procedures:** Kindergarten children may enroll in only one school at a time. All kindergarten children attending WSU Charter Academy are considered child members and may not be enrolled in another school that receives public funds.



# Eagle Scout Projects on School Property Policy

Approved April 2, 2013

**Purpose:** The purpose of this policy is to give guidelines for Eagle Scout projects that might be held on the WSU Charter Academy property

**Policy:** Weber State University Charter Academy appreciates the willing and dedicated service offered by Boy Scouts who desire to complete their Eagle Scout projects for the benefit of the academy. The following guidelines and principles have been established to govern potential Eagle Scout projects which may be approved and completed on behalf of the school.

1. If a prospective Eagle Scout would like to do a project for WSUCA, he should begin by contacting a member of the Family Involvement Committee (FIC). During this initial discussion, the Boy Scout should present and discuss his idea to ascertain whether or not the project idea fits within the academy's guidelines. The Boy Scout may work with the FIC board member to adapt the project as necessary.
2. If the prospective Eagle Scout would like to do a project for WSUCA, but is unaware of the needs of the school, an FIC board member may work with the Boy Scout to identify and design a project to benefit the school which meets the established guidelines.
3. An FIC board member will work with a member of the WSUCA Board of Directors or member of the FIC board as needed during both the planning and implementation process. Either the WSUCA Board of Directors or administration must approve the project, as appropriate, before the project is initiated.
4. If a project is proposed that the academy does not feel is necessary or beneficial to WSUCA, the project idea may be rejected. All proposed service projects or cleaning projects may be approved at the discretion of the Assistant Director of the Family Education Center and/or Director of the Family Education Center. Any proposed project that alters the property, school grounds, or school building in any manner must be approved by university administration and Facilities Management. Likewise, any fundraising or advertising which is done by the Boy Scout in the name of the school must be approved by the WSUCA Board of Directors and the WSU administration.
5. When approving potential Eagle Scout projects, WSUCA will consider the following factors: cost of ongoing maintenance
  - actual cost of project as compared to value of project,
  - durability,
  - future replacement costs,
  - quality of workmanship to be performed,
  - safety considerations, potential damage which may occur, and
  - various other factors related to both the short-term and long-term impact of the project.

# Facilities Usage

Approved October 3, 2017

## **Purpose:**

The purpose of this policy is to comply with the Utah Code 53G -7 -210 and Weber State University Policies.

## **Policy & Procedures:**

WSU Charter Academy will use the following guidelines from Weber State University Policy for Campus Facilities Use.

## **I. PURPOSE**

The facilities of Weber State University are primarily a nonpublic forum for use by students, faculty, and staff for activities and programs that support the basic University functions of teaching, research and service and relate to educational, cultural, recreational, and on-campus organizational activities. The purpose of this policy is to provide a structure for access to and use of University facilities and property, including consideration for the University's interests in undisturbed instruction and learning; providing space for activities that support the mission of the University; protecting the free exchange of ideas; ensuring safe and orderly usage; coordinating multiple uses of limited space; assuring preservation of the campus; assuring financial accountability for use of property; providing for a diversity of interests; and other legitimate interests. Use of University facilities will be consistent, at all times, with these uses and purposes. The University retains the right to determine which activities are consistent with its primary purposes and may at any time grant or deny requests based on regulations set forth herein. The University retains the right to amend this policy without prior notice. Policy amendments are effective immediately.

Public expression in the form of speech and advocacy may be exercised at such times and places and in such a manner as to assure orderly conduct, the least possible interference with University responsibilities as an educational institution, protection of the rights of individuals in the use of University facilities, and reasonable protection of persons against practices that would make them involuntary audiences. These regulations shall be interpreted in accordance with the requirements of the free speech and assembly rights guaranteed by the United States Constitution and the Utah Constitution, and in accordance with generally accepted concepts of academic freedom as followed nationally and at Weber State University.

