HOME OF THE LIONS
NORTH DAVIS PREPARATORY ACADEMY

POLICIES & PROCEDURES MANUAL

VISION:
North Davis Preparatory Academy students develop a love of learning, experience high academic achievement, and enjoy high bi-literate proficiency.

PURPOSE:
To instill in our students a love of learning through enjoyable learning experiences, a progressive educational program in core subjects and a bi-literate curriculum, all in a environment of respect, parental involvement, and a strong sense of community.

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North Davis Preparatory Academy
Administration of Medication Policy

PURPOSE

The purpose of this policy is to authorize personnel of North Davis Preparatory Academy (the "School") to administer medication to students consistent with applicable law.

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

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

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

POLICY

Administration of Medication by School Personnel

The School will comply with applicable state and federal laws, including but not limited to Utah Code Ann. § 53G-9-502, regarding the administration of medication to students by School personnel. Accordingly, pursuant to this policy, authorized School personnel may provide assistance in non-emergency situations in the administration of medication to students of the School during periods when the student is under the School's control.

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

(a) Glucagon. Glucagon is an emergency diabetic medication used to raise blood sugar. The School will comply with the requirements of Utah Code Ann. § 53G-9-504 regarding the emergency administration of glucagon to a student. Accordingly, the School may administer glucagon to a student if: (1) the School has received a glucagon authorization from the parent or guardian of a student with diabetes; (2) the student is exhibiting the symptoms that warrant the administration of glucagon; (3) School personnel who have been trained (as described in the statute) in the administration of glucagon are immediately available to administer the glucagon;

and (4) a licensed health care professional is not immediately available. The School may not compel School personnel to become trained in the administration of glucagon nor may it obstruct School personnel from becoming trained in the administration of glucagon.

(b) Glucagon Kit. The School will comply with the requirements of Utah Code Ann. §§ 26B-4-401, *et seq*., regarding the emergency administration of a glucagon kit to a student. Accordingly, the School may administer a glucagon kit to a student if: (1) the student has a diagnosis of diabetes by a health care provider; (2) the School has received a glucagon authorization from the parent or guardian of the student; (3) the student is showing symptoms of hypoglycemia (a potentially life-threatening condition resulting from abnormally low blood glucose levels); and (4) a School employee who has become a "qualified adult" as defined in the statute is immediately available to administer the glucagon kit. If the School has a School nurse and the School nurse is immediately available to administer a glucagon kit to a student under the circumstances described above, the School nurse should administer the glucagon kit. If the School does not have a School nurse or the School nurse is not immediately available, another School employee who is a qualified adult may administer the glucagon kit in accordance with the statute. The School may make a glucagon kit available to a School employee who becomes a qualified adult. The School may not prohibit or dissuade School employees from receiving training to become a qualified adult, nor may it prohibit or dissuade School employees who become a qualified adult from possessing or storing a glucagon kit on School property or administering a glucagon kit to any person in accordance with the statute.

(c) Injectable Epinephrine Rescue Medication. The School will comply with the requirements of Utah Code Ann. §§ 26B-4-401, *et seq*., regarding the emergency administration of an injectable epinephrine rescue medication to a student. Accordingly, the School may administer an emergency injectable epinephrine rescue medication to a student if: (1) the student is exhibiting potentially life-threatening symptoms of anaphylaxis; (2) a physician or physician assistant is not immediately available; and (3) a School employee who has become a "qualified adult" as defined in the statute is immediately available to administer the injectable epinephrine rescue medication. The School will make an emergency injectable epinephrine rescue medication available to a School employee who becomes a qualified adult. The School may not prohibit or dissuade School employees from receiving training to become a qualified adult, nor may it prohibit or dissuade School employees who become qualified adults from possessing or storing an emergency injectable epinephrine rescue medication on School property or administering an emergency injectable epinephrine rescue medication to any person in accordance with the statute.

(d) Seizure Rescue Medication. The School will comply with the requirements of Utah Code Ann. § 53G-9-505 regarding the emergency administration of seizure rescue medication to a student. Accordingly, the School may administer seizure rescue medication to a student if: (1) the School has received a seizure rescue authorization from the parent or guardian of the student; (2) the student is exhibiting a symptom, described on the student's seizure rescue authorization, that warrants the administration of a seizure rescue medication; (3) a School employee who has become a "trained school employee volunteer" as defined in the statute is immediately available to administer the seizure rescue medication; and (4) a licensed health care professional is not immediately available to administer the seizure rescue medication. The School may not compel a School employee to become a trained school employee volunteer nor may it obstruct a School employee from becoming a trained school employee volunteer.

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

(f) Stock Albuterol. The School will comply with the requirements of Utah Code Ann. §§ 26B-4-401, *et seq*., regarding the emergency administration of stock albuterol to a student. Accordingly, the School may administer stock albuterol to a student if: (1) the student has a diagnosis of asthma by a health care provider; (2) the student has a current asthma action plan on file with the School; (3) the student is showing symptoms of an asthma emergency as described in the student's asthma action plan; and (4) a School employee who has become a "qualified adult" as defined in the statute is immediately available to administer the stock albuterol. If the School has a School nurse and the School nurse is immediately available to administer stock albuterol to a student under the circumstances described above, the School nurse should administer the stock albuterol. If the School does not have a School nurse or the School nurse is not immediately available, another School employee who is a qualified adult may administer the stock albuterol in accordance with the statute. In addition, if a School nurse is not immediately available and a student does not have a current asthma action plan, a School employee who is a qualified adult may administer stock albuterol to the student if the School employee identifies, based on their qualified adult training, that the student is experiencing an asthma emergency. The School may make stock albuterol available to a School employee who becomes a qualified adult. The School may not prohibit or dissuade School employees from receiving training to become a qualified adult, nor may it prohibit or dissuade School employees who become qualified adults from possessing or storing stock albuterol on School property or administering stock albuterol to any person in accordance with the statute.

(g) Adrenal Crisis Rescue Medication. The School will comply with the requirements of Utah Code Ann. § 53G-9-507 regarding the emergency administration of adrenal crisis rescue medication to a student. Accordingly, the School may administer adrenal crisis rescue medication to a student if: (1) the School has received an adrenal crisis rescue authorization from the parent or guardian of the student; (2) the student exhibits a symptom, described on the student's adrenal crisis rescue authorization, that warrants the administration of an adrenal cris rescue medication; (3) a School employee who has become a "trained school employee volunteer" as defined in the statute is available to administer the adrenal crisis rescue medication; and (4) a licensed health care professional is not immediately available to administer the adrenal crisis rescue medication. The School may not compel a School employee to become a trained school employee volunteer nor may it obstruct a School employee from becoming a trained school employee volunteer.

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

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

Self-Administration of Medication by Students

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

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

Observations and Medical Recommendations by School Personnel

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

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

NDPA Administration of Medication Policy
REVISION C
Board Approval Date: 3-25-26

NORTH DAVIS
PREPARATORY ACADEMY

Administration of Medication
Administrative Procedures

These procedures are established in accordance with the Administration of Medication Policy adopted by the School's Board of Directors.

Administration of Medication by School Personnel

In order to ensure safe administration of medication to students, the procedures outlined here must be followed.

(1) The Principal will designate a reasonable number of School employees who will be responsible for administering medication to students in the School.

(2) The Principal will arrange for the Principal and all designated School employees to receive adequate training from a licensed health care professional prior to administering any medication. Training should include indications for the medication, means of administration, dosage, adverse reactions, contraindications, and side effects.

(3) The student's parent or guardian must complete the parent/guardian section of the Student Medication Form requesting that medication be administered to the student during regular school hours. Parents are responsible for updating the Student Medication Form as necessary.

(4) Except for the case of non-prescription cough drops, the student's health care provider must complete the Health Care Provider section of the Student Medication Form indicating the child's name, the name of the medication, the purpose of the medication, the means of administration, the dosage, the time schedule for administration, the anticipated number of days the medication needs to be given at school, and possible side effects. The practitioner must also affirm that giving the medication during school hours is medically necessary.

(5) A Student Medication Log must be maintained for any student who has medication administered at school, and all employees authorized to administer medication will be notified regarding each student to whom they are authorized to administer medication.

(6) Each time medication is given, the person who gave it must document the administration in ink on the Student Medication Log. If the medication is not administered as scheduled, a notation must be made on the Student Medication Log

as to why the medication was not given, and the student's parent or guardian must be notified.

(7) The Student Medication Form and Student Medication Log will be retained in the student's records.

(8) Teachers of the student receiving medication during school hours will be notified.

(9) Medication (other than that carried by a student) must be delivered to the School by the student's parent or guardian or designated adult.

(10) Medication should be delivered to the School in a container properly labeled by a pharmacy, manufacturer or health care provider. Labeling must include the student's name, the name of the prescribing practitioner, date the prescription was filled, name and phone number of the dispensing pharmacy, name of the medication, dose, frequency of administration, and the expiration date. For non-prescription medication the medication must be in the original container identifying the type of medication.

(11) Medication must be stored in a secure, locked cabinet or container in a cool, dry place, except that:

a. medications that require refrigeration must be stored appropriately;

b. insulin or emergency medications such as EpiPens, Twinject Auto-Injectors, asthma inhalers and glucagon must not be stored in a locked area so that they are available when needed.

(12) Authorization for administration of medication by School personnel may be withdrawn by the School at any time following written or verbal notice to the student's parent or guardian, as long as this action does not conflict with federal laws such as IDEA and/or section 504 of the Rehabilitation Act. The Principal may withdraw authorization for administration of medication in cases of noncompliance or lack of cooperation by parents or students unless the student's right to receive medication at school is protected by laws such as IDEA or section 504.

Self-Administration of Medication by Students

Students may possess and self-administer prescription medication if:

(1) The student's parent or guardian signs a statement:

a. Authorizing the student to self-administer the medication; and

b. Acknowledging that the student is responsible for, and capable of, self-administering the medication; and

(2) The student's health care provider provides a written statement that:

a. It is medically appropriate for the student to self-administer the medication and be in possession of the medication at all times; and

b. The name of the medication prescribed for the student's use.

The School will provide an acceptable form for parents to request that their student be allowed to possess and self-administer prescription medication.

Application of Sunscreen

Students may possess and self-apply sunscreen without a parent or physician's authorization.

If a student is unable to self-apply sunscreen, a school employee may apply the sunscreen on the student if the student's parent or legal guardian has provided written consent.

NDPA Administration of Medication Policy
ADMIN Procedures
Last Updated: 8-24-17

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North Davis Preparatory Academy
Arrest Reporting Policy

POLICY

The Board of Directors of North Davis Preparatory Academy (the "School") recognizes the importance of receiving information regarding arrests, convictions, and other offenses of employees in order to assist the School in adequately safeguarding the safety of students.

Employees who are licensed by the Utah State Board of Education shall report arrests, citations, charges, and convictions as set forth in Utah Administrative Code Rule R277-217-4.

The Principal of the School will establish administrative procedures that comply with the requirements of Utah Administrative Code R277-316-4 with respect to the required reporting of arrests and convictions of the following individuals: employees that are not licensed by the Utah State Board of Education, volunteers who have significant unsupervised access to students in connection with their volunteer assignment, Board Members, and any other employee who drives a motor vehicle as part of his or her employment responsibilities at the School.

The Board acknowledges the requirement that Board Members report arrests and convictions as set forth in R277-316-4.

NDPA Arrest Reporting Policy
REVISION B
Board Approval Date: 8-07-24

NORTH DAVIS
PREPARATORY ACADEMY

Arrest Reporting
Administrative Procedures

These procedures are established in order to comply with the Arrest Reporting Policy adopted by the School's Board of Directors.

Required Reports

(a) Non-USBE-licensed employees of the School, (b) School volunteers who are given significant unsupervised access to children in connection with their volunteer assignment, (c) Board Members, and (d) 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, Offenses Against the Individual (e.g., assault, child abuse, sexual offenses, etc.).

Timeline for Reports

Current employees of the School must provide the required reports to the Principal within 48 hours (or as soon as possible thereafter) of receiving notification of this policy from the Principal. Thereafter, employees of the School must submit required reports to the Principal within 48 hours (or as soon as possible thereafter) of the event necessitating the report. New employees of the School must report this information prior to commencing work for the School.

Procedure for Review of Reports

The Principal will review and investigate all reports received pursuant to the policy and determine whether any employment action is necessary to protect the safety of students.

The Principal will maintain the confidentiality of the information submitted and only share such information with individuals who have a legitimate need to know. 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.

Required Action

Any individual who reports a matter involving alleged sex offenses or other alleged offenses which may endanger students shall be immediately suspended from all student supervision responsibilities during the period of investigation.

Any individual who reports a matter involving alcohol or drugs shall be immediately suspended from transporting students, operating motor vehicles on school business, or operating or maintaining school vehicles during the period of investigation.

Due Process

An employee or volunteer dismissed or suspended from employment or appointment shall receive adequate due process consistent with Utah Code § 53G-11-405, including written notice of the reasons for dismissal or suspension and have an opportunity to respond to the reasons.

Training

The Principal will ensure that individuals subject to this policy receive appropriate training regarding their arrest reporting obligations.

NDPA Administrative Policy
Arrest Reporting Procedures
Last Updated: 8-07-24

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ARTICLES OF INCORPORATION

OF

NORTH DAVIS PREPARATORY ACADEMY, INC.

We the undersigned natural persons all being of the age of eighteen years or more, acting as incorporators under the Utah Nonprofit Corporation and Cooperative Association Act, adopt the following Articles of Incorporation for North Davis Preparatory Academy, Inc.

Article I
Name

The name of the corporation is North Davis Preparatory Academy, Inc.

Article II
Duration

The period of duration of this corporation shall be 99 years or less.

Article III
Purpose

The specific purposes, but not limited to, for which the corporation has been formed are enumerated:

(a) To act and operate exclusively as a nonprofit corporation pursuant to the laws of the State· of Utah, and to act and operate as a charitable organization in lessening the burdens of government, providing relief of the poor and distressed or under-privileged, and promoting social welfare by reducing unemployment through economic development.

(b) To engage in any and all activities and pursuits, and to support or assist such other organizations, as may be reasonably related to the foregoing and following purposes.

(c) To engage in any and all other lawful purposes, activities and pursuits, which are substantially similar to the foregoing and which are or may hereafter be authorized by Section 501(c)(3) of the Internal Revenue Code and are consistent with those powers described in the Utah Nonprofit Corporation and Cooperation Association Act, as amended and supplemented.

(d) To solicit and receive contributions, purchase, own and sell real and personal property, to make contracts, to invest corporate funds, to spend corporate funds for corporate purposes, and to engage in any activity "in furtherance of, incidental to, or connected with any of the other purposes."

(e) No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to, its members, trustees, officers, or other persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered to the corporation and to make payments and distributions in furtherance of the purposes set forth herein;

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(f) No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office except as authorized under the Internal Revenue Code of 1954, as amended;

(g) The corporation shall not carry on any other activities not permitted to be carried on by a corporation exempt from Federal Income Tax under 501(c)(3) of the Internal Revenue Code of 1954, as amended (or the corresponding provision of any future United States Internal Revenue law).

Article IV
Members/Stock

The corporation shall not have any class of members or stock.

Article V
By-Laws

Provisions for the regulation of the internal the By-Laws. (U.C.A. Section 16-6a-206).

Article VI
Directors

The number of directors of this Corporation shall be three (3) or more than three, as fixed from time to time by the By-Laws of the Corporation. The number of directors constituting the present Board of Directors of the Corporation is three, and names and addresses of the persons who are to serve as directors until their successors are elected and shall qualify are:

Maureen Sims
[redacted]

Rebecca Farraway
[redacted]

Debra Tanzi
[redacted]

Sheldon L. Killpack
[redacted]

Article VII
Incorporators

The names and addresses of the incorporators are:

Maureen Sims
[redacted]

Rebecca Farraway
[redacted]

Debra Tanzi
[redacted]

Sheldon L. Killpack
[redacted]

Article VIII
Registered Office and Agent

The name and address of the Corporation's initial registered office shall be:

Corporation Service Company, Gateway Tower East, 10 East South Temple, Suite 900, Salt Lake City, Utah 84113. Such office may be changed, at any time, by the Board of Trustees without amendment of these Articles of Incorporation.