All persons on the campus of Weber State University, whether administrators, faculty, students, employees or guests, are subject to the law and the regulations of the University. Those who violate the law or the University's regulations while on the campus do so at the risk of prosecution in the courts by appropriate government officials or proceedings authorized by University regulations.

## **II. REFERENCES**

- A. PPM 7-10, Posting and Distribution of Written Materials on Campus
- B. PPM 6-22, Student Code
- C. PPM 9-1, Academic Freedom/General Principles
- D. Utah State Board of Regent Rule 251

## **III. DEFINITIONS**

- A. Commercial Speech: All spoken, written and symbolic speech intended in whole or in part for the personal profit of the person, organization or institution engaged in the speech.
- B. Demonstrating: A public display of views or opinions in the form of rally, march, gathering, or procession.
- C. Expressive Activity: Speakers expressing views and opinions to those wishing to listen; picketing; demonstrating as defined herein.
- D. Facilities: All land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including streets and sidewalks).
- E. Fronting: When a non-University individual or organization uses University space/facilities and services under the false representation to the Venue Scheduling Office that the activity is a University-sponsored program, whether the representation is made by another member of the University community or a non-University individual or organization.
- F. Member of the University Community: All students, members of the university faculty and teaching staff, all employees holding administrative or staff positions and all personnel associated with the university.
- G. Public Safety Entities: Any entity with jurisdiction over the University in charge of safety, security, health and related issues. This would include, but is not limited to, the police department, fire marshal, facilities management, and risk management.
- H. Student Organizations: For the purpose of these regulations, the term "student organizations" mean those organizations of students authorized and established by PPM 6-22, Student Code, Section V.
- I. Semi-permanent Structure: Any object used for purposes of expressive activity including, but not limited to, booths, buildings, shelters, tents, boxes, shanties, stages, theaters and other similar physical structures. This does not include items such as handbills, signs, notices and posters, arm bands or personal attire.
- J. Venue Scheduling Office: The person or persons designated by the University administration and charged with scheduling the use of University indoor and outdoor space for the purpose of administering these regulations.

#### **IV. APPLICABILITY**

This policy is applicable to individuals and groups who wish to use University Facilities for short term purposes. Leasing of University space for long term purposes is governed by other policies.

#### **V. GENERAL STATEMENT**

##### **A. Freedom of Speech and Assembly.**

In areas designated for such purposes, consistent with rights granted by the Constitution of Utah and the Constitution of the United States, members of the University community shall have the right to freedom of speech and assembly, subject only to reasonable, content neutral rules and regulations regarding time, place, and manner.

##### **B. Freedom of the Press.**

Members of the University community in their publications or broadcasts are entitled to the full protection of the constitutional right of freedom of the press in accordance with other University policies and rules.

##### **C. Academic Freedom.**

Academic freedom in the pursuit and dissemination of knowledge through all mediums shall be maintained at Weber State University in accordance with PPM 9-1, Academic Freedom/General Principles.

##### **D. Conduct of Classes.**

Discussion and expression of all views relevant to the subject matter of a class are recognized as necessary to the educational process, but students have no right to impinge on the freedom of instructors to teach or the right of other students to learn. See PPM 6-22, Student Code and PPM 9-5, Faculty Responsibilities to Students for further information.

##### **E. Speaker Policy.**

Members of the University community and their organizations shall have the right to invite speakers to address audiences on campus (at the expense of the organization and members), in designated locations and in accordance with reasonable regulations governing the use of University facilities. The rights of speakers to freedom of expression under the Constitution of the United States and the Constitution of the State of Utah shall be protected. The rights of speakers to speak and audiences to hear free from undue disruption and interference shall also be protected.

##### **F. Priority.**

1. University facilities will be allowed to be used in the priority order specified below. In areas made available for use, Venue Scheduling Offices shall generally allow reservations to be made on a first come, first served basis; however, University usage shall be granted preference over other usage. The University may also designate certain times and days where use of any facilities would be inappropriate for use, such as during final examination periods or commencement.

- a. University Community Usage: Includes those educational or training activities which

are central to supporting the roles assigned to the University by the State Board of Regents consistent with its mission. These activities must have been created and administered by Weber State University entities.

Includes those activities administered by the Weber State University Student Association (WSUSA) and registered student organizations, consistent with the goals affirmed for Weber State University student activities. These activities include, but are not limited to, social, cultural, educational and service projects.

b. Community Non-Profit Usage: Includes activities consistent with the goals affirmed for community service by Weber State University. These events are typically administered by non-profit organizations.

c. Community For-Profit Usage: Includes cultural, educational or training activities which were not created by Weber State University, but which serve the University community. These events are typically administered by profit-oriented organizations.

1. Fronting is prohibited. Any individual who is found to be involved in fronting may face restriction, be charged for costs incurred on the part of the University, or other appropriate consequences.

2.

## **VI. EXPRESSIVE ACTIVITY**

A. The University provides reasonably appropriate facilities in the Bell Tower Plaza and in a designated location at the Davis Campus, to engage in expressive activity during regular hours set by the Venue Scheduling Office. These facilities are available to any person, but members of the University community and their organizations shall have preference in the use of the facilities. Organizations or individuals reserving the facilities shall have preference in the order of their application and over those seeking to use facilities without reservation.

B. Nothing in this section shall be interpreted as limiting the right of individuals to engage in expressive activity elsewhere on the campus. However, not all areas of campus are suitable for expressive activities. Areas on campus that have been designated for other purposes, are fenced or blocked to exclude access, or are otherwise distinguished for use by the University are not open for expressive activities. No activities may be held which render a space unsatisfactory for use in its normal or primary function or which interfere with an activity previously scheduled according to this policy or with normal or scheduled University activities. Use of the areas designated above or other outside areas on campus must be reserved not less than 48 hours in advance of the activity and may be subject to appropriate restrictions if one of the following conditions applies:

1. Activity is expected to attract a number of individuals which exceeds the designated capacity for the space;
2. Activity is promoted in advance by any medium;
3. Activity involves the use of tables or displays, except where such tables or displays

are located in the Bell Tower Plaza, the Moench Mall or the location designated at the Davis Campus, unless tables or displays must be set up more than one hour in advance of the activity;

4. Activity involves the use of sound amplification equipment;
5. Activity presents a risk of harm to property or presents public safety concerns addressed in the event planning guidelines described in Section XII.

Should any organization or group not schedule in advance or schedule in advance but ultimately attract more than the number of individuals appropriate for the designated capacity for the space, cause other concern addressed under the event planning guidelines, or materially and adversely impact any other legitimate University interest, such group may be required to discontinue the activity or postpone the activity until scheduling can be coordinated with the Venue Scheduling Office. These offices may regulate such activity in a manner consistent with this policy. Reasonable effort should be made to allow such groups to continue or move to a more appropriate area, taking into consideration public safety issues, property damage concerns, disruption of University functions, interference with traffic, and other relevant concerns. Information regarding space capacity and event planning guidelines will be made available at the Venue Scheduling Office. Information will be provided to interested parties regarding available facilities and the procedures for reserving use of the facilities.

C. Use of outdoor facilities may be reserved through the Venue Scheduling Office in two hour block increments for purposes of expressive activity. Individuals and groups may apply for more than one block of time, which application shall be granted depending on availability. Individuals and groups may not have more than five permits at any one time, to prevent monopolization of space.

D. Semi-permanent structures may be permitted for expressive activity if approved by the Venue Scheduling Office with five days advance notice. Approval will be based on objective and reasonable guidelines consistent with this policy.

E. Indoor areas are not generally designated for expressive activities. Members of the University community who wish to use an indoor area for expressive activity must contact the Venue Scheduling Office. Where indoor areas are opened to members of the University community for expressive activity, they will be governed by reasonable objective restrictions based on the purpose of the forum.

F. All activity must be conducted in such a way that traffic is not impeded and the normal activity in classrooms and offices is not disrupted.