The corporations initial registered agent at such address shall be:

Corporation Service Company

I hereby acknowledge and accept appointment as corporate registered agent:

____

Signature (Cynthia L. Harris – Asst. Secretary)

Article IX
Principal Place of Business

The principal place of business of this Corporation is 1765 W. Hill Field Road, Layton, Utah 84041. The business of this Corporation may be conducted in all counties of the State of Utah and in all states of the United States and in all territories thereof, and in all foreign countries as the Board of Trustees shall determine.

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Article X
Distributions

No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its trustees, officers, or other private person, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article III hereof. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provisions of these Articles of Incorporation, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section501(c)(3) of the Internal Revenue Code, as amended and supplemented, or (b) by a corporation, contributors to which are deductible under Section 170(c)(2) of the Internal Revenue Code.as amended and supplemented.

Article XI
Dissolution

Upon the dissolution of the corporation. assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, as amended or supplemented, or shall be distributed to the federal government or to a state or local government for the public purpose. Any such assets not so disposed of shall be disposed of by the district Court of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

In Witness Whereof, We Maureen Sims, Rebecca Farraway, Debra Tanzi, Sheldon L. Killpack have executed these Articles of Incorporation in duplicate this **13th** day of **April 2004**, and say:

> That we are all incorporators herein, that we have read the above foregoing Articles of Incorporation; know the contents thereof and that the same is true to the best of our knowledge and belief excepting as to matters herein alleged upon information and belief and as to those matters we believe are to be true.

NDPA Articles of Incorporation
Board Approval Date: 4-13-04

AMENDMENTS TO THE ARTICLES OF INCORPORATION OF NORTH DAVIS PREPARATORY ACADEMY, INC., A Utah Nonprofit Corporation

(Articles of Incorporation originally filed April 20, 2004)
(Registration Number 5628526-0140)

The undersigned, Monte Poll, hereby certifies that:

1. The name of this nonprofit corporation is North Davis Preparatory Academy, Inc., and the date of filing the original Articles of Incorporation of this corporation with the Department of Commerce, Division of Corporations and Commercial Code of the State of Utah is April 20, 2004.

2. I am the duly elected and acting President of North Davis Preparatory Academy, Inc., a Utah nonprofit corporation (the "***Corporation***").

3. Pursuant to Sections 16-6a-1001(1)(a) of the Utah Revised Nonprofit Corporation Act (the "Act"), the Articles of Incorporation of the Corporation (the "***Articles***") are hereby amended to include the following additional Articles XII, XIII, and XIV as set forth below (the "***Amendments***").

4. The effective date of these Amendments is **May 21, 2010**.

5. The Amendments were lawfully adopted by the Board of Directors for the Corporation (the "Board") in compliance with the Act pursuant to a majority vote of the Board in a duly noticed special meeting of the Board without any member action because the Corporation does not have any members.

ARTICLE XII
Approval and Removal of Board Members by USCSB

Notwithstanding any provision in the Articles to the contrary, Directors shall be appointed from time to time as provided in the Bylaws, subject to the approval of the Utah State Charter School Board ("***USCSB***") as set forth below, and may be removed by the USCSB with or without cause. At the election or appointment of any new Director, the Corporation's Secretary shall send notice to the Director of USCSB, by certified mail, return receipt requested. The notice shall include the identity of the nominated Directors and a request for approval of the appointment of the nominated Director. USCSB will have thirty (30) days to approve or reject the nomination of the Director. If USCSB fails to act within the thirty (30) days, the nomination will be deemed approved. The nominated Director may act as a Director, pending the approval or rejection of USCSB. A director may be removed by the USCSB at any time with or without cause. Notwithstanding anything in the Articles to the contrary, the provisions of this Article XII that provides USCSB with the right to approve and/or remove Directors will not be amended or altered without the prior written consent of the USCSB.

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ARTICLE XIII
USCSB Provisions in Bylaws

The Bylaws of the Corporation (a) shall provide for the power of the USCSB to remove any Director and to approve or reject any elected or appointed Director as set forth in these Articles XII, XIII, and XIV, and (b) may not be altered in any way that diminishes the rights of USCSB without the approval of the USCSB.

ARTICLE XIV
Amendments to Articles

These Articles may be amended from time to time, in whole or in part, by the affirmative vote of a majority of the Board in office at the time of the amendment as provided for in Utah Code section 16-6a-1002(3)(d)(ii); provided that no amendment that diminishes the rights of the USCSB to approve or remove members of the Board shall be adopted without the approval of the USCSB. Any such amendments shall be consistent with the Corporation's status as a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code.

IN WITNESS WHEREOF, the undersigned has certified that these Amendments adding Articles XII, XIII, and XIV were approved and adopted by the Corporation in compliance with the Act effective for all purposes as of the 21st day of May, 2010.

NDPA Amendments to the Articles of Incorporation
Board Approval Date: 5-26-10
Ratified on: 6-02-10

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North Davis Preparatory Academy
Assessment of Student Achievement Policy

PURPOSE

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

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

POLICY

Statewide Assessment Plan

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

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

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

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

Student Participation in Statewide Assessments

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

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

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

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

Student Exemption from Statewide Assessments

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

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

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

Other Requirements

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

NDPA Assessment of Student Achievement Policy
Board Approval Date: 3-29-23

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North Davis Preparatory Academy
Attendance Policy

POLICY

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

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

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

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

Review

The School's Board of Directors shall review this policy regularly.

NDPA Attendance Policy
REVISION C
Board Approval Date: 10-04-23

NORTH DAVIS
PREPARATORY ACADEMY

Attendance
Administrative Procedures

These procedures are established in accordance with the Attendance Policy established by the School's Board of Directors.

Definitions

"Absence" or **"absent"** means the failure of a school-age child assigned to a class or class period to attend a class or class period. "Absence" or "absent" does not mean multiple tardies used to calculate an absence for the sake of a truancy.

"Chronic absenteeism" or "chronically absent" means a student misses 10% or more of days enrolled, for any reason, and makes a school aware that a beginning of tiered supports may be needed.

"Valid excuse" or **"excused absence"** means an absence resulting from:

a) an illness, which may be either mental or physical, regardless of whether the school-age child or parent provides documentation from a medical professional;
b) mental or behavioral health of the school-age child;
c) a death of a family member or close friend;
d) a scheduled family event or a scheduled proactive visit to a health care provider in accordance with Section 53G-6-803(5);
e) a family emergency;
f) an approved school activity;
g) a preapproved extended absence for a family activity or travel, consistent with school policy; or
h) an absence permitted by an individualized education program or Section 504 accommodation plan, developed pursuant to relevant law.

The Principal has the discretion to consider other absences as "valid excuses." "Valid excuse" or "excused absence" does not mean a parent acknowledgement of an absence for a reason other than those described above.

"Habitual truant" means a school-age child who:

(1) is in grade 7 or above and at least 12 years old;
(2) is subject to the requirements of Section 53G-6-202; and
(3)(a) is truant at least 20 days during one school year; or (b) fails to cooperate with efforts on the part of school authorities to resolve the school-age child's attendance problem as required under Section 53G-6-206.

"School-age child" means a minor who is at least six years old but younger than 18 years old and who is not emancipated.

"School day" means the portion of a day that school is in session in which a school-age child is required to be in school for purposes of receiving instruction.

"Truant" means a condition by which a school-age child, without a valid excuse, is absent for at least half of the school day. A school-age child may not be considered truant under this policy more than one time during one day.

Attendance Requirements: Students are expected to have no more than five (5) unexcused absences per year.

Excused Absences: An oral or written communication documenting a valid excuse must be received from the student's parents/guardian within one (1) business day of the absence in order for the absence to be excused. In the event of multiple consecutive absences, written communication must be received within one (1) business day of the student's return to school.

In the event of an unforeseeable illness or emergency, the School should be notified as soon as reasonably possible.

Preapproved Extended Absence: A parent/guardian may request approval from the principal prior to a student's extended absence of up to ten (10) days per school year. The principal will approve the absence if the principal determines that the extended absence will not adversely impact the student's education.

Medical Documentation: The School may not require documentation from a medical professional to substantiate a valid excuse that is a mental or physical illness.

Make-up Work: Make-up work is permitted for students who have excused absences. The teacher will provide the student or the parent/guardian with any make-up work upon request. Make-up work must be completed within a reasonable time-frame as determined by the teacher.

Tardiness: A student is tardy if he or she is not in the assigned classroom when the late bell rings. In general, tardiness will be handled on an individual basis with the teacher. If a student is chronically tardy, then the student may be referred to the administration.

Notification of Absences and Tardies: In the event a student is absent, parents/guardians will be notified by phone on the day of the absence. Parents and students are responsible for tracking the total number of absences and tardies. Parents may be notified when their student reaches the 4th unexcused absence of the year or if their student is excessively tardy. If a student reaches five (5) or more unexcused absences, the Principal will attempt to schedule a meeting with the parents to review the situation and will outline the appropriate corrective action.

Notice of Compulsory Education Violation (For Students in Grades 1-6)

The School may issue a "notice of compulsory education violation" to a parent/guardian of a school-age child who is in grades 1 through 6 if the student is truant at least five (5) times during the school year.

This notice shall:

1. Direct the parent/guardian to meet with School authorities to discuss the student's attendance problem and cooperate with the principal and Board to secure regular attendance by the student;
2. Designate the School authorities with whom the parent/guardian is required to meet;
3. State that it is a class B misdemeanor for the student's parent/guardian to intentionally or recklessly fail to meet with the designated school authorities to discuss the student's attendance problems, or fail to prevent the student from being truant an additional five (5) or more times during the remainder of the school year; and
4. Be served on the parent/guardian by personal service or certified mail.

If School personnel have reason to believe that, after a notice of compulsory education violation is issued, the parent/ guardian has failed to make a good faith effort to ensure that the child receives an appropriate education, the issuer of the compulsory education violation shall report to the Division of Child and Family Services the information required by Utah Code Subsection 53G-6-202(8) (also in accordance with the School's Child Abuse and Neglect Reporting Policy).

Chronic Absenteeism Prevention and Intervention Program

The School's Chronic Absenteeism Prevention and Intervention Program is established to encourage good attendance, improve academic outcomes, and reduce negative behaviors. Through this program, the School hopes to create a trusting relationship between teachers, students, and parents/guardians.

The School's efforts to prevent chronic absenteeism include, but are not limited to:

- Serving students breakfast and lunch at the School each school day.
- Providing classroom and/or schoolwide rewards and/or incentives to students for good attendance.
- Notifying parents/guardians by phone each time a student is absent, and making such notification on the day of the absence.
- Contacting parents/guardians of students who reach four (4) and/or five (5) unexcused absences to try to resolve the students' attendance problems.
- Providing parents/guardians with notices of compulsory education violations or notices of truancy, as appropriate and as outlined herein.
- Making habitual truancy referrals, as appropriate and as outlined herein.
- Providing parents/guardians with the School's attendance policies and procedures each year at the time of registration.

The School will seek to help students struggling with absenteeism (including chronically absent students) through implementing research or evidence-based absenteeism and dropout prevention interventions. Those efforts will include documented earnest and persistent efforts to resolve a student's attendance problems through the following interventions:

- When a student's attendance is negatively affecting the student's learning, the classroom teacher will notify the student and/or the student's parent/guardian of the concern. The teacher will set up a conference with the student and/or the student's parent/guardian to identify and resolve any problems that prevent the student from attending school. The student's progress will be monitored.
- If meeting with the student and parent/guardian does not adequately address the problems and the student's learning continues to suffer, then the School counselor or Principal will work with the teacher and parent/guardian in finding a solution to the problems that are preventing the student from attending to his/her learning. Efforts to resolve the problems may include, but are not limited to, the following: making adjustments to the curriculum or the schedule; counseling of the student by School authorities; mentoring the student; providing the student with increased academic support; teaching the student executive function skills such as planning, goal setting, understanding and following multi-step directions, and self-regulation; considering alternatives proposed by the parent/guardian; or providing the parent/guardian with a list of community resources to help the family.
- The Principal may consult with a parent/guardian to determine if mitigating circumstances such as medical or psychological problems indicate the use of intervention methods for resolving the attendance problems.
- In the event that the preceding interventions fail, the Principal will contact the parent/guardian and request a formal meeting to discuss and resolve the attendance problems. A copy of of the communication (letter, email, etc.) will be kept by the School.
- The Principal will notify the student and a parent/guardian of the actions the School may take should the student be truant in the future.

Notice of Truancy (For Students in Grade 7 or Above)

Consistent with Section 53G-6-203, the School may issue a notice of truancy to a school-age child who is in grade 7 or above, at least 12 years old, and is truant at least five (5) times during the school year.

A notice of truancy will only be issued after the School has made earnest and persistent efforts to resolve student attendance problems, which efforts may include those set forth above.

A notice of truancy will:

1. Direct the school-age child who receives the notice of truancy, and the parent/guardian of the school-age child, to meet with School authorities to discuss the student's attendance problem and cooperate with the Principal and Board to secure regular attendance by the student;
2. Designate the School authorities with whom the school -age child and parent/guardian is required to meet.

A notice of truancy will be served on the parent/guardian by personal service or regular mail. The parent/guardian will have the right to appeal a notice of truancy in writing to the Principal within ten (10) days of being issued.

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Referrals for Habitual Truancy (For Students in Grade 7 or Above)

In accordance with Utah Code § 53G-8-211, the School shall refer a student who is a habitual truant to an evidence-based alternative intervention described in Utah Code § 53G-8-211(3), including:

- a mobile crisis outreach team;
- a youth services center, as defined in Section 80-6-901;
- a certified youth court, as defined in Section 80-6-901, or comparable restorative justice program;
- an evidence-based intervention created and developed by the School or other governmental entities as set forth in Section 53G-8-211(a); or
- truancy mediation.

If the student who is a habitual truant refuses to participate in an evidence-based alternative intervention described above, the School shall refer the student for prevention and early intervention youth services, as described in Section 80-5-201, by the Division of Juvenile Justice and Youth Services.

The School may only refer a student who is a habitual truant to a law enforcement officer or agency or a court if:

- The student was previously alleged of being a habitual truant at least twice during the same school year; and
- The student was referred to an evidence-based alternative intervention, or for prevention and early intervention youth services, as described above for at least two of the previous habitual truancies.

If the School refers a student who is a habitual truant to a law enforcement officer or agency or a court, the School shall appoint a School representative to continue to engage with the student and the student's family through the court process. The School shall include the following in its referral to a law enforcement officer or agency or a court:

- Attendance records for the student;
- A report of evidence-based alternative interventions used by the School before the referral, including outcomes;
- The name and contact information of the School representative assigned to actively participate in the court process with the student and the student's family;
- If the student was referred to prevention or early intervention youth services, a report from the Division of Juvenile Justice and Youth Services that demonstrates the student's failure to complete or participate in prevention and early intervention youth services; and
- Any other information that the School considers relevant.

Appeals Process

Parents/guardians who believe that all or part of their student's absences and/or tardies should be considered excused, or if they want to contest a notice of truancy, notice of compulsory education, habitual truancy referral, or any disciplinary action taken against their student pursuant to the School's Attendance Policy or these procedures, shall follow the School's Parent Grievance Policy.

Students with Qualified Disabilities

If students with disabilities under the Individuals with Disabilities Education Act, or students protected under either Section 504 of the Rehabilitation Act or the Americans with Disabilities Act, have excessive absences, including but not limited to absences for mental or behavioral health reasons, and fall within the criteria of these procedures, the School will ensure that these procedures are applied in a manner consistent with all applicable state and federal laws and regulations. Excused absences for known mental or behavioral health reasons do not absolve the School of FAPE responsibilities.

Annual Report

The School shall annually report the following data separately to the State Board of Education:

1. absences with a valid excuse; and
2. absences without a valid excuse.

NDPA Attendance
ADMIN Procedures
Last Updated: 7-15-24

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North Davis Preparatory Academy
Background Check Policy

POLICY

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

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

The Principal will establish administrative procedures consistent with this policy and applicable law.

NDPA Background Check Policy
REVISION A
Board Approval Date: 06-26-24

NORTH DAVIS
PREPARATORY ACADEMY

Background Check
Administrative Procedures

These procedures are established pursuant to the Background Check Policy established by the School's Board of Directors.

Individuals Subject to Background Checks

The School requires that the following individuals submit to a criminal background check and ongoing monitoring as provided in Utah Code § 53G-11-402 as a condition for employment or appointment: (a) each employee who is not licensed by the Utah State Board of Education ("USBE"), including substitute teachers; (b) each volunteer who will be given significant unsupervised access to a student in connection with the volunteer's assignment; (c) each contract employee; and (d) each Board Member.

Additionally, each employee who is licensed by the USBE must obtain a background check and submit to ongoing monitoring as required in connection with USBE's licensure requirements.

Conducting the Background Check

Any person submitting to a background check for the School will sign a consent and waiver notifying the individuals (a) that a criminal background check will be conducted, (b) who will see the information received as a result of the background check, and (c) how that information will be used.

The School will collect the following from an individual required to submit to a background check for the School:

- (a) personal identifying information, including but not limited to:
  - (i) current name, former names, nicknames, and aliases;
  - (ii) date of birth,
  - (iii) address,
  - (iv) telephone number,
  - (v) driver license number or other government-issued identification number,
  - (vi) social security number, and
  - (vii) fingerprints;
- (b) a fee, subject to the "Payment of Fees for Background Check" section set forth below; and
- (c) consent and waiver on a form specified by the School for the:
  - (i) initial fingerprint-based background check by the FBI and the Utah Bureau of Criminal Identification; and

(ii) retention of personal identifying information for ongoing monitoring by the School through registration with the systems described in Utah Code § 53G-11-404.

The School will then submit such individuals' personal identifying information, including fingerprints, to the Utah Bureau of Criminal Identification for (a) an initial fingerprint-based background check and (b) ongoing monitoring (if the results of the initial criminal background check do not contain disqualifying criminal history information as determined by the School).

Payment of Fees for Background Check

The School shall pay the background check fee and fingerprinting fee for non-licensed and contract employees of the School, including substitutes, and for volunteers and Board Members of the School.

Background Check Evaluation

When making decisions regarding employment or appointment based on the information received from a criminal background check, the School will consider:

- (a) any convictions, including pleas in abeyance;
- (b) any matters involving a felony; and
- (c) any matters involving an alleged:
  - (i) sexual offense;
  - (ii) class A misdemeanor drug offense;
  - (iii) offense against the person under Title 76, Chapter 5, Offenses Against the Person;
  - (iv) class A misdemeanor property offense that is alleged to have occurred within the previous three years; and
  - (v) any other type of criminal offense, if more than one occurrence of the same type of offense is alleged to have occurred within the previous eight years.

Only those convictions which are job-related for the employee, applicant, or volunteer will be considered by the School.

Opportunity to Respond to Background Check

The School will provide an individual an opportunity to review and respond to any criminal history information received as a result of submitting for a criminal background check or through ongoing monitoring.

If a person is denied employment or appointment or is dismissed from employment or appointment because of information obtained through a criminal background check or ongoing monitoring, the person may request a review of the information received and the reasons for the disqualification and shall be provided written notice of the reasons for denial or dismissal and of the individual's right to request a review of the disqualification.

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Confidentiality

Information received by the School as a result of a background check will only be (a) available to individuals involved in the hiring or background investigation process for that individual and (b) used for the purpose of assisting the School in making employment-related decisions. Any person who disseminates or uses any such information for any other purpose is subject to criminal penalties and civil liability as set forth in applicable law.

Privacy Risk Mitigation Strategy

The School will employ reasonable privacy risk mitigation strategies to ensure that the School only receives notifications for individuals with whom the School maintains an authorizing relationship. Specifically, the School shall terminate ongoing monitoring for employees upon the termination their employment with the School and for Board Members upon their resignation from the Board or upon the expiration of their Board Member term without renewal, unless good cause exists to maintain ongoing monitoring for such individuals (such as if they request and are approved to continue on at the School in the capacity of a volunteer).

With respect to non-Board Member volunteers, the School shall maintain a list of volunteers who are registered for ongoing monitoring, periodically consult with relevant School personnel to determine whether such individuals are still volunteering for the School, and ensure that ongoing monitoring for such individuals is terminated when appropriate. In addition, the School shall (a) upon receiving notification of criminal activity, review the current status of the individual in relation the School and (b) decline to accept and review the detail of the notification if the individual named is no longer employed or authorized to volunteer by the School.

NDPA Administrative Policy
Background Check Procedures
Last Updated: 3-29-16

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North Davis Preparatory Academy
Board & Administration Succession Plan Policy

PURPOSE

To create an orderly process for replacing North Davis Preparatory Academy (the "School") Board members and administration in order to ensure continuity in governance and in operation at the school in the event of the departure of a Board member or the Director.

POLICY

Board members or key administrative personnel intending to resign their position are requested to do so in a way that provides adequate time to identify and train new individuals to fill their position.

In order to maintain Board continuity, Board members' terms will be staggered, and the Board will ensure that a majority of Board members' terms do not expire in any one year. It is the intent of the Board to maintain five board members, however this may be extended to a total of seven members if needed.

Board Succession

1. Board members intending to resign from their position shall notify the Board in writing and provide the following information:
    a. a resignation effective date.
    b. a recommended timeline preceding resignation for training new Board member.
2. The Board will create timeline for replacement of Board members who are resigning and whose terms are ending.
3. The Board will select a qualified successor. Board members will seek to determine whether individuals understand the mission of the School, are invested in that mission, have experience and expertise that will benefit the Board, and understand and are willing to act in accordance with the Board's governance role.
4. A new Board member will be chosen by a majority vote of the remaining Board members.
5. A newly elected Board member will commit to training and is encouraged to attend Board meetings but will not be a voting member until after the resignation effective date.
6. The Board member replacement process will remain consistent with the School's charter and Bylaws.

Administrative Succession

Planned Departure of the Lead Director
The Board asks that the School's Lead Director give the Board at least three months' notice of his or her intent to leave the School.

The Board will take steps to ensure that the replacement Lead Director is able to effectively lead the School and accomplish the mission and the goals established by the Board. the Board will have a discussion in order to:

- Ensure that the Board is unified in its understanding of the School's mission
- Ensure that the Board is unified in its understanding of the School's strategic direction
- Ensure that the Board is unified in its understanding of the roles and responsibilities of the Lead Director position
- Ensure that the Board is unified in its understanding of the key competencies of an effective Lead Director

Unplanned Departure of Lead Director
If the Lead Director's departure is unplanned or occurs in advance of the completion of the search process, the Board will appoint an acting Lead Director. The Board may also decide that it is in the School's best interest to identify individuals outside the School to provide additional short-term administrative assistance during the search process.

Capacity Building of Administrative Team
The Board realizes its responsibility to promote the vision and goals for the School. The Lead Director is expected to develop delivery practices of curriculum that aligns with the mission and vision of the school. When an entire educational team understands the mission and their role, it will help strengthen the School and facilitate an orderly transition in the event of the Lead Director's departure.

School Oversight During Search Process
During the search process, the Board or a committee of Board members will meet regularly with the acting Lead Director, review reports about the progress of the School and its programs, the performance of the organization, the financial condition of the School, and personnel issues in order to ensure adequate oversight on the part of the Board during the transition period.

The Board will use the results of the prior Board discussions to develop a list of priority attributes to guide the search process and will evaluate candidates against these attributes. Once a short list of interviewees is identified, a process for interviewing and evaluating candidates will be established.

NDPA Board & Administration Succession Plan Policy
Board Approval Date: 5-07-25

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North Davis Preparatory Academy
Board Member Agreement

Board Member Responsibilities and Expectations

1. Believe in and be an active advocate and ambassador for the values, mission and vision of North Davis Preparatory Academy (NDPA).

2. Perform in ways that clearly contribute to the effective operations of the Board of Directors including but not limited to:

   - Believe in and fully support the Board Constitution.
   - Have a clear understanding of the charter and review when necessary. Focus on the good of the organization and group, not a personal agenda.
   - Support all board decisions once they are adopted regardless of personal position. Realize board members have no individual authority.
   - Govern and not manage.
   - Be aware of your role on the board.
   - Confidentiality of sensitive issues that require closed meetings is required. Make decisions to keep NDPA financially stable.
   - Carry yourself with professionalism and decorum whenever present at NDPA.

3. Regularly attend board meetings. Prepare for these meetings by reviewing all materials including the budget. If unable to attend any meeting, notify the board chair.

4. Inform the Board of Directors of any potential conflicts of interest, whether real or perceived, and abide by the decision of the board related to the situation.

5. Board member must review the orientation materials and new Board Member packet.

By signing this agreement I affirm that I will strive to fulfill the board responsibilities and expectations as stated above and will voluntarily resign my position if unable to fulfill these expectations.

____ ____________________
Board Member Signature Date

NDPA Board Member Agreement
Board Approval Date: 8-06-14

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North Davis Preparatory Academy
Budgeting Policy

POLICY

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

The School's Principal is appointed as the budget officer. Before June 1 of each year, the budget officer shall prepare a tentative budget, with supporting documentation, to be submitted to the Board of Directors.

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

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

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

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

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

Maintenance of Effort

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

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

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

North Davis Preparatory Academy
Building Rental Policy

PURPOSE

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

POLICY

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

Any permission to use School facilities is granted pursuant to Utah Code 53A-3-413 and -414 and is considered a permit for governmental immunity purposes under Utah Code 63G-7-201(4)(c). The School therefore has full governmental immunity under Utah Code 63G-7-301(5)(c) for claims arising in connection with such use of the facilities.

PROCEDURES

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

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

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

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

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

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

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

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

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

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

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

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

FEES

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

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

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

Security Deposit
At the discretion of the Principal, the user may be charged a refundable security deposit of up to $500. The Principal shall determine the amount of the security deposit based on the size of the group, the location of the activity, and the type of activity involved. Security deposits shall be paid by the user in a separate check and deposited by the School.

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

Personnel
At least one School staff member must be present during any use of the facilities. The Principal will set the fee based on the number and type of personnel required for a particular activity.

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General supervision of the facility may be assigned to a custodian, teacher, administrator or other qualified staff member.

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

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

COMMERCIAL AND CHARITABLE AND NONPROFIT BUILDING USE FEE SCHEDULES

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

NDPA Building Rental Policy
REVISION B
Board Approval Date: 10-07-15

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HOME OF THE LIONS
NORTH DAVIS PREPARATORY ACADEMY

BUILDING RENTAL AGREEMENT (COMMERCIAL)

Applicant's Name: ____ Date:_____________

Applicant's Address: ______________________________City:________________ Zip Code:________

Phone: Home____________________ Business____________________ Cell___________________

Type of Activity: ____

Facilities Used by: ____

____

Area (s) or Room (s) Requested: ____

Month	Date(s) Requested	Year	From	To

TO BE COMPLETED BY SCHOOL

Facility	Rental Fee per Hour	Hours	TOTAL	Deposit
			$	50%
			$	50%
			$	50%
			$	50%
			$	50%
Personnel Required	Staff Charge per Hour	Hours	TOTAL	Deposit
			$	100%
			$	100%
			$	100%
EQUIPMENT	Describe:		$	
TOTAL CHARGE for use of facilities as described above:			$	$
TOTAL CHARGE FOR ACTUAL USE OF FACILITIES			$	$

As users of the school facilities, we assume all responsibility for the activity and will not violate any city, county or state law. We understand and agree to comply with all use policies of the school. Any loss or damages to buildings, equipment or grounds as a result of this activity will be fully reimbursed. We hereby acknowledge having received, read and agree to abide by the school's use policies. We acknowledge that the school may terminate this agreement at any time.

Applicant shall indemnify and defend the school and its affiliates, and their officers, directors, and employees and agents, from and against any and all costs, losses, damages and liabilities (including, without limitation, reasonable attorneys, fees, interest and any penalties) incurred or suffered by the school or any of its affiliates (or any of their officers, directors, or employees) with respect to, in connection with or arising out of applicant's use of the school's facilities.

☐ $1,000,000.00 ACTIVE LIABILITY insurance is required by all applicants. A certificated of insurance shall be attached to this agreement.

☐ $___________ Cleaning Deposit has been collected with this agreement.

You are hereby granted this PERMIT to use the School's facilities as described above. Use at your own risk. The School is immune from liability for your use pursuant to UCA § 53A-3-413 and -414 and § 63G-7-301(5). You are advised to obtain insurance for your own liability.

Signature of Applicant: ____

Signature of School Personnel:____

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HOME OF THE LIONS
NORTH DAVIS PREPARATORY ACADEMY

BUILDING RENTAL AGREEMENT (NON-COMMERCIAL)

Applicant's Name: ____________________ Date: __________

Applicant's Address: ____________________ City: __________ Zip Code: _______

Phone: Home __________ Business __________ Cell __________

Type of Activity: ____________________

Facilities Used by: ____________________

____

Area (s) or Room (s) Requested: ____________________

Month	Date(s) Requested	Year	From	To

TO BE COMPLETED BY SCHOOL

Facility	Rental Fee per Hour	Hours	TOTAL	Deposit
			$	50%
			$	50%
			$	50%
			$	50%
			$	50%
Personnel Required	Staff Charge per Hour	Hours	TOTAL	Deposit
			$	100%
			$	100%
			$	100%
EQUIPMENT	Describe:		$	
TOTAL CHARGE for use of facilities as described above:			$	$
TOTAL CHARGE FOR ACTUAL USE OF FACILITIES			$	$

As users of the school facilities, we assume all responsibility for the activity and will not violate any city, county or state law. We understand and agree to comply with all use policies of the school. Any loss or damages to buildings, equipment or grounds as a result of this activity will be fully reimbursed. We hereby acknowledge having received, read and agree to abide by the school's use policies. We acknowledge that the school may terminate this agreement at any time.

You are hereby granted this PERMIT to use the School's facilities as described above. Use at your own risk. The School is immune from liability for your use pursuant to UCA § 53A-3-413 and -414 and § 63G-7-301(5). You are advised to obtain insurance for your own liability.

Signature of Applicant: ____________________

Signature of School Personnel: ____________________

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North Davis Preparatory Academy
Bullying & Hazing Policy

POLICY

NDPA will foster a safe and trusting community that enhances learning, is safe from physical and emotional harm, and nurtures the development of personal and social responsibility.

The NDPA Board of Directors directs the administration to develop administrative policy and procedures which meet the following criteria:

- Meet all statutory and regulatory requirements of the State of Utah and USBE
- Are consistent with the NDPA Core Values and End Statements
- Promote effective conflict management skills and build trust
- Provide training to students and staff members to ensure a safe school environment
- Provide supervision to monitor interpersonal interactions and correct those which are inconsistent with this policy

NDPA school administrators will report to the Board of Directors:

- Data showing the progress of improvement of personal and social responsibility including the number and description of serious infractions annually.
- Data collected from student/parent surveys assessing the effectiveness of the policy and procedures every three years.

NDPA Bullying & Hazing Policy
REVISION A
Board Approval Date: 10-03-18

NORTH DAVIS
PREPARATORY ACADEMY

Bullying & Hazing

Administrative Procedures

Introduction

The school environment at NDPA is like a family. Most of the time we treat each other with kindness and respect. There are some times, however, where people are thoughtless, reckless, and even mean to others. The intent of people involved is often to "save face", to get someone to "leave me alone", or "get back at someone who deserves it". These behaviors, generally the result of interpersonal conflicts on the part of students, are dealt with the philosophy and procedures described in the NDPA Student Conduct and Discipline Policy.

When administrators address issues where students are injured, teased, intimidated, upset, or scared, they take into consideration two factors: the intent of the aggressor and the impact the behavior has on others.

True bullying, as defined below, is such a serious violation it warrants a separate policy. When the intent of the perpetrator is to cause harm or create the fear of harm, the administration will follow the procedures outlined below.

Purpose

Bullying, as defined by law, is an extreme violation of the Core Values, the NDPA End Statements, and the NDPA Student Conduct and Discipline Policy. The main purpose of this policy is to prohibit bullying, cyber-bullying, hazing, retaliation, and abusive conduct involving the school's students and employees. This will be accomplished through awareness efforts, training, identification, and disciplinary action (both students and employees) against those who violate this Policy. A second purpose is to promote the development of personal and social responsibility in all students.