G. The University reserves the right to restrict use of facilities for purposes of planting, reseeding, and other general maintenance and upkeep.

H. Where space has been reserved for the use of tables or other temporary means for displaying or distributing information, tables or displays shall be removed upon the expiration of the time

during which the facilities are being used by the person or organization. Tables may be requested and reserved from the Venue Scheduling Offices, in accordance with vendor guidelines and fee schedules.

I. All other requirements of this policy regarding use of space are applicable to use of outside areas.

J. Demonstrations and Picketing.

1. Demonstrations and picketing on campus are legitimate means of expression. Conduct shall not materially and substantially disrupt the functioning of the University or interfere with the rights of other members of the University community or damage University or private property. Anyone who wishes to engage in demonstrations and picketing shall be permitted to do so in accordance with all of the time, place and manner restrictions governing expressive activity in this policy including but not limited to the following:

- a. Picketing or demonstrating must be orderly at all times and must not jeopardize public order or safety.
- b. Picketing or demonstrating must not interfere with the entrances to buildings or the normal flow of pedestrian or vehicular traffic.
- c. Picketing or demonstrating must not interfere with organized meetings or other assemblies in such a way as to invade the rights of others to assemble and the rights of speakers to free expression.
- d. Picketing or demonstrating must not interfere with classes and teaching, the use of offices or research facilities, the privacy of University housing, or other University facilities or activities related to its mission.

2. Persons violating the time, place and manner regulations of this policy may be subject to arrest or other action authorized by law after notice is given of the regulations being violated and the persons refuse to cease and desist in their conduct violating the regulations.

3. Picketers or demonstrators shall be financially responsible for any damages, including cleanup of litter, caused by their picketing or demonstrating. Damages or litter caused by third parties not part of the picketing or demonstrations shall be assessed against such third parties.

## **VII. SOUND AMPLIFICATION EQUIPMENT**

Where sound amplification equipment is used on campus, persons or organizations must first obtain permission from the Venue Scheduling Office. Sound equipment shall only be used at sound levels which do not disrupt or disturb legitimate University activities or interests. Violations of this restriction shall constitute grounds for revocation of the permission to use the sound amplification equipment.

## **VIII. UNLAWFUL, DEFAMATORY OR OBSCENE SPEECH**

Nothing in these regulations shall be construed as authorizing or condoning unlawful, defamatory or obscene speech. Any person engaging in such conduct or using University

facilities or grounds to do so shall be subject to the laws and policies governing unlawful, defamatory or obscene speech, including the authority of the University to remove signs, posters, handbills, structures or other unlawful expressions of unlawful, defamatory or obscene speech or publications.

## **IX. FOOD AND BEVERAGES**

All food sold and provided on campus must be supplied by University Food Services, approved by the University in an agreement with a user of University facilities, or as otherwise allowed in other sections of the Policies and Procedures Manual, including exceptions allowed under PPM 5-30a. All food service will be in compliance with University food policies and guidelines.

## **X. CAMPING**

- A. In order to protect University property and to protect the safety and health of the University community and the public, camping overnight and lighting or maintaining campfires on University property or living in privately owned, temporary lodging parked or erected on University property is prohibited.
- B. For purposes of this policy, campfire means an outdoor fire, burned in the open or in a receptacle other than a furnace or incinerator, used for the cooking of food or providing personal warmth or for recreational purposes. Campfire does not mean a University owned barbeque grill or a University owned fire pit operated in accordance with rules governing such use of grills or fire pits.
- C. For purposes of this policy, camping overnight:
  - 1. Includes any of the following:
    - a. Sleeping, at any time between the hours of 11:00 p.m. and 7:00 a.m., outdoors, with or without bedding, sleeping bag, blanket, mattress, tent, hammock, or other similar protection, equipment or device.
    - b. Establishing or maintaining outdoors, at any time between the hours of 11:00 p.m. and 7:00 a.m., a temporary or permanent place for sleeping or cooking by setting up any bedding, sleeping bag, blanket, mattress, tent, hammock, or other sleeping equipment or by setting up any cooking equipment, with the intent to remain in that location overnight.
  - 2. Does not include the following:
    - a. Waiting in line for the sale of tickets to an event that will take place on University property.
    - b. Tail-gating activities on University property within areas designated by the University that occur the night before or the night of a sporting event.