Prohibited Conduct

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

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

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

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

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

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

Students and School employees are prohibited from creating or distributing sexually explicit or nonconsensual intimate images.

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

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

Definitions

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

Action Plan – For purposes of this policy, “action plan” means a process to address an incident of bullying, cyber-bullying, hazing or retaliation.

Bullying – For purposes of this policy, "bullying" means student bullying and staff bullying.

Civil Rights Violations – For purposes of this policy, “civil rights violations” means violations as outlined in the following federal laws:

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

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

(3) Section 504 of the Rehabilitation Act of 1973 (prohibits discrimination on the basis of disability); or

(4) Title II of the Americans with Disabilities Act (prohibits discrimination on the basis of disability).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) a School teacher;

(2) a School staff member;

(3) a School administrator; or

(4) an individual:
   (a) who is employed, directly or indirectly, by the School; and
   (b) who works on the School's campus(es).

Staff Bullying – For purposes of this policy, "staff bullying" means a School employee, with the intent to cause harm, repeatedly committing a written, verbal, or physical act against a student or another School employee, or engaging in a single egregious act toward another employee involving an imbalance of power, that:

(1) creates an environment that a reasonable person would find hostile, threatening, or humiliating; and

(2) substantially interferes with a student's or employee's educational or professional performance, opportunities, or benefits.

Student Bullying – For purposes of this policy, "student bullying" means one or more students, with the intent to cause harm, repeatedly committing a written, verbal, or physical act against another student, or engaging in a single egregious act toward another student involving an imbalance of power, that:

(1) creates an environment that a reasonable person would find hostile; and

(2) interferes with a student's educational performance, opportunities, or benefits.

"Student bullying" and "staff bullying" do not mean instances of:

(1) ordinary teasing, horseplay, argument, or peer conflict;

(2) reasonable correction of behavior by a School employee; or

(3) reasonable coaching strategies and techniques by a School employee who is a coach.

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

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

Reporting Prohibited Conduct

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

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

Each report of prohibited conduct shall include:

(1) the name of complaining party;

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

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

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

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

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

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

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

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

Investigation of Alleged Incidents

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

The School will investigate these alleged incidents by interviewing:

(1) the individual who was allegedly targeted;

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

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

(4) any witnesses;

(5) School staff familiar with the student who was allegedly targeted;

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

(7) Other individuals who may provide additional information.

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

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

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

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

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

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

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

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

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

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

(1) use accountability practices in accordance with policies established by the School; and

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

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

Parental Notification

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

(1) the student threatens suicide; or

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

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

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

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

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

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

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

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

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

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

Action Plan to Address Incidents

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

(1) with respect to the targeted student and in direct coordination with the student's parent or guardian:
    (a) a tailored response to the incident that addresses the student's needs;
    (b) a mechanism to consider consequences or accommodations the student may need regarding decreased exposure or interactions with the student who caused the incident;
    (c) notification of the consequences and plan to address the behavior of the student who caused the incident, to the extent allowed by FERPA;
    (d) support measures designed to preserve the student's access to educational services and opportunities; and
    (e) to the extent available, access to other resources the parent requests for the student; and

(2) with respect to the student who caused the incident and in direct coordination with the student's parent or guardian:
   (a) a range of tailored and appropriate consequences, making reasonable effort to preserve the student's access to educational services and activities;
   (b) a process to determine and provide any needed resources related to the underlying cause of the incident;
   (c) supportive measures designed to preserve the student's access to educational services and opportunities while protecting the safety and well-being of other students; and
   (d) a process to remove the student from School in an emergency situation, including a description of what constitutes an emergency.

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

(1) educational schedule or placement; or

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

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

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

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

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

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

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

Consequences of Prohibited Behavior

If, after an investigation, a student is found to be in violation of this policy by participating in or encouraging conduct prohibited by this policy, the student shall be disciplined by appropriate measures up to, and including, suspension and expulsion, pursuant to Utah Code § 53G-8-205 and

School policy, removal from participation in School activities, and/or discipline in accordance with regulations of the U.S. Department of Education Office for Civil Rights (OCR).

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

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

Grievance Process for School Employees

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

Grievance Process for Parents and Guardians

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

Additional Provisions

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

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

(2) If it is determined that the bullying, cyber-bulling, or hazing of a student did occur as a result of the student's membership in a protected class, the School shall take prompt and effective steps reasonably calculated to:
(a) end the bullying, cyber-bullying, or hazing;
(b) eliminate any hostile environment; and
(c) prevent its recurrence.

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

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

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

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

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

Student Assessment

The Principal or his/her designee will assess the prevalence of bullying, cyber-bullying, hazing, and retaliation in the School, specifically locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, and lunch areas.

Training

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

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

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

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

(4) how bullying, cyber-bullying, hazing, retaliation, and abusive conduct are prohibited based upon race, color, national origin, sex, disability, or religion;

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

(6) safe digital citizenship.

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

The training shall be offered to:

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

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

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

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

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

Liaison to Utah State Board of Education

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

Distribution of Policy and Signed Acknowledgement

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

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

SECOND AMENDED AND RESTATED BYLAWS of NORTH DAVIS PREPARATORY ACADEMY, INC.

A Utah Nonprofit Corporation

ARTICLE 1 OFFICES

The corporation's principal office shall be fixed and located at such place within the boundaries of the County of Davis or the City of Layton, Utah, as the Board of Directors ("Board") shall determine. The Board is granted full power and authority to change the principal office from one location to another.

ARTICLE 2 PURPOSE

The specific and general purposes of the corporation are described in the Articles of Incorporation.

ARTICLE 3 NO MEMBERS

The corporation shall have no members. Any action, which would otherwise; by law require approval by a majority of all members or approval by the members shall require only approval of the Board. All rights, which would otherwise by law vest in the members, shall vest in the board.

ARTICLE 4 DIRECTORS

Section 4.1 General Powers

Subject to the limitations of the Utah not-for-profit corporation law, the corporation's Articles of Incorporation and these Bylaws, the activities and affairs of the corporation shall be conducted and all corporate powers shall be exercised by or under the direction of the Board. The Board may delegate the management of the corporation's activities to any person(s), management company or committees, however composed, provided that the activities and affairs of the corporation shall be managed and all corporate powers shall be exercised under the ultimate direction of the Board. No assignment, referral or delegation of authority by the Board or anyone acting under such delegation shall preclude the Board from exercising full authority over the conduct of the corporation's activities, and the Board may, subject to contractual obligations as may exist, rescind any such assignment, referral or delegation at any time.

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Section 4.2 Specific Powers

Without prejudice to its general powers, but subject to the same limitations set forth above, the Board shall have the following powers in addition to any other powers enumerated in these Bylaws and permitted by law:

a. To select and remove all of the officers, agents and employees of the corporation; to prescribe powers and duties for them which are not inconsistent with law, the corporations Articles of Incorporation or these Bylaws; and to fix their compensation;

b. To conduct, manage and control the affairs and activities of the corporation and to make such rules and regulations therefore which are not inconsistent with the law, the corporation's Articles of Incorporation or these Bylaws, as it deems best;

c. To adopt, make and use a corporate seal and to alter the form of the seal from time to time, as it deems best;

d. To borrow money and incur indebtedness for the purpose of the corporation, and to cause to be executed and delivered therefore, in the corporate name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecation's and other evidences of debt and securities therefore;

e. To act as trustee under any trust incidental to the principal object of the corporation, and receive, hold, administer, exchange and expend funds and property subject to such trust;

f. To acquire by purchase, exchange, lease, gift, devise, bequest, or otherwise, and to hold, improve, lease, sublease, mortgage, transfer in trust, encumber, convey or otherwise dispose of real and personal property;

g. To assume any obligations, enter into any contracts or other instruments, and do any and all other things incidental or expedient to the attainment of any corporate purpose; and

h. To carry out such other duties as are described in the Charter.

Section 4.3 Number, Election and Term of Directors

a. The authorized number of Directors shall be no less than five (5) and no greater than seven (7) until changed by amendment of these Bylaws.

b. At least one (1) member of the Board of Directors will be a parent or guardian of a student attending North Davis Preparatory Academy.

c. Directors shall serve four (4) year terms and are eligible for re-election.

d. Those Directors who are to be elected by the Board of Directors shall be so elected at the annual meeting of the Board of Directors then in the office. The existing Directors of the corporation shall nominate each Director. The duration of the term of each Director shall be staggered so as to promote continuity in the Board.

Section 4.4 Resignation and Removal

Any Director may resign effective upon giving written notice to the Board, unless the notice specifies a later effective time. If the resignation is effective at a future time, a successor may be nominated by a Director and voted in by majority vote of the Board before such time, to take office when the resignation becomes effective. A Director may be removed without cause by majority of the Directors then in office.

Section 4.5 Vacancies

a. A Board vacancy or vacancies shall be deemed to exist if any Director dies, resigns, or is removed, or if the authorized number of Directors is increased.

b. The Board may declare vacant the office of any Director who has been convicted of a felony.

c. A vacancy on the Board shall be filled in the same manner of selection as that used to select the Director whose office is vacant, provided that vacancies to be filled by election by Directors may be filled by a vote of the majority of the remaining Directors, although less than a quorum. Each Director so elected shall hold office until a successor has been appointed and qualified.

d. No reduction of the authorized number of Directors shall have the effect of removing any Director prior to the expiration of the Director's term of office.

Section 4.6 Place/Notice of Meetings

Meetings of the Board may be held at the principal office of the corporation or at any other place that has been designated in the notice of the meeting by resolution of the Board. Appropriate notices of the meeting complying with Utah law shall be posted. Any board member or officer of the corporation may place any desired item on the agenda of any board meeting by notice in writing, no later than 5 business days prior to the scheduled board meeting, delivered to the then acting secretary of the corporation.

Section 4.7 Annual Meetings

The Board shall hold an annual meeting for the purposes of organization, selection of Directors and officers, and the transaction of other business.

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Section 4.8 Quarterly Meetings

Board Meetings will be held and notice given in accordance with state law.

Section 4.9 Special Meetings

a. Special meetings of the Board for any purpose(s) may be called at any time by the Chairman of the Board, if there is such an officer, the President, or the Secretary.

b. Special meetings of the Board may be held after each Director has received notice by mail, telecopy, e-mail or telephone.

c. Oral notice shall be deemed received at the time it is communicated, in person or by telephone or wireless, to the recipient or to a person at the office of the recipient whom the person giving the notice has reason to believe will promptly communicate it to- the receiver.

Section 4.10 Quorum and Voting

A majority of the Directors currently in office shall constitute a quorum. The Board shall attempt to reach a general consensus on all actions before the Board; provided, however, that every act or decision done or made by a majority of the Directors present at a meeting duly held at which a quorum is present is an act of the Board. A meeting at which a quorum is initially present may continue to transact business notwithstanding the withdrawal of Directors, if any action taken is approved by at least a majority of the required quorum for such meeting.

Section 4.11 Waiver of Notices

Notice of meeting need not be given to any Director who signs a waiver of notice, a written consent to the holding of the meeting, an approval of the minutes of the meeting, whether before or after the meeting, or who attends the meeting witl1out protesting the lack of notice prior thereto or at its commencement. All such waivers, consents and approvals shall be filed with the corporate records or made a part of the minutes of the meetings.

Section 4.12 Adjournment

A majority of the Directors present, whether or not a quorum is present, may adjourn any Director's meeting to another time and place. If a meeting is adjourned for more than twenty-four (24) hours, notice of such adjournment to another time or place shall be given, prior to the time scheduled for the continuation of the meeting, to the Directors who were not present at the time of the adjournment.

Section 4.13 Rights of Inspection

Every Director has the absolute right to inspect and copy all books, records and documents of every kind and to inspect the physical properties of the corporation provided such inspection is conducted at a reasonable time after reasonable notice, and provided that such right of inspection and copying is subject to the corporation's obligations to maintain the confidentiality of certain books, records and documents under any applicable federal, state or local law.

Section 4.15 Fees and Compensation

Directors shall not receive compensation for their services; however, the Board may approve the reimbursement of a Director's actual and necessary expenses incurred in the conduct of the corporation's business. The corporation shall carry liability insurance covering the Directors and officers of the corporation as described on the Charter on the conduct of the corporation's business.

Section 4.16 Standard of Care

a. A Director shall perform all duties of a Director in good faith, in a manner such Director believes to be in the best interests of the corporation and with such care, including the duty to make reasonable inquiries, as an ordinarily prudent person in a like situation would use under similar circumstances.

b. In performing the duties of a Director, a Director may rely on information, opinions, reports or statements, including financial statements and other financial data, in each case prepared or presented by:

   1. One or more officers or employees of the corporation whom the Director believes to be reliable and competent in the matters presented;

   2. Legal counsel, independent accountants or other persons as to matters that the Director believes to be within such person's professional or expert competence; or

   3. A committee of the Board upon which the Director does not serve as to matters within a designated authority, provided the Director believes that the committee merits confidence and the Director acts in good faith, after reasonable inquiry when the need therefore is indicated by the circumstances, and without knowledge that would cause such reliance to be unwarranted.

Section 4.17 Indemnification of Directors

The Corporation shall indemnify, to the fullest extent permitted by Utah Revised Nonprofit Corporation Act as the same exists or may hereafter be amended (but, in the case of any such amendment, only to the extent that such amendment permits the Corporation to provide broader indemnification rights than the act permitted the Corporation to provide prior to such amendment):

a. Any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action or suit by or in the right of the Corporation) arising from or related to the fact that he is or was a Director of the Corporation, against expenses (including attorneys' fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by him as incurred by him in connection with such suit, action, or proceeding if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the Corporation, except that no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for gross negligence or willful, intentional misconduct in the performance of his duty to the Corporation unless, and only to the extent that, the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which such other court shall deem proper. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in or not opposed to the best interests of the Corporation and, with respect to any criminal action or proceeding, had reasonable cause to believe that his conduct was lawful.

b. To the extent that a Director has been successful on the merits or otherwise in defense of any action, suit, or proceeding referred to in paragraph (a), or in defense of any claim, issue or matter therein, he shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him and as incurred by him in connection therewith. Any such person may consult with legal or other professional counsel, and any actions taken by such person in good faith reliance on, and in accordance with, the opinion or advice of such counsel shall be deemed to be fully protected and justified and made in good faith.

c. This provision 4.17 and the corresponding indemnification obligation of the Corporation shall be applicable retroactively with respect to any decision of the Board dating back to the formation of the Corporation. This provision 4.17 and the corresponding indemnification obligation of the Corporation may not be revoked retroactively, and any future amendment to these Bylaws limiting such indemnification shall apply prospectively after such amendment.

Section 4.18 Utah State Charter School Board Powers

Notwithstanding anything to the contrary in these Bylaws, the Utah State Charter School Board (the "USCSB") shall: (a) have the power to remove any Director and to approve or reject any elected or appointed Director, as required under Articles XII, XIII and XIV of the Articles of Incorporation, and (b) approve or reject any change to these Bylaws that conflicts with Articles XII, XIII and XIV of the Articles of Incorporation. The provisions of this Section 4.18 that provide the USCSB with the right to approve and/or remove Board members will not be amended or altered without the prior written consent of the USCSB.

ARTICLE 5
OFFICERS

Section 5.1 Officers

The officers of the corporation shall be President, Secretary, and Financial Coordinator. The corporation may also have, at the discretion of the Board, one or more Vice Presidents, one or more Assistant Secretaries, one or more Assistant Financial Coordinators, and such other officers as may be elected or appointed. Any number of offices may be held by the same person.

Section 5.2 Election

The officers of the corporation, shall be chosen at the annual meeting of the Board by and shall serve at the pleasure of the Board, and shall hold their respective offices until their resignation, removal or other disqualification from service, or until their respective successors shall be elected.

Section 5.3 Subordinate Officers

The Board may elect, and may empower the President to appoint, such other officers as the business of the corporation may require, each of whom shall hold office for such period, have such authority, and perform such duties as are provided in these Bylaws or as the Board may from time to time determine.

Section 5.4 Removal

Any officer may be removed by a majority vote of the Board.

Section 5.5 Resignation

Any officer may resign at any time by giving written notice to the Board; such resignation may not prejudice the rights, if any, of the corporation under any contract to which the officer is a party. Any such resignation shall take effect at the date of the receipt of such notice or at any later time specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 5.6 Vacancies

A vacancy in any office because of death, resignation, removal, disqualification or any other cause shall be filled in the manner prescribed in these Bylaws for regular election or appointment to such office, provided that such vacancies shall be filled as they occur and not on an annual basis.

Section 5.7 President

Subject to such powers, the President is the general manager and chief executive officer of the corporation and has, subject to the control of the Board, general supervision, direction and control of the business and officers of the corporation. The President shall preside at all meetings of the Board. The President has the general management powers and duties usually vested in the office of the President and general manager of a corporation as well as such other powers and duties as the Board may prescribe from time to time.

Section 5.8 Vice Presidents

In the absence or disability of the President, the Vice President(s), if any are appointed shall, in order of their ranks as fixed by the Board or, if not ranked, the Vice President designated by the Board, perform all duties of the President and, when so acting, shall have all the powers of, and subject to all the restrictions upon, the President. The Vice President(s) shall have such other powers and perform such other duties as the Board may prescribe from time to time.

Section 5.9 Secretary

a. The Secretary shall keep or cause to be kept, at the principal office or such other place as the Board may order, a book of minutes of all meetings of the Board and its committees, including the following information for all such meetings; the time and place of holding; whether regular or special; if special, how authorized; the notice thereof given; the names of those present and absent, and the proceedings thereof. The Secretary shall keep, or cause to be kept, at the principal office in the State of Utah, the original or a copy of the corporation's Articles of Incorporation and Bylaws, as amended to date, and a register showing the names of all directors and their respective addresses. The Secretary shall keep the seal of the corporation and shall affix the same on such papers and instruments as may be required in the regular course of business, but failure to affix it shall not affect the validity of any instrument.

b. The Secretary shall give, or cause to be given, notice of all meetings of the Board and any committees thereof required by these Bylaws or by law to be given, and shall distribute the minutes of meetings of the Board to all its members promptly after the meetings; shall keep the seal of the corporation in safe custody; shall see that all reports, statements and other documents required by law are properly kept or filed, except to the extent the same are to be kept or filed by the Financial Coordinator; and shall have such other powers and perform such other duties as may be prescribed from time to time by the Board.

c. The Secretary or President of the corporation shall keep and maintain, or cause to be kept and maintained, adequate and correct accounts of the properties and business transactions of the corporation, including accounts of its assets, liabilities, receipts and disbursements. The books of account shall at all times be open to inspection by any Director.

d. The Secretary or President shall deposit, or cause to be deposited, all money and other valuables in the name and to the credit of the corporation with such depositaries as may be designated from time to time by the Board. The Secretary or President shall disburse the funds of the corporation as may be ordered by the Board, and shall render to the Directors, upon request, an account of all transactions as Secretary or President and of the financial condition of the corporation. The Secretary or President shall present an operating statement and report, since the last preceding regular Board meeting, to the Board at all regular meetings. The Secretary or President shall have such powers and perform such other duties as may be prescribed from time to time by the Board.

Section 5.10 Indemnification of Officers

The Corporation shall indemnify, to the fullest extent permitted by Utah Revised Nonprofit Corporation Act as the same exists or may hereafter be amended (but, in the case of any such amendment, only to the extent that such amendment permits the Corporation to provide broader indemnification rights than the act permitted the Corporation to provide prior to such amendment):

a. Any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action or suit by or in the right of the Corporation) arising from or related to the fact that he is or was an officer of the Corporation, against expenses (including attorneys' fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by him as incurred by him in connection with such suit, action, or proceeding if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the Corporation, except that no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for gross negligence or willful, intentional misconduct in the performance of his duty to the Corporation unless, and only to the extent that, the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which such other court shall deem proper. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in or not opposed to the best interests of the Corporation and, with respect to any criminal action or proceeding, had reasonable cause to believe that his conduct was lawful.

b. To the extent that an officer has been successful on the merits or otherwise in defense of any action, suit, or proceeding referred to in paragraph (a), or in defense of any claim, issue or matter therein, he shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him and as incurred by him in connection therewith. Any such person may consult with legal or other professional counsel, and any actions taken by such person in good faith reliance on, and in accordance with, the opinion or advice of such counsel shall be deemed to be fully protected and justified and made in good faith.

c. This provision 5.10 and the corresponding indemnification obligation of the Corporation shall be applicable retroactively with respect to any decision of the Board dating back to the formation of the Corporation. This provision 5.10 and the corresponding indemnification obligation of the Corporation may not be revoked retroactively, and any future amendment to these Bylaws limiting such indemnification shall apply prospectively after such amendment.

ARTICLE 6
COMMITTEES

Section 6.1 Board Committees

The Board may, by resolution adopted by a majority of the Directors then in office, provided that a quorum is present, create one or more standing or ad hoc committees, each consisting of at least two (2) members of the Board, to serve at the pleasure of the Board.

ARTICLE 7
OTHER PROVISIONS

Section 7.1 Validity of Instrument

Subject to the provision of applicable law, any note, mortgage, evidence of indebtedness, contract; conveyance or other written instrument and any assignment or endorsement thereof executed or entered into between the corporation and any other person, shall be valid and binding on the corporation when signed by the President or any Vice President and the Secretary or Financial Coordinator of the corporation, unless the other person has actual knowledge that the signing officers has no authority to execute the same. Any such instruments may also be signed by the Board or a designated member of the Board.

Section 7.2 Construction and Definitions

Unless the context otherwise requires, the general provisions, rules of construction, and definitions contained in the Nonprofit Corporation Law of the State of Utah shall govern the construction of these Bylaws. Without limiting the generality of the foregoing, words in these Bylaws shall be read as the masculine or feminine gender, and as the singular or plural, as the context requires, and the word "person" includes both the corporation and a natural person. The captions and headings in these Bylaws are for convenience of reference only and are not intended to limit or define the scope or effect of any provision.

Section 7.3 Fiscal Year

The fiscal year of the corporation shall be set by the Board.

Section 7.4 Conflict of Interest

Any Director, officer, key employee, or committee member having an interest in a contract or other transaction presented to the Board or a committee thereof for authorization, approval, or ratification shall make a prompt, full and frank disclosure of his or her interest to the Board or committee prior to its acting on such contract or transaction. Such disclosure shall include all relevant and material facts known to such person about the corporation's interest.

Section 7.5 Interpretation of Charter

In any instance in which the provisions of these Bylaws are in conflict with the provisions of the Charter, the provisions of these Bylaws shall control.

ARTICLE 8
AMENDMENTS

Section 8.1 Bylaws

These Bylaws may be adopted or these Bylaws may be amended or repealed by a majority vote of the Board.

Dated: **June 24, 2020**

NDPA Second Amended & Restated Bylaws
Board Approval Date: 6-24-20

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North Davis Preparatory Academy
Capitalization Expense Policy

PURPOSE

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

POLICY

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

NDPA Capitalization Expense Policy
REVISION B
Board Approval Date: 12-02-20

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North Davis Preparatory Academy
Cash Handling Policy

North Davis Preparatory Academy (the "School") adopts this policy to ensure that the School utilizes sound internal controls and properly handles cash received by School personnel. The Principal shall establish administrative procedures that are in accordance with sound fiscal practices and applicable laws and regulations to ensure that proper internal controls are in place with respect to the handling of cash by School personnel.

NDPA Cash Handling Policy
Board Approval Date: 10-10-13

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NORTH DAVIS
PREPARATORY ACADEMY

Cash Handling
Administrative Procedures

These administrative procedures are adopted in accordance with the Cash Handling Policy adopted by the North Davis Preparatory Academy Board of Directors.

The Principal will designate at least two (2) School employees who are authorized to handle cash paid to the School, and only those employees may handle cash for the School. The Principal will ensure that all employees who are authorized to handle cash receive appropriate annual training.

Receipts must be issued for all cash received by the School.

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

The Principal may establish additional procedures associated with the handling of cash that are not inconsistent with these procedures or applicable laws and regulations.

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

NDPA Cash Handling
ADMIN Procedures
Last Updated: 8-24-17

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North Davis Preparatory Academy
Child Abuse & Neglect Reporting Policy

POLICY

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

POLICY

School personnel shall report suspected child abuse and neglect in accordance with Utah Code § 80-2-602, § 53E-6-701, and Utah Administrative Code Rule R277-401. The law provides serious penalties for failure to fulfill one's duty to report.

Whenever any School employee, contracted or temporary employee, or volunteer has reason to believe that a child is, or has been, the subject of abuse or neglect, or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, he/she shall immediately report the suspected abuse or neglect to the nearest peace officer, law enforcement agency, or the Division of Child and Family Services.

In addition, whenever any School employee, contracted or temporary employee, or volunteer has reasonable cause to believe that a student may have been physically or sexually abused by a School employee or volunteer, he/she shall immediately report that belief and all other relevant information to the Principal. The Principal, after having received such a report or otherwise having his/her own reasonable cause to believe that a student may have been physically or sexually abused by a School employee or volunteer, shall immediately report that information to the Utah State Board of Education.

All reports made regarding child abuse or neglect shall be documented in writing.

The Principal shall establish administrative procedures that comply with the provisions of Utah Code § 53E-6-701, § 80-2-602 et seq., and Utah Administrative Code Rule R277-401 and will help the School's personnel to understand and fulfill their legal responsibilities concerning child abuse and neglect.

NDPA Child Abuse & Neglect Reporting Policy
REVISION A
Board Approval Date: 10-29-25

NORTH DAVIS
PREPARATORY ACADEMY

Child Abuse & Neglect Reporting
Administrative Procedures

These procedures are established pursuant to the Child Abuse and Neglect Reporting Policy adopted by the Board of Directors.

1. If a School employee or volunteer ***has reason to believe*** that a child is, or been, the subject of abuse or neglect, or observes a child being subjected to conditions or circumstances which would reasonably result in such, the person shall immediately make a report to the School's Principal followed by an oral report to the nearest peace officer, law enforcement agency or Division of Child and Family Services ("DCFS"). The requirement to notify the Principal does not satisfy the person's personal duty to report to law enforcement or DCFS.

    a. The oral report to law enforcement or DCFS may be made with the Principal present, but must be made by the person making the report.
    b. The reporting person must record the name of the individual and the agency contacted to make the required report.
    c. The reporting person must complete and provide the Child Abuse and Neglect Reporting Form to the Principal within twenty-four (24) hours. The Principal will keep the form in a separate file, and it shall not be placed in the student's permanent file. The form should also be sent to the agency to which the oral report was given.
    d. The School will preserve the anonymity of the person making the report and any others involved in any investigation.

2. To determine whether or not there is ***reason to believe*** that abuse or neglect has occurred, school employees may (but are not required to) gather information only to the extent necessary to determine whether a reportable circumstance exists.

    a. Investigations by staff prior to submitting a report <u>shall not</u> go beyond what is minimally necessary to support a reasonable belief that a reportable problem exists.
    b. It is not the responsibility of the Principal or any other school employees to prove who the abuser is or that the child has been abused or neglected, or to determine whether the child is in need of protection.
    c. School employees shall not contact the parents, relatives, friends, neighbors, etc. for the purpose of determining the cause of the injury and/or apparent neglect.
    d. School employees <u>shall not</u> conduct interviews with the child or contact the suspected abuser.
    e. Notes of voluntary or spontaneous statements by the child shall be given to the investigational agency.

3. Investigations of reports of abuse for children seventeen (17) years of age and younger are the responsibility of DCFS.

a. School employees shall not contact the child's parents, relatives, friends, neighbors, etc. for the purpose of determining the cause of the injury and/or apparent neglect.
b. School personnel shall cooperate with DCFS and share all information with DCFS that is relevant to DCFS's investigation of an allegation of abuse or neglect. Additionally, School employees shall cooperate with DCFS and law enforcement employees authorized to investigate reports of alleged child abuse and neglect, including:
    i. allowing appropriate access to students;
    ii. allowing authorized agency employees to interview children consistent with DCFS and local law enforcement protocols;
    iii. making no contact with the parents or legal guardians of children being questioned by DCFS or law enforcement authorities; and
    iv. maintaining appropriate confidentiality.
c. If school officials are contacted by parents about child abuse reports, school personnel shall not confirm or deny that a contact or investigation is taking place. A school employee should refer the caller to law enforcement or DCFS.

4. If the suspected perpetrator of child abuse or neglect is a School employee or volunteer, that report shall be made immediately to the Principal. The Principal shall then immediately report the allegation to the Utah State Board of Education. Steps shall be taken to ensure that further abuse or neglect is prevented by the suspected perpetrator.

5. 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 actions, as provided by law.

6. The Principal shall annually (a) provide each School employee with the Child Abuse and Neglect Reporting Policy and Procedures, including a copy of the Child Abuse and Neglect Reporting Form and (b) notify each School employee of the mandatory reporting requirements of this Policy and Procedure and Utah Code § 53E-6-701 and § 80-2-602.

7. The Principal will provide School personnel once every three years with training and instruction on child sexual abuse and human trafficking prevention and awareness, including (a) responding to a disclosure of child sexual abuse in a supportive, appropriate manner; (b) identifying children who are victims or may be at risk of becoming victims of human trafficking or commercial sexual exploitation; (c) the mandatory reporting requirements of this Policy, Utah Code § 53E-6-701 and§ 80-2-602; and (d) appropriate responses to incidents of sexual extortion, including connecting victims with support services. Newly hired staff will be provided with the same training and the written policy at the beginning of their employment.

8. The School, under the direction of the Principal, will provide the parents or guardians of elementary school students with training and instruction once every three years on child sexual abuse and human trafficking prevention and awareness, including (a) recognizing warning signs of a child who is being sexually abused or who is a victim or may be at risk

of becoming a victim of human trafficking or commercial sexual exploitation; (b) effective, age-appropriate methods for discussing the topic of child sexual abuse with a child; and (c) resources available for victims of sexual extortion.

9. The training and distribution of materials will be documented.

10. Educational neglect means that, after receiving a notice of compulsory education violation under Utah Code Section 53G-6-202, the parent or guardian fails to make a good faith effort to ensure that the child receives an appropriate education.

    a. When School personnel have reason to believe that a child may be subject to educational neglect, school personnel shall submit the report described in Utah Code Subsection 53G-6-202(8) to DCFS.
    b. When School personnel have a reason to believe that a child is subject to both educational neglect and another form of neglect or abuse, School personnel may not wait to report the other form of neglect or abuse pending preparation of a report regarding educational neglect.

NDPA Child Abuse & Neglect Reporting
ADMIN Procedures
Last Updated: 10-29-25

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CONFIDENTIAL

Child Abuse and Neglect Reporting Form

ORAL REPORT MADE TO PRINCIPAL:	
Date:	Time:

CHILD'S INFORMATION:			
Name:	Age:	Sex:	Birth Date:
Address:			

PARENT/GUARDIAN INFORMATION:	
Father Name:	Mother Name:
Father Address:	Mother Address:
Father Phone:	Mother Phone:
Guardian #1 Name:	Guardian #2 Name:
Guardian #1 Address:	Guardian #2 Address:
Guardian #1 Phone:	Guardian #2 Phone:

DATE AND TIME OF OBSERVATIONS	
Date:	Time:

CIRCUMSTANCES LEADING TO THE SUSPICION THAT THE CHILD IS A VICTIM OF ABUSE OR NEGLECT:

ADDITIONAL INFORMATION:

Oral Report Made To:	Written Report Made To:
Agency:	Agency:
Individual's Name:	Individual's Name:
Date:	Date:
Time:	Time:

Reporting Individual:		Principal:	
Name:		Name:	
Date:		Date:	
Signature		Signature:	

*****DO NOT PLACE THIS FORM IN THE STUDENT'S CUMULATIVE FILE*****

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North Davis Preparatory Academy
Civil Rights Policy

Policy Against Discrimination, Harassment and Sexual Harassment

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

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

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

Title VI of the Civil Rights Act of 1964

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

1. Preventing a person from enrolling in a school, class, or extracurricular school activity based on race, color, or national origin.