## **XI. PUBLIC SAFETY**

To facilitate scheduling and maintain public safety, any persons wanting to use indoor or outdoor facilities must adhere to University event planning guidelines and coordinate events with Public Safety Entities. University entities that sponsor, coordinate or allow events are responsible for



event security and must coordinate all public safety with Public Safety Entities. WSU Police Department and other Public Safety Entities, working in coordination with Venue Scheduling Offices will require compliance with event planning guidelines, consistent with this policy, which establish objective standards for determining the need for security and other health and safety requirements. Individuals or entities wishing to use University facilities will be responsible for the cost of necessary and reasonable health, safety and security needs which exceed the standard costs of public safety. Such costs will be based on objective criteria and consistently applied. The University may refuse the use of its facilities to individuals or groups where the proposed activity would require an unreasonable amount of University supervision or service or where there is a question concerning the safety of the participants or University property. Individuals or entities must follow all state requirements pertaining to public safety.

## **XII. DAMAGE TO PROPERTY**

Any damage to University or personal property in the course of use of University space is prohibited, including damage to lawns, shrubs, and trees. Individuals and groups using facilities agree to be responsible for any fees, legitimate out-of-pocket expenses or damages because of the applicant's conduct in use of the facility. Groups or individuals may be denied future use of facilities upon evidence of misuse.

## **XIII. COMMERCIAL USE**

Retailing, commercial solicitation, canvassing, sponsorship, and marketing activities of any product or service on campus are generally prohibited, except as provided under University vendor guidelines, which may be available from Venue Scheduling Offices.

## **XIV. SCHEDULING PROCEDURES AND STANDARDS**

### **A. Rules, Procedures and Forms**

Venue Scheduling Offices shall create written rules and procedures consistent with this policy for regulating the use of University space. Each office shall create appropriate forms and keep records of all use of University space.

### **B. Fees**

1. Any rental fee charged for the use of facilities shall be made in accordance with a uniformly administered schedule of fees adopted by the Venue Scheduling Office. Such fee schedule shall be approved by President's Council. As a general operating practice, the University's fees for use of facilities and services shall not be less than the average charges for comparable facilities or services at private establishments in the community.
2. Direct expenses may be charged to all groups regardless of their usage category. Direct expenses include, but are not limited to, personnel, equipment, and other associated costs necessary to prepare and operate the facility for the event, and restore the facility to its normal use status following the rental period.
3. An event deposit may be required. This deposit will be applied to the rental fee unless damage occurs to the facilities, in which case it will be used to cover repairs and/or replacement. Groups or individuals may be denied future use of

facilities upon evidence of misuse. Guidelines will be provided to groups or individuals renting facilities. These guidelines will describe University expectations for use of the facilities, including hours of operation, required approvals, expectations for personal behavior, etc.

4. Individuals or groups requesting use of University facilities shall comply with the insurance requirements of the State of Utah and the Utah Division of Risk Management. Proof of insurance and endorsement of additional insured may be required prior to using any University owned facilities. Such information will be available through the University Risk Management Office.

#### **XV. APPEAL RIGHTS.**

The denial of a reservation request can be appealed to the Vice President for Student Affairs or a designee, in writing, within 10 days of the denial. The Vice President for Student Affairs or a designee shall hear the appeal and render a decision as soon as practicable but in any event no later than five (5) business days after the date of the appeal.

#### **XVI. EXCEPTIONS.**

Exceptions to this policy may only be made upon approval by the Vice President for Student Affairs and the Vice President for Administrative Services. Any exceptions and the reasons therefore will be documented in writing.

#### **XVII. POSTING AND DISTRIBUTION OF MATERIAL ON CAMPUS**

All posting and distribution of material on campus shall be governed by PPM 7-10, Posting and Distribution of Written Materials on Campus.