2. Arbitrarily placing a student in a school or class with the intent of separating the student from the general population of students because of the student's race, color, or national origin.

3. Setting higher standards or requirements as a prerequisite before allowing minorities to enroll in a school, class, or activity.

4. Unequally applying disciplinary action based on a student's race, color, or national origin.

5. Failing to provide the necessary language assistance to allow limited English proficient students the same opportunity to learn as English proficient students.

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

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

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

Title IX of the Education Amendments of 1972

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

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

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

Response to Sexual Harassment

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

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

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

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

"Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

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

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

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

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

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

Personnel; Training Requirements

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

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

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

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

Grievance Process Time Frames

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

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

Notice of Formal Complaints of Sexual Harassment

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

(a) Notice of the School's grievance process for formal complaints, including any informal resolution process;

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

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

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

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

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

Grievance Process for Formal Complaints of Sexual Harassment

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the School and not on the parties provided that the School cannot access, consider, disclose, or otherwise use medical and psychological records of the party without the party's consent, as provided in 34 C.F.R. § 106.45(b)(5)(i);

(b) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;

(c) Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;

(d) Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the School may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

(e) Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;

(f) Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the School will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) days to submit a written response, which the investigator will consider prior to completion of the investigative report. The School will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and

(g) Create an investigative report that fairly summarizes relevant evidence and, at least ten (10) days prior to the time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

The School will not conduct a hearing on formal complaints of sexual harassment. After the School has sent the investigative report as provided above and before reaching a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers provided, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decision to exclude a question as not relevant.

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

(a) Identification of the allegations potentially constituting sexual harassment as defined in 34 C.F.R. § 106.30;

(b) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

(c) Findings of fact supporting the determination;

(d) Conclusions regarding the application of the School's policies to the facts;

(e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the School imposes on the respondent, and whether remedies designed to restore or preserve equal access to the School's education program will be provided by the School to the complainant; and

(f) The School's procedures and permissible bases for the complainant and respondent to appeal.

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

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

Nothing in this Policy precludes the School from removing a respondent from the School's education program or activity on an emergency basis, provided that the School undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

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

Appeals

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

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

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

Informal Resolution

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

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

(i) Provides to the parties a written notice disclosing: the allegations; the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

(ii) Obtains the parties' voluntary, written consent to the informal resolution process; and

(iii) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Recordkeeping

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

(a) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the School's education program;

(b) Any appeal and the result therefrom;

(c) Any informal resolution and the result therefrom; and

(d) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The School will make these training materials publicly available on its website.

For each response to sexual harassment required above and under 34 C.F.R. § 106.44, the School will create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the School will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the School's education program. If the School does not provide a complainant with supportive measures, then the School will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the School in the future from providing additional explanations or detailing additional measures taken.

Retaliation

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

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

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

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

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

Other Complaint Procedures

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

If the complaint is against the School principal, the complaint should be submitted to the president of the School's Board of Directors.

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

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

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

Compliance Officer

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

NDPA Civil Rights Policy
REVISION A
Board Approval Date: 8-05-20

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North Davis Preparatory Academy
Concussion & Head Injury Policy

POLICY

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

Accordingly, the School will comply with the provisions of Utah Code § 26-53-101 through -301 and R277-614 regarding the protection of athletes with head injuries. In order to protect the health and safety of its students, the School directs the Principal to establish administrative procedures consistent with this policy and applicable law.

NDPA Concussion & Head Injury Policy
Board Approval Date: 10-05-11

NORTH DAVIS
PREPARATORY ACADEMY

Concussion & Head Injury
Administrative Procedures

These procedures are established pursuant to the Concussion and Head Injury Policy established by the School's Board of Directors.

A concussion is a type of traumatic brain injury that interferes with 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 loses consciousness.

The School will ensure that each agent of the School is familiar with, and has a copy of, the Concussion and Head Injury Policy and these Procedures. Before permitting a child to participate in a sporting event of the School, the School will:

(a) provide a written copy of the Concussion and Head Injury Policy and these Procedures to a parent or legal guardian of a child; and

(b) obtain the signature of a parent or legal guardian of the child, acknowledging that the parent or legal guardian has read, understands, and agrees to abide by, the Concussion and Head Injury Policy and these Procedures.

The following definitions apply to these Procedures:

(1) "Agent" means a coach, teacher, employee, representative, or volunteer.

(2) "Qualified health care provider" means a health care provider who:

(a) is licensed under Title 58, Occupations and Professions; and

(b) may evaluate and manage a concussion within the health care provider's scope of practice.

(3) "Sporting event" means any of the following athletic activities that is organized, operated, managed, or sponsored by the School:

(a) a game;
(b) a practice;
(c) a sports camp;
(d) a physical education class;
(e) a competition; or
(f) a tryout.

(4) "Traumatic head injury" means an injury to the head arising from blunt trauma, an acceleration force, or a deceleration force, with one of the following observed or self-reported conditions attributable to the injury:

(a) transient confusion, disorientation, or impaired consciousness;
(b) dysfunction of memory;
(c) loss of consciousness; or
(d) signs of other neurological or neuropsychological dysfunction, including:

(i) seizures;
(ii) irritability;
(iii) lethargy;
(iv) vomiting;
(v) headache;
(vi) dizziness; or
(vii) fatigue.

The following signs and symptoms following a witnessed or suspected blow to the head or body are indicative of probable concussion:

<u>Signs (observed by others)</u>:

- 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)

<u>Symptoms (reported by student)</u>:

- Headache
- Fatigue
- Nausea or vomiting
- Double vision, blurry vision
- Sensitive to light or noise
- Feels sluggish
- Feels "foggy"
- Problems concentrating
- Problems remembering

The School will (a) immediately remove a child from participating in a sporting event of the School if the child exhibits signs, symptoms, or behaviors consistent with a concussion or is otherwise suspected of sustaining a concussion or a traumatic head injury; and (b) prohibit the child from participating in a sporting event of the School until the child:

(i) is evaluated by a qualified health care provider who is trained in the evaluation and management of a concussion; and

(ii) provides the School with a written statement from the qualified health care provider described in Subsection (1)(b)(i) stating that:

(A) the qualified health care provider has, within three years before the day on which the written statement is made, successfully completed a continuing education course in the evaluation and management of a concussion; and

(B) the child is cleared to resume participation in the sporting event of the School.

The school will follow any return-to-play guidelines established by the student's qualified health care provider.

Emergency Procedures

The following situations constitute a medical emergency and require notification of emergency medical personnel:

(1) 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.
(2) Any student who has symptoms of a concussion, and who is not stable (i.e., condition is worsening), should be transported immediately to the nearest emergency department via emergency vehicle.
(3) A student who exhibits any of the following symptoms should be transported immediately to the nearest emergency department, via emergency vehicle:
   a. Deterioration of neurological function
   b. Decreasing level of consciousness
   c. Decrease or irregularity in respirations
   d. Any signs or symptoms of associated injuries, spine or skull fracture, or bleeding
   e. Mental status changes: lethargy, difficulty maintaining arousal, confusion or agitation
   f. Seizure activity

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 Coaches and Teachers Supervising Contests and Games

Recognize concussion

1. All agents of the school should become familiar with the signs and symptoms of concussion that are described above.
2. Agents of the school shall have appropriate training about recognizing and responding to traumatic head injuries, consistent with the employees' responsibilities for supervising students and athletes.

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 sporting event and shall not return to play until cleared by an appropriate health care professional.

Refer the athlete/student for medical evaluation

1. The school's agent is 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 play.
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 a doctor):
   a. The school's agent should ensure 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 school's agent 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 school's agent should accompany the student and remain with the student until a parent arrives.
   c. The school's agent shall provide for supervision of other students for whom he or she is responsible when accompanying the injured student.

NDPA Administrative Policy
Concussion & Head Injury Policy
Last Updated: 10-05-11

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HOME OF THE LIONS
NORTH DAVIS PREPARATORY ACADEMY

North Davis Preparatory Academy
Concussion & Head Injury Policy Acknowledgement

I acknowledge that I have read, understand, and agree to abide by, the Concussion and Head Injury Policy and Procedures.

Name of Student: ____

Name of Parent/Guardian: ____

Signature of Parent/Guardian: ____

Date: ___________________________________

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North Davis Preparatory Academy
Conflict of Interest Policy

POLICY

North Davis Preparatory Academy (the "School") will follow all applicable state and federal laws, including but not limited to Utah Code § 53A-1a-518, prohibiting conflicts of interest.

In most situations, the School's principal will evaluate whether a proposed transaction would create a prohibited conflict of interest. The principal may, however, request that the Board evaluate a proposed transaction and make the final determination of whether it would create a prohibited conflict of interest.

NDPA Conflict of Interest Policy
Board Approval Date: 8-04-10

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North Davis Preparatory Academy
Copyright Compliance Policy

The purpose of this policy is to ensure compliance with all state and federal copyright laws.

Employees of North Davis Preparatory Academy (NDPA) are to follow all copyright laws. To avoid confusion by educators, Congress published "safe harbor" guidelines for educational uses of copyrighted material. While these guidelines are not a part of the law they represent the minimum standards for fair use of copyrighted materials in the classroom.

Guidelines for printed materials:
Educators may make a single copy for research or use in teaching of:

- A chapter from a book
- An article from a periodical or newspaper
- A short story, essay or poem
- A chart, graph, diagram, drawing, or cartoon (syndicated cartoons may not be copied)

Educators may make multiple copies for classroom use provided the copying meets the test of:

- Brevity
- Spontaneity
- Cumulative Effect

Brevity
The more material you take, the less likely it is that your use will be fair use. Some guidelines include:

- A complete poem of less than 250 words, printed on no more than two pages; or an excerpt from a long poem, but not more than 250 words.
- A copyrighted article, story, or essay of less than 2,500 or an excerpt of not more than 1,000 words, from a larger printed work or 10%, whichever is less.
- One chart, diagram, cartoon (syndicated cartoons may not be copied), or picture per book or periodical issue.
- Special works combining prose, poetry and illustrations, limited to no more than 10% of the total.

Spontaneity
The copying should be at the instance and inspiration of the individual educator, the decision to use the work and the moment of use are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

Cumulative Effect

- Copying is made for one course.
- The same item cannot be reproduced for more than one term.
- No more than nine instances of copying per class during a term.

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- There is only one work from a single author.
- No more than three authors from a collective work.
- The copying does not replace an anthology or collective work.
- No copying of "consumable" works.
- Copying should not simply substitute for purchase of original material.
- No charge is made to students beyond the actual cost of photocopying.
- All of the preceding must bear the copyright notice.

NDPA Copyright Compliance Policy
Board Approval Date: 2-01-06
Ratified Date: 6-03-09

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North Davis Preparatory Academy
Course Substitution Policy

POLICY

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

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

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

Appeal Process

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

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

NDPA Course Substitution Policy
Board Approval Date: 10-03-18

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North Davis Preparatory Academy
Credit Card Policy

PURPOSE

The purpose of this policy is to authorize the Principal to obtain credit cards for employees of North Davis Preparatory Academy (the "School") and to establish procedures for use of credit cards to make purchases for the School.

POLICY

Credit Card Account

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

The School will receive individual statements for each credit card issued to the School, and the School will make monthly payments directly to the credit card company. The School will be responsible for full payment of all charges and any fees or interest due each month.

The total credit limit for all cards issued to School employees will be $7,500. However, in the event a purchase needs to be made that exceeds this amount, the credit limit may be temporarily increased to $25,000 with the approval of the Principal, Board President and Board Financial Coordinator in order to make the purchase and then decreased back to the normal limit as soon as practicable.

The Principal shall establish administrative procedures that are in accordance with sound fiscal practices and applicable laws and regulations to ensure that proper internal controls are in place with respect to the use of credit cards by School personnel.

NDPA Credit Card Policy
Board Approval Date: 12-07-16

NORTH DAVIS
PREPARATORY ACADEMY

Credit Card
Administrative Procedures

Procedures for Issuing Cards

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

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

Procedures for Making Purchases

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

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

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

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

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

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

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

The Principal and Academica West will develop an internal review plan to periodically select School credit card statements to verify that School policies and procedures are being followed and that purchases are appropriate, documented, and coded to the proper funding sources.

If a School credit card is lost or stolen, the cardholder must immediately contact the Principal, and the Principal will notify Academica West to have the card cancelled.

NDPA Administrative Policy
Credit Card Procedures
Last Updated: 12-02-16

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North Davis Preparatory Academy
Credit Evaluation Policy

PURPOSE AND PHILOSOPHY:

To insure equity and fairness to all students when evaluating credit earned at institutions other than North Davis Preparatory Academy (NDPA), and to be in compliance with Utah State Rule R277-705-3.

Transfer of credit

1. NDPA shall accept student credit and grades at face value from public schools accredited by Northwest Association of Accredited Schools (NAAS) and by regional or third party accrediting associations recognized by NAAS.

2. NDPA shall accept student credit at face value from a nonpublic school if the school was evaluated by NAAS consistent with credit approval criteria as outlined by Utah Administrative Rule R277-410-4.

3. The Northwest accreditation standards provided in Utah Administrative Rule R277-413 are applicable to public junior high and middle schools in their entirety if the schools include 9th grade.

4. Requests for acceptance of credit from a school that is not accredited, or an accredited school that did not satisfy all criteria of Utah Administrative Rules R277-410-4B, will be referred to the Credit Evaluation Committee for credit determination.

   The NDPA Credit Evaluation Committee findings will be based on the following forms of evidence:

   a. Course title and description
   b. List of instructional materials used
   c. Student achievement (progress)
      i. Formative evaluations (sample)
      ii. Summative evaluations (sample)
   d. Correlation of course objectives with the Utah State Core Curriculum standards and objectives
   e. Course length and student attendance
      i. Number of days the class met
      ii. Normal class length
      iii. Number of classes attended by the student
   f. Grading criteria used
   g. Teacher name, qualifications, certifications, endorsements, etc.
   h. Course requirements for credit (representative sample of student work)
   i. Copy of student records

5. 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 NDPA in areas where competency tests are available.

6. NDPA 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.

7. Costs associated with the determination of credit, including competency level testing, will be borne by the parent/guardian of the student requesting credit consideration.

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

NDPA Credit Evaluation Policy
Board Approval Date: 3-05-08
Ratified Date: 6-03-09

DATA CONFIDENTIALITY ADDENDUM

This Data Confidentiality Addendum (the "**Addendum**") is entered into this ________ day of __________________, 2017, between **North Davis Preparatory Academy**, a Utah nonprofit corporation ("**School**"), and ____________________________________ ("**Contractor**").

Recitals

A. School and Contractor are parties to a contract (the "**Contract**") regarding products and/or services to be provided and/or licensed by Contractor to School (the "**Contractor Services**").

B. Utah Code § 53A-1-1410 establishes requirements for contracts between educational entities such as School and third party contractors such as Contractor.

C. The parties are entering into this Addendum, in order to ensure that the agreement between the parties complies with Section 53A-1-1410.

Agreement

Now, therefore, in consideration of the foregoing and the mutual covenants and promises of the parties hereto, the parties agree as follows:

1. Except as provided in Utah Code § 53A-1-1410(4), Contractor will not use any personally identifiable student data received from School for any purpose other than to provide the Contractor Services to School.

   (a) "Personally identifiable student data" means student data that identifies or is used by the holder to identify a student and includes:

      i. a student's first and last name;

      ii. the first and last name of a student's family member;

      iii. a student's or a student's family's home or physical address;

      iv. a student's email address or other online contact information;

      v. a student's telephone number;

      vi. a student's social security number;

      vii. a student's biometric identifier;

viii. a student's health or disability data;

ix. a student's education entity student identification number;

x. a student's social media user name and password or alias;

xi. if associated with personally identifiable student data, the student's persistent identifier, including:

1. a customer number held in a cookie; or

2. a processor serial number;

xii. a combination of a student's last name or photograph with other information that together permits a person to contact the student online;

xiii. information about a student or a student's family that a person collects online and combines with other personally identifiable student data to identify the student; and

xiv. other information that is linked to a specific student that would allow a reasonable person in the school community, who does not have first-hand knowledge of the student, to identify the student with reasonable certainty.