## **Facility Management**

(NAEYC Standard 9D.4, 10D.4)

Approved June 12, 2017

**Purpose:** The purpose of this policy is to comply with Accreditation NAEYC Standard 9D.4, 10D.4. In addition, facilities management aims to maintain a healthy environment for all children and staff as well as conducting facility and equipment maintenance checks to identify potential problems.

#### **Procedure:**

Our facility manages and maintains a healthy environment for the children. Non-toxic pest management techniques inside and outside the facility are used whenever possible, including an Integrated Pest Management (IPM) system to eliminate or reduce harmful chemical exposures. All staff observe, identify, and report concerns about the quality of the environment. These concerns include: harmful vegetation, quality of equipment, indicators of pests, needs for specialized cleaning and sanitation. Administration and WSU Facilities Management address the staffs concerns in order to maintain safe and healthy conditions throughout the facility.

- Empty trash containers frequently

- Keeping trash containers clean both inside and out
- Disposing of trash daily
- Cleaning food particles and grease from kitchen appliances
- Storing food products according to CACFP practices
- Vacuuming and sweeping floors regularly especially around eating areas
- Looking for indicators of pest problems
- Never using pesticides or herbicides when children are present
- Applying pesticides and herbicides according to manufacturer's instructions
- Following Integrated Pest Management techniques to control pests and vegetation

## Library Policy

Approved April 2, 2013

Reapproved June 12, 2017

**Purpose:** The Weber State Charter Academy Library is an independent division of the Stewart Library at Weber State University. This Charter Academy library was created to fill the school's need for a children's collection and is housed in the Charter Academy. The library serves students, parents, and faculty affiliated with the Charter Academy.

**Policy & Procedures:** While the policies of the WSU Stewart Library govern the Weber State Charter Academy Library, this policy pertains to the Charter Academy Library collection. WSU Stewart Library policies and procedures may be found at:  
<http://library.weber.edu/libadmin/lppm/default.cfm>

### **Funding**

Funding for the Charter Academy Library's collection will be included in the Stewart Library's annual allocation. This annual allocation may vary from year to year, depending on the amount of funds available and the identified needs of the Charter Academy.

### **Selection**

A librarian is responsible for the selection of materials that will enhance the collection and fit into the core curriculum as outlined by the Utah State Office of Education. These titles will be selected from the International Reading Association's "Children's Choices" and "Teacher's Choices" book lists, recommendations from CFS and TED faculty and staff, and other published reviews.

### **Circulation**

The teacher or teaching assistant will be responsible for circulation of library materials.

### **Donations**

Gift materials and donations are evaluated on the same basis as materials purchased for the library and are added to the collection if they fit the criteria for selection and fill a valid need.

Donations must be accepted with the understanding that items not placed in the collection may be utilized or donated at the library's discretion.

### **Weeding**

Systematic weeding of the collection is an integral part of the collection management process and is a responsibility of the teacher and Assistant Director of the Center for Family and Community Education. Ongoing evaluation of the library's collections normally results in the withdrawal of materials from those collections. Materials in the following categories are most often subject to systematic withdrawal:

- Materials containing obsolete or superseded information (e.g., superseded editions of encyclopedias, indexes and abstracts subsequently cumulate, outdated factual materials, preliminary reports).
- Worn, damaged, or badly marked items when readily available elsewhere through interlibrary loan or, if heavily used, through the purchase of replacement copies.
- Duplicate copies of rarely-used materials which had been duplicated for reserve use; duplicated due to strong, previously-current interests; and duplicated inadvertently.