2. Contractor acknowledges that all student data of the School is the property of the student under Utah Code § 53A-1-1405. Contractor will collect, use, store, and share personally identifiable student data only in accordance with the Contract, this Addendum, Utah Code § 53A-1-1410, as it may be amended, and any administrative rules adopted by the Utah State Board of Education. The parties acknowledge and agree that the terms of Utah Code § 53A-1-1410, as it may be amended, and any administrative rules adopted by the Utah State Board of Education implementing Utah Code § 53A-1-1410 govern the relationship between the parties.

3. Contractor may only share personally identifiable student data with employees and independent contractors of Contractor who have a legitimate need to such data in order to enable Contractor to provide the Contractor Services to School. School may request that Contractor notify School of independent contractors with whom Contractor shares such data and the purpose for which such data is shared and to verify to School that such independent contractors are bound by confidentiality agreements similar in scope to this Addendum.

4. At the request of School, Contractor will allow School or its designee to audit Contractor in order to verify compliance with the terms of the Addendum that relate to the confidentiality and protection of personally identifiable student data. This right to conduct

an audit is subject to Contractor's confidentiality obligations to other customers and third parties.

5. During the term of the Contract, Contractor will delete personally identifiable student data at the request and direction of School.

6. At the completion of the parties' agreement, if the Contract has not been renewed, Contractor shall return or delete upon the School's request all personally identifiable student data of the School in Contractor's possession and provide to the School written verification of the return or deletion of such data, including deletion from Contractor's back-up system.

7. The Contractor covenants and agrees that it shall defend School from and against any and all third party claims related to the unauthorized disclosure of Personally Identifiable Student Data by Contractor or its employees, agents, officers and directors, and indemnify School against any final judgements entered by a court of competent jurisdiction, and associated legal fees.

8. In the event of any conflict between the Addendum and the Contract, the terms of this Addendum shall govern.

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

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NORTH DAVIS PREPARATORY ACADEMY,
a Utah non-profit corporation

____
Ryan Robinson
Principal

Contractor:

____

____
Name: ___________________________
Title: ____________________________

NDPA Data Confidentiality Addendum
Board Approval Date: 6-07-17

NORTH DAVIS
PREPARATORY ACADEMY

Administrative
Data Governance Plan

1. PURPOSE

North Davis Preparatory Academy (the "School") takes seriously its moral and legal responsibility to protect student data privacy and ensure student data security. The School is required by Utah's student data protection laws and the School's Student Data Privacy and Security Policy to establish a Data Governance Plan. This administrative Data Governance Plan encompasses the full life cycle of the School's student data, from acquisition, to use, to disposal.

2. SCOPE AND APPLICABILITY

This Plan is applicable to all employees, volunteers, and third-party contractors of the School. The School will use this Plan, along with all policies and procedures of the School concerning student data privacy and security, to manage and address student data issues, assess agreements that permit disclosure of student data to third parties, assess the risk of conducting business with such third parties, and help ensure that the School makes only authorized disclosures of personally identifiable student data to third parties.

This Plan contains the School's data governance procedures and processes related to the following:

1. Roles and Responsibilities;
2. Data Collection;
3. Data Use;
4. Data Storage;
5. Data Sharing;
6. Record Retention and Expungement;
7. Data Breach;
8. Data Transparency;
9. Data Privacy and Security Auditing; and
10. Data Privacy and Security Training.

This Plan refers to and works in conjunction with the School's Student Data Privacy and Security Policy, Family Educational Rights and Privacy Policy and Administrative Procedures ("FERPA Policy" and "FERPA Administrative Procedures"), Metadata Dictionary, and Student Data Collection Notice.

In addition, this Plan works in conjunction with the School's Information Technology Security Policy and accompanying Information Technology Systems Security Plan. The Information Technology Systems Security Plan contains procedures and processes related to the following:

1. System Administration;
2. Network Security;

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

3. ROLES AND RESPONSIBILITIES

All student data utilized by the School is protected pursuant to the Family Educational Rights and Privacy Act and its regulations (20 U.S.C. § 1232g, 34 CFR Part 99) ("FERPA"), the Protection of Pupil Rights Amendment and its regulations (20 U.S.C. § 1232h, 34 CFR Part 98) ("PPRA"), and Utah's student privacy and data protection laws and related USBE rules (Utah Code, Title 53E, Chapter 9, Parts 1-3, R277-487). The School designates managers to fulfill certain responsibilities regarding student data privacy and security. The School also imposes responsibilities on School employees and volunteers. The roles and responsibilities listed below outline some of the ways School managers, employees, volunteers, and third-party contractors are to utilize and protect personally identifiable student data.

3.1 Student Data Manager

The School's Principal serves as the School's Student Data Manager and is responsible for student data privacy and security, including the following:

1. Acting as the primary local point of contact for the state student data officer described in Utah Code § 53E-9-302;
2. Authorizing and managing the sharing, outside of the School, of personally identifiable student data for the School as described in Utah Code § 53E-9-308;
3. Ensuring that no personally identifiable student data is shared without written consent (as defined in Utah Code § 53E-9-301) unless such sharing is:
    a. To the student or student's parent or guardian;
    b. In accordance with FERPA and PPRA;
    c. As required by federal law; or
    d. As described in Utah's student data protection laws, including Utah Code § 53E-9-308;
4. Ensuring that no personally identifiable student data is shared for the purpose of external research or evaluation unless all the requirements listed in Utah Code § 53E-9-308 are satisfied and the School's review process set forth in Section 7 of this Plan is followed;
5. Ensuring that all aggregate data shared outside of the School without written consent is shared in accordance with Utah Code § 53E-9-308 and the School's review process set forth in Section 7 of this Plan;

6. Ensuring that a list of all School employees who have access to personally identifiable student data is created, maintained, and provided to the School's Board of Directors, in accordance with Utah Code § 53E-9-204;
7. Ensuring all School employees and volunteers who are authorized by the School to have access to education records (1) receive annual student data privacy training and (2) that employees sign a statement certifying that they have completed the training and understand student data privacy requirements. Document names of all those who are trained, as well as the training dates, times, locations, and agendas;
8. Ensuring that the School's Student Data Collection Notice is created, annually updated, published, and distributed to parents and students as required by law;
9. Ensuring that the School's metadata dictionary is created, maintained, published, and provided to the Utah State Board of Education ("USBE") as required by law; and
10. Ensuring that this Plan is maintained, published, and provided to the USBE as required by law.

3.2 IT Security Manager

The School's contracted IT provider will function as the School's IT Security Manager. The IT Security Manager's responsibilities include the following:

1. Overseeing IT security at the School;
2. Helping the School to comply with IT security laws applicable to the School;
3. Providing training and support to School employees on IT security matters;
4. Investigating complaints of alleged violations of the School's IT security policies, procedures, or plans;
5. Investigating alleged security breaches of the School's IT systems; and
6. Reporting periodically to the School's Board of Directors on the security of the School's IT systems.

3.3 Employees and Volunteers with Access to Education Records

Employees and volunteers of the School who have access to education records have responsibilities with respect to student data privacy and security, including:

1. Participating in student data privacy training each year as required by the School;
2. Signing a statement each year certifying completion of student data privacy training and understanding of student data privacy requirements as required by the School (not required of volunteers);
3. NOT sharing personally identifiable student data outside of the School unless authorized to do so by law and the Student Data Manager;
4. Using password-protected School-authorized computers when accessing the School's data systems or viewing or downloading any student-level records;
5. NOT sharing or exchanging individual passwords for School-authorized computers or School data systems with anyone;
6. Logging out of any School data system or portal and closing the browser after each use or extended absence;

7. Storing personally identifiable student data on appropriate, secured locations. Unsecured access and flash drives, DVD, CD-ROM or other removable media, or personally owned computers or devices, are not deemed appropriate for storage of personally identifiable student data unless authorized by the Student Data Manager;
8. Keeping printed documents with personally identifiable student data in a locked, secured location and using School-approved document destruction methods when disposing of such records;
9. NOT sharing personally identifiable student data during public presentations;
10. Using secure methods when sharing or transmitting personally identifiable student data with authorized individuals. Secure electronic methods include, but are not limited to, telephone calls, MoveIt (when sending data to the State), and, where practical, encrypted email. Also, sharing within secured server folders is appropriate for School internal file transfer;
11. Taking steps to avoid disclosure of personally identifiable student data in authorized reports or materials available to the public, such as aggregating, data suppression, rounding, blurring, etc.;
12. Only accessing and using student data as authorized by the School to fulfil job or volunteer duties, and not for any other purpose;
13. Immediately reporting to the Student Data Manager any data breaches, suspected data breaches, or any other suspicious activity related to data access;
14. Consulting with the Student Data Manager regarding any questions about personally identifiable student data and related privacy laws, requirements, or concerns; and
15. Abiding by the requirements, processes, and procedures of this Plan.

3.4 Educators

In addition to abiding by the employee responsibilities listed above, educators at the School are also responsible for the following:

1. NOT sharing personally identifiable student data through educational apps (or any other apps used for classroom instruction) unless and until the app has been approved as required by the Student Data Manager; and
2. Completing the student data security and privacy training for educators developed by the State Superintendent when required for the educator's re-licensure pursuant to R277-487.

3.5 Third-Party Contractors

Third-party contractors who are not educational entities and have access to, collect, or receive personally identifiable student data pursuant to a contract with the School shall only use the data strictly for the purpose of providing the contracted product or service within the negotiated contract terms. Each third-party contractor is also responsible for:

1. Complying with the contract and entering into and complying with the School's Data Confidentiality Addendum or another approved data privacy agreement approved by the School;

2. Sharing, as authorized by law or a court order, student data as requested by law enforcement;
3. At the completion of a contract with the School (if the contract has not been renewed), returning or deleting upon request of the School all personally identifiable student data under the control of the School unless a student or the student's parent consents to the maintenance of the personally identifiable student data;
4. Not selling student data (except in connection with a purchase, merger, or acquisition of the third-party contractor as described in Utah Code § 53E-9-309);
5. Not collecting, using, or sharing student data if the collection, use, or sharing is inconsistent with the third-party's contractor's contract with the School; and
6. Not using student data for targeted advertising.

Third-party contractors are allowed to use student data and do other actions related to students and parents as set forth in Utah Code § 53E-9-309(4). Also, the provisions in Utah Code § 53E-9-309 do not apply to certain third-party contractors and providers as explained in Utah Code § 53E-9-309(7). In addition, provisions in Utah Code § 53E-9-309 relating to a student's student data does not apply to a third-party contractor if the School or third-party contractor obtains authorization from the following individual, in writing, to waive that provision: (1) the student's parent, if the student is not an adult student; or (2) the student, if the student is an adult student.

3.6 Consequences for Non-Compliance

The responsibilities listed above are intended to minimize the risk of human error and the misuse of School students' personally identifiable student data. A person or entity's non-compliance with the roles and responsibilities listed above shall result in consequences for the person or entity up to and including removal of access to the School's network. If this access is required for employment or contracted services, employees and third-party contractors may be subject to dismissal.

4. DATA COLLECTION

The School collects student data for two main purposes: to comply with state or federal law and to improve students' educational experience. Student data enables the School to participate in state and federal education programs and to qualify for state and federal education funds. Student data also helps the School to better plan and personalize classroom instruction, increase student and teacher performance, and make informed decisions. The School collects student data primarily through parents or guardians completing the School's lottery and registration packet, but it may also collect additional student data during the school year.

4.1 Data Elements Collected by the School

4.1.1 Necessary Student Data. The School collects student data defined as "necessary student data" in Utah Code § 53E-9-301(12). *See* the School's Student Data Collection Notice for a list of necessary student data that the School collects.

4.1.2 Optional Student Data. The School collects student data defined as "optional student data" in Utah Code § 53E-9-301(13). *See* the School's Student Data Collection Notice for a list of optional student data that the School collects.

4.1.3 Personally Identifiable Student Data. The School collects student data defined as "personally identifiable student data" in Utah Code § 53E-9-301(15), including:

1. A student's first and last name;
2. The first and last name of a student's family member (e.g., parent or guardian);
3. A student's or a student's family's (e.g., a parent or guardian's) home or physical address;
4. A student's email address or other online contact information;
5. A student's telephone number;
6. A student's health or disability data (health data collected includes vision and hearing impairment, medical conditions, medications taken during school hours, allergies, special dietary needs, and other); and
7. A student's education entity student identification number.

4.2 Records Collected by the School

In addition to the records collected by the School as explained above, the School collects the following records as required or allowed by Utah law:

1. A copy of a student's birth certificate;
2. A copy of a student's yellow immunization card from the state, other proof of immunizations, or an Immunization Exemption Waiver;
3. If applicable, a copy of a student's IEP, IHCP, or Section 504 Plan;
4. Proof of a vision exam for students under 8 years of age entering school for the first time in Utah;
5. If applicable, copy of legal documents such as a divorce decree, custody order, restraining order, protective order, power of attorney, or guardianship letters or orders;
6. A copy of a transfer student's record from the student's previous school;
7. Fee Waiver Application, as applicable; and
8. Household Application for Free and Reduced Price School Meals, as applicable.

4.3 Data Not Collected by the School

The School does not collect a student's social security number or, except as required in Utah Code § 80-6-103, criminal record.

4.4 Data Not Collected by the School Without Prior Written Consent

The School follows Utah Code § 53E-9-203 by not collecting certain information from a student by way of a psychological or psychiatric examination, test, treatment, survey, analysis, or evaluation unless the School has received the prior written consent of the student's parent or legal guardian or an exception to the prior written consent rule applies. Please refer to the School's FERPA Administrative Procedures (particularly the "Activities Prohibited Without Prior Written

Consent" Section) to see the types of information governed by Utah Code § 53E-9-203, the accompanying notice and consent requirements, and exceptions. These administrative procedures explain how the School complies with the statute.

5. DATA USE

The School uses the student data it collects to conduct the regular activities of the School. School employees and volunteers shall only have access to student data for which they have a legitimate educational interest and shall not use student data for any improper or non-educational purpose. School employees and volunteers shall use student data only as authorized by the School to fulfill their respective job or volunteer duties. Please see the School's FERPA Administrative Procedures (particularly the "Student Education Records Management" Section) for a summary of School personnel who, generally, have a legitimate educational interest in having access to student data and the particular data to which they have access. To help protect the privacy and security of student data, School employees and volunteers who have access to student data will participate in student data privacy training each year as required by the School and employees will sign a statement certifying that they have completed the training and understand student data privacy requirements.

Student data use by outside parties shall be limited to those to whom the School has shared the data in accordance with the law and who have a legitimate need to use the data. For example, outside parties with whom the School has contracted to provide services or functions that the School's employees would typically perform may use student data for the purpose of providing the contracted product or service. Third-party contractors' use of student data shall be in accordance with their contract and Data Confidentiality Addendum or other approved data privacy agreement with the School, and in compliance with applicable law, including Utah Code § 53E-9-309 and administrative rules adopted by the USBE.

6. DATA STORAGE

Please see the "Physical Protection" and "Technological Protection" Sections of the School's FERPA Administrative Procedures to review the ways in which the School stores student data and protects stored data.

6.1 Electronic Storage. As explained in the School's FERPA Administrative Procedures, most of the student data collected by the School (including the data collected through the School's registration) is stored electronically by the School in Aspire, which is the student information system provided to Utah schools by the USBE. Aspire provides a secure location for the storage, maintenance, and transmission of student data. If the School chooses to use any additional student information systems, it will ensure that the system has adequate security protections. School employees and volunteers shall not store personally identifiable student data on their personal computers or devices, flash drives, or any other removable data storage media unless authorized by the Student Data Manager.

6.2 Physical Storage. Any printed documents containing personally identifiable student data is to be stored by the School in a secured, locked location, and access to such locations shall be determined by the Student Data Manager. School employees and volunteers shall not store documents with personally identifiable student data in physical locations away from the School, such as in their homes or vehicles, unless authorized by the Student Data Manager.

6.3 Third-Party Contractors. Third-party contractors shall store personally identifiable student data received from the School only in accordance with their contract and Data Confidentiality Addendum or other approved data privacy agreement with the School and applicable law.

7. DATA SHARING

The School shall not share a student's personally identifiable student data outside of the School unless the data is shared in accordance with FERPA the PPRA, Utah student privacy and data protection laws and related USBE rules, and any other applicable law. The School's Student Data Manager authorizes and manages such data sharing and ensures compliance with applicable law.