### **Lost/Damaged Materials**

Patrons of the Weber State Charter Academy Library are expected to reimburse the Charter Library for damaged or lost materials. The replacement cost is equal to the cost of the item. If lost items are returned before they have been withdrawn from the library system, a refund is issued, minus any fine accumulated prior to the declaration of the loss. Funds collected through fines and lost-book fees are used to purchase new titles or to replace those titles still relevant to the

### **Challenged Materials**

All complaints about collection holdings must be submitted in writing to the Assistant Director of the Center for Family and Community Education. When a formal complaint is received, it must be reviewed by the WSU Charter Academy Board of Directors. Usually, one of three actions will occur. (1) No removal action will be taken. (2) The challenged material will be removed from the Charter Academy Library and may be cataloged for placement in the WSU Stewart Library. (3) A limitation on use of the material will be decided. Once the action is decided upon, the complainant will receive written notification of the decision. The complainant may appeal this decision to the Dean of the Moyes College of Education.

## **Lost and Found Policy**

Approved April 2, 2013

Reapproved June 12, 2017

**Purpose:** The purpose of this policy is to provide procedures for handling lost and found articles.

**Policy:** In order to help the school, return lost items to students, coats, backpacks and other items should be labeled with the student's name. All items presumed to be lost or misplaced by

students will be placed in the WSU Charter Academy's Lost and Found box.

Items will be donated on a timetable set by the administration. Notices will be sent home at least two weeks prior to the donation. Families will be contacted prior to donation for any clearly labeled item. The school assumes no responsibility for lost items.

## **Parking Policy**

**(NAEYC Standard 5A.25)**

Approved October 29, 2013

Reapproved June 12, 2017

Reapproved September 4, 2018

**Purpose:** The purpose of this policy is to provide guidelines for parking related to dropping off and picking up children and other parking issues related to volunteering, visiting, observing, etc. at the WSU Charter Academy.

**Policy and Procedures:** Parents are only to park in the stalls designated for the WSU Charter Academy. These stalls are labeled "Children's School" and are located in the A2 parking lot (east of the Education Building) and S1 parking lot (west of the Education Building) and are only to be used for dropping off and picking up children from the WSU Charter Academy. Children enrolled in the WSU Charter Academy have opportunities to play and spend time in an outdoor learning environment. To ensure outdoor air quality, vehicles (buses as well as families' automobiles) are asked not idle in the program's parking areas, unless they must do so in extreme temperatures to heat or cool car systems or interiors. When parking in the designated stalls an appropriate permit must be hanging from the rearview mirror and visible through the front windshield of the vehicle. This permit only allows up to thirty minutes for drop off and pick up. Any vehicle not displaying the appropriate permit or parked longer than thirty minutes will be ticketed by WSU Parking Services. If all designated stalls are occupied, individuals may park in the A2 parking lot. Vehicles must be in a stall with their flashers on and their parking permit displayed from their rearview mirror. No parking of any kind is allowed in the disability stalls or the Campus Service Vehicle stalls. These stalls are for special permit purposes only. Individuals parked in these stalls will be ticketed by WSU Parking Services.

The WSU Charter Academy is not responsible for paying any type of parking ticket; it is to be paid by the individual who received it.

# Personal Property Policy

Approved April 2, 2013  
Reapproved June 12, 2017

**Purpose:** The purpose of this policy is to provide procedures for bringing personal property to the school.

**Policy:** Personal property brought to school is discouraged with the exception of backpacks, separation objects and outerwear that is applicable to the weather. Any personal property brought to school should be labeled with the child's first and last name in permanent ink. The school is not held responsible for lost or stolen property. For more information pertaining to lost property see lost and found in the parent handbook.

## Playground Policy

(NAEYC Standards 3C.12, 3C.13, 3C.14, 9B.5)

Approved April 2, 2013  
Reapproved June 12, 2017

**Purpose:** The purpose of this policy is to provide guidelines for the playground usage at the WSU Charter Academy.

**Policy and Procedures:** WSU Charter Academy will provide appropriate playground supervision for its children. The school will provide two adults for approximately every 25 children on the playground. Supervised school times include recess, P.E. time if applicable, and other specified school-sponsored activities. During the school day, children are not permitted to use playground equipment at any time that is not designated as supervised playground time. The playground will not be available before or after school.

The outdoor learning environment provides at least 75 square feet of play space for each child at any one time. To prevent dangers such as access to the street, pits, water hazards or wells, there is a fence or natural barriers surrounding the playground.

WSU Charter Academy does not assume responsibility for accidents on the playground, including those involving non-children, during unsupervised times of the day, and during non-school days.

During supervised playground time, children must not:

- Play outside the fenced perimeter or other designated play area at the discretion of the supervising adult.
- Leave the designated area without the knowledge or permission of the supervising adult.

- Play with any sharp or dangerous objects.
- Throw rocks, dirt, sand, wood chips, or other objects not intended for throwing.
- Throw snowballs or ice.
- Climb on fences, trees, basketball standards, outside of play structure, buildings, etc.
- Wrestle, hit, kick, push, shove, or engage in any physically aggressive activity that could harm other children.
- Call names, use inappropriate language, or bully other children.
- Engage in games that are unkind, demeaning, or abusive to other children. When playing games, children are encouraged to include all children who are interested in participating.
- Use any outdoor equipment inappropriately.

Children who disobey playground rules will be subject to established discipline policy. The supervising adult should not send a misbehaving child back into the school building unsupervised. The supervising adult should not send a misbehaving child directly to the office or the Administrative Chair of the Department of Child and Family Studies unless there has been a severe infraction of playground rules, repeated occurrences of misbehavior, or blatant disrespect for the supervising adult, other children, or the playground rules.

## School Hours Policy and Closure Policy

Approved November 2012  
 Reapproved May 7, 2013  
 Reapproved June 12, 2017

**Purpose:** The purpose of this policy is outline the school hours to comply with Utah Administrative Code R277-419-4 Pupil Accounting.

**Policy:** Weber State University Charter Academy will follow the following class schedule:

Each group will meet for 180 days. Monday through Thursday each class will meet for 3 hours. On Friday, each class will meet for 2 hours.

The morning kindergarten will meet Monday – Thursday from 8:45 a.m. - 11:45 a.m. and Friday from 8:45 a.m. -10:45 a.m.

The afternoon kindergarten will meet from 12:30 p.m. to 3:30 p.m. and Fridays from 12:30 p.m. - 2:30 p.m.

School Closure: Severe weather or facility malfunction may require school closure or a delayed start time. In this event, the Principal will make the decision. The Principal and teacher(s) will inform families immediately through the use of school's website, school email and TV stations.

# Secondary School Completion and Diplomas

Approved June 12, 2017

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Administrative Regulation R277-705.

**Policy:** At this time, the WSU Charter Academy is not authorized as a secondary school or provides education for grades 7-12. If or when the WSU Charter Academy extends in grades, the policy will be updated. The Assessment of Students Policy addresses the assessment of students.

## Transportation and Before and After Care Policy

Approved October 2, 2013  
Reapproved June 12, 2017

**Purpose:** The purpose of this policy is to provide guidelines for Transportation and Before and After Care for students of WSU Charter Academy

**Policy:** Because WSU Charter Academy's enrollment is open to students from communities near and far, bus transportation cannot be provided by Weber State University or the Academy. With the exception of field trips, parents will be responsible for the transportation of their children to and from the Academy.

Policies and procedures governing carpool and associated traffic flow graphics are published annually by the Academy and are available at the Academy office, on the Academy's website, and/or transmitted to families via email.

WSU Charter Academy is not legally responsible for students before they arrive at school or after they have left the school.

Morning kindergarten hours are 8:45 am to 11:45 am Monday through Thursday and 8:45 am – 10:45 am on Friday.

Afternoon kindergarten hours are 12:30 pm -3:30 pm Monday through Thursday and 12:30 pm - 2:30 pm on Friday.

Families in need of before and after school child care are encouraged to contact Care About Childcare at Weber State University at 801-626-7837. Customized referrals to state regulated childcare will connect you with facilities that offer options for part time care and provide



transportation to and from schools. While the referral service is free, it is your responsibility to arrange and pay for any necessary out of school care.