7.1 Prior Written Consent

Except as provided by law, the School shall not share a student's personally identifiable data with anyone other than the student or the student's parent or legal guardian unless the School first obtains prior consent from the student's parent or guardian (or the student if the student is 18 years old or older). In order to be valid, the prior consent must:

1. Be in writing;
2. Be signed by the student's parent or guardian, or the student if he or she is 18 or older (electronic signatures are sufficient);
3. Specify the records or data to be disclosed;
4. State the purpose of the disclosure; and
5. Identify the party to whom the disclosure may be made.

As provided in the "Student Education Records Management" Section of the School's FERPA Administrative Procedures, a student's parent or guardian (or the student if the student is 18 years old or older) has the right to inspect and review all of the student's education records maintained by the School and the School must grant such requests within a reasonable period of time, not to exceed 45 days after the request has been received by the School. The School may impose requirements related to such requests, such that the request be in writing, signed, dated, and contain certain information. The School may also require proof of identity and relationship (parent or guardian) to the student before granting access to the student's records.

7.2. Exceptions to the Prior Consent Rule

The School shall not share, outside of the School, a student's personally identifiable student data without obtaining prior written consent unless such sharing is:

1. To the student or student's parent or guardian;
2. In accordance with federal and Utah law, including FERPA, PPRA, and Utah's student data privacy and protection laws. Such authorized sharing includes:

a. To a school official who has a legitimate educational interest (a school official could be an employee or agent of the School that the School has authorized to request or receive student data on behalf of the School);
b. To a contractor, consultant, volunteer, or other party to whom the School has outsourced a service or function provided that the party (1) performs an institutional service or function for which the School would otherwise use employees; (2) is under the direct control of the School with respect to the use and maintenance of student data; and (3) is subject to the requirements of 34 CFR § 99.33(a) governing the use and redisclosure of personal identifiable information from education records;
c. To an authorized caseworker or other representative of the Department of Health and Human Services, but only as described in Utah Code § 53E-9-308(3);
d. To other schools that have requested the data and in which the student seeks or intends to enroll, or where the student is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer;
e. To appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals;
f. To officials in the juvenile justice system as permitted by law;
g. To the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or State and local educational authorities in connection with an audit or evaluation of federally or state supported education programs, or for the enforcement of, or compliance with, federal legal requirements relating to those programs;
h. To the applicable entities/agencies within the Department of Homeland Security for foreign students attending the School under a visa;
i. To the Attorney General of the United States in response to an *ex parte* order in connection with the investigation or prosecution of terrorism crimes;
j. In response to a valid subpoena or court order; or
k. The sharing of personally identifiable student data that is directory information, but only if the School (1) has given the student's parent annual notice of the types of data it has designated as directory information and of the parent's right to request that any or all of student's directory information not be released by the School; and (2) the parent has not notified the School that he or she does not want the student's directory information to be released.

7.3 Directory Information

The School designates the following student data as directory information:

1. Name;
2. Phone number;
3. Address;
4. Email;

5. Photograph;
6. Grade level;
7. Participation in officially recognized activities and sports; and
8. Honors and awards.

The student data designated as directory information may change from time to time. Parents will be given notice of such changes as required by law.

7.4 Third-Party Contractor Addendum

The School may share personally identifiable student data with third-party contractors pursuant to subsections (a) and (b) immediately above if the contractors have entered into a contract and Data Confidentiality Addendum (or other approved data privacy agreement) with the School. Third-party contractors must comply with the contract, Addendum/approved data privacy agreement, and Utah student data protection laws, including Utah Code § 53E-9-309, and related administrative rules adopted by the USBE.

7.5 Aggregate Data

7.5.1 Definition. "Aggregate data" has the same meaning as set forth in Utah Code § 53E-9-301(2). Aggregate data does not reveal any personally identifiable student data and contains data of at least 10 individuals.

7.5.2 Sharing Aggregate Data. The School may share aggregate data outside of the School without obtaining prior written consent so long as it is shared in accordance with Utah Code § 53E-9-308 and this paragraph. If the School receives a request for aggregate data, including for the purpose of external research or evaluation, the School shall follow the review process set forth below:

1. All requests shall be submitted in writing to the Student Data Manager;
2. The written request to the Student Data Manager shall describe the purpose of the request, the desired student data, how the student data will be used, and details about how the student data will be disclosed or published by the requestor;
3. The Student Data Manager shall review the written request and consult with the School's management company about any potential data privacy issues relevant to the request;
4. If the Student Data Manager approves of the request, an MOU shall be prepared and presented (along with the requestor's written request) to the School's Board of Directors for review and approval; if the Student Data Manager disapproves of the request, the requestor shall be so notified;
5. If the Board approves of the request and MOU, the MOU shall be signed by the Board's president or designee, as applicable, and the requestor; if the Board disapproves of the request, the requestor shall be so notified;
6. After approval by the Board and execution of the MOU, the Student Data Manager or a responsible person designated by the Student Data Manager, shall, as applicable, de-identify the requested student data through disclosure avoidance

techniques (such as data suppression, rounding, recoding, blurring, perturbation, etc.) and/or other pertinent techniques;

7. After all requested student data has been de-identified and reviewed by the Student Data Manager, the requested student data shall be saved, physically or electronically, in a secure location managed by the Student Data Manager and then sent to the requestor through a secure method approved by the Student Data Manager.

The School may not share personally identifiable student data with external persons or organizations to conduct research or evaluations unless such research or evaluations are directly related to a state or federal program audit or evaluation.

8. RECORD RETENTION AND EXPUNGEMENT

Record retention and expungement procedures promote efficient management of records, preservation of records of enduring value, quality access to public information, and data privacy.

8.1 Retention. The School shall retain and dispose of student records in accordance with Utah Code § 63G-2-604, Utah Code § 53E-9-306, rules adopted by the USBE, including R277-487-4. Unless the School adopts its own approved retention schedule, the School shall comply with the model retention schedule for student records published by the Utah Division of Archives and Records Service, which is currently the Utah RAMP Utah Education Records Retention Schedule.

8.2 Expungement. The School shall comply with Utah Code § 53E-9-306 and R277-487-4 in terms of what student data it may and may not expunge. Accordingly, the School may not expunge a student's grades, transcripts, record of enrollment, or assessment information. The School may, on its own volition or at the request of a student's parent or an adult student, expunge other student data, including a student's medical records and behavioral assessments, so long as the administrative need for the student data has passed. A request to expunge such student data shall be made in writing to the School's Student Data Manager and describe in detail the data requested to be expunged.

In addition, a student's parent or an adult student may also request that the School expunge any student data or record not subject to a retention schedule under Utah Code § 63G-2-604, and believed to be

1. Inaccurate;
2. Misleading; or
3. In violation of the privacy rights of the student.

Such a request to expunge a student's student data or records shall be made in writing to the School's Student Data Manager and describe in detail the data or records requested to be expunged. The School will process such requests following the same procedures outlined for a request to amend a student record in 34 CFR Part 99, Subpart C. These procedures are outlined below:

1. If a parent or adult student believes that a record is misleading, inaccurate, or in violation of the student's privacy, they may request that the record be expunged.

2. The School shall decide whether to expunge the data within a reasonable time after the request.
3. If the School decides not to expunge the record, the School will inform the parent or adult student of its decision as well as the right to an appeal hearing.
4. The School shall hold a hearing within a reasonable time after receiving the request for a hearing.
5. The School shall provide the parent or adult student notice of the date, time, and place in advance of the hearing.
6. The hearing shall be conducted by any individual that does not have a direct interest in the outcome of the hearing.
7. The School shall give the parent or adult student a full and fair opportunity to present relevant evidence. At the parents' expense and choice, they may be represented by an individual of their choice, including an attorney.
8. The School shall make its decision in writing within a reasonable time following the hearing.
9. The decision must be based exclusively on evidence presented at the hearing and include a summary of the evidence and reasons for the decision.
10. If the decision is to expunge the record, the School will seal it or make it otherwise unavailable to other School staff and educators.

The School may consult with the Utah Division of Archives and Records Service and/or USBE when issues or questions arise with respect to record retention and expungement.

8.3 Disciplinary Record. The School may create and maintain a disciplinary record for a student in accordance with rules adopted by the USBE.

9. DATA BREACH

9.1 Definition of Data Breach. A data breach for purposes of this Plan is any instance in which there is an unauthorized release or access of personally identifiable student data. This definition applies regardless of whether the School stores and manages the data directly or through a third-party contractor.

9.2 Types of Data Breaches. Data breaches can take many forms, including:

1. Hackers gaining access to personally identifiable student data through a malicious attack (such as phishing, virus, bait and switch, keylogger, denial of service, etc.);
2. A School employee losing School equipment on which personally identifiable student data is stored (such as a laptop, thumb drive, cell phone, etc.) or having such equipment stolen;
3. An unauthorized third party retrieving personally identifiable student data from a School's physical files;
4. A School employee accidentally emailing personally identifiable student data to an unauthorized third party; or
5. A School employee or third-party contractor saving files containing personally identifiable student data in a web folder that is publicly accessible online.

9.3 Industry Best Practices. The School takes a variety of measures to protect personally identifiable student data, including imposing disclosure prevention responsibilities on School employees, educators, volunteers, and third-party contractors. The School also follows industry best practices to maintain and protect personally identifiable student data and to prevent data breaches, some of which are outlined in the School's Information Technology Systems Security Plan.

9.4 Responding to a Data Breach.

9.4.1 Reporting a data breach. School employees, volunteers, and third-party contractors shall immediately report a data breach or a suspected data breach to the Student Data Manager. Students and parents of students who become aware of a data breach or that suspect a data breach shall also immediately notify the Student Data Manager.

9.4.2 Data Breach Protocol. The Student Data Manager shall collaborate with the IT Security Manager and others, as appropriate, to determine whether a data breach has occurred. If it is determined that a data breach has occurred, the School shall, under the direction of the Student Data Manager and IT Security Manager, follow the protocol described below:

1. Lock down systems and data that have been breached or suspected to have been breached, including changing applicable passwords, encryption keys, locks, etc.;
2. Assemble a Data Breach Response Team, which could include the Student Data Manager, IT Security Manager, School employees, Board members, members of the School's management company, the School's IT provider, etc.;
3. Record as many details about the data breach as possible, including:
    a. Date and time data breach was discovered;
    b. Data elements involved (for example, students' first and last name, SSIDs, DOBs, passwords, account information, employee social security numbers, etc);
    c. Data systems involved (for example, Aspire or other School data system); and
    d. Type of data breach (physical, such as stolen/lost paperwork or computer equipment; or electronic, such as hacking or unauthorized email transmission).
4. Assign an incident manager that has the appropriate qualifications and skills to be responsible for the investigation of the data breach;
    a. Investigate scope of data breach to determine types of information compromised and number of affected individuals; and
    b. Investigate the data breach in a way that will ensure that the investigative evidence is appropriately handled and preserved;
5. Attempt to retrieve lost, stolen, or otherwise compromised data;
6. Determine whether notification of affected individuals is appropriate and, if so, when and how to provide such notification; notification timeframes and requirements should be identified as soon as possible and notices developed and delivered to affected individuals and agencies in accordance with regulatory mandates and timeframes;

7. If the data breach involved the release of a student's personally identifiable student data, notify the student (if the student is an adult student) or the student's parent or legal guardian if the student is not an adult student in a manner reasonable under the circumstances;
8. If the data breach constitutes a "significant data breach" as defined in R277-487, notify:
    a. The student (if the student is an adult student) or the student's parent or legal guardian if the student is not an adult student; and
    b. The USBE within ten business days of the initial discovery of the significant data breach as required in R277-487-3;
9. Determine whether to notify the authorities/law enforcement (situation dependent); involve legal counsel to analyze legal obligations;
10. If the School has cyber liability and/or data breach insurance coverage, determine whether to notify the insurance provider and make a claim on such coverage; and
11. Consult with appropriate security professionals, as necessary, to identify the possible reason(s) for the data breach and how to prevent similar data breaches in the future.

Following the steps above and clearly defining the roles and responsibilities of all those involved in the steps will promote better response coordination and help the School shorten its incident response time. Prompt response is essential for minimizing the risk of any further data loss and, therefore, plays an important role in mitigating any negative consequences of the breach, including potential harm to affected individuals. All work and activities performed under each of the steps above should be well documented and all documentation should be retained as required.

9.4.3 Coordination with Management Company and/or Legal Counsel

The School shall coordinate with its management company and/or separate legal counsel on the preparation and method of delivery of written materials, including notifications, related to a data breach.

9.5 Cooperation

The School shall cooperate with regulatory and governmental agencies that make inquiries regarding a data breach.

10. DATA TRANSPARENCY

The School's policies concerning data privacy and security are published on the School's website. In addition, each year the School shall publish its current version of the following on its website:

1. Metadata Dictionary;
2. Student Data Collection Notice;
3. Information Technology Systems Security Plan; and
4. Data Governance Plan.

11. DATA PRIVACY AND SECURITY AUDITING

The School shall periodically conduct audits to determine compliance with this Plan and to assess the quality and effectiveness of the data privacy and security processes and procedures set forth in this Plan. The School shall use the results of such audits to determine ways in which this Plan and the School's student data governance and management can be improved. The School may use third-party experts to assist with and/or conduct such audits.

The School or its designee may audit its third-party contractors to verify compliance with the terms of the School's Data Confidentiality Addendum or other data privacy agreement approved by the School that relate to the confidentiality and protection of personally identifiable student data.

12. DATA PRIVACY AND SECURITY TRAINING

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

The School shall also provide its employees with appropriate training on IT security matters.

Where required by R277-487, educators at the School shall complete the student data security and privacy training for educators developed by the State Superintendent as a condition of re-licensure.

NDPA Data Governance Plan
Last Updated: 3-07-25

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North Davis Preparatory Academy
Donation of Personal Time Off Policy

The purpose of this policy is to provide a mechanism by which employees can voluntarily donate personal time off (PTO) days to other staff members under extraordinary circumstances.

1. An employee, or an employee's immediate family member, must be experiencing a catastrophic illness in order to be eligible to receive donated leave.
2. Employees must use all of their available personal leave balances before they can access donated days.
3. Qualifying employees may receive a maximum of 15 donated days in a fiscal year.
4. Employees may only donate time from their current PTO balance.
5. An employee may donate a maximum of 5 days of leave to a particular employee in any one fiscal year.
6. All donations must be made in full day increments.
7. Once donated time has been transferred to the recipient's PTO balance, the donor has no rights to that time for any reason.
8. The decision to donate sick leave should be an individual and personal decision and is completely voluntary.
9. All sick leave donations which are in accordance with the conditions outlined in this policy must come before the school administrator for approval.
10. All donated PTO days must be used for their intended purpose.

PROCEDURE

1. Catastrophic illness includes but is not limited to: a life threatening illness that requires the employee to be absent from work for an intermittent and/or extended period of time; or a medical emergency that results in absence from work for at least one week or more for personal illness or to attend to an immediate family member.
2. Employees choosing to donate sick leave to an employee must submit a written letter to the school administrator indicating the number of days donated, the date of donation, and an acknowledgement of remaining days after the donation. Both the administrator and employee will sign the letter of acknowledgement.
3. Requests not meeting the conditions of the policy will be denied by the school administrator. Denials may be appealed to the Board of Directors for consideration.
4. Approved donations will be immediately deducted from the donor's leave balance and credited to the recipient's balance.
5. The school administrator will coordinate with the Management Company to assure proper transactions between donor / receiver occur. The school administrator will notify the donor and the recipient after the transaction has occurred.

NDPA Donation of Personal Time Off Policy
Board Approval Date: 2-01-06
Ratified Date: 6-03-09

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North Davis Preparatory Academy
Employee Donation of PTO Form

Name of Donating Employee: ____

I am requesting that ________ days of my Paid Time Off balance be transferred to:

____
(Name of Receiving Employee)

I am aware of the rules regarding the donation of Paid Time Off and of the use of donated Paid Time Off. I have read and understand the criteria on the back of this form which will be used in determining my eligibility to participate and how it will affect my Paid Time Off balance.

____ ___________________
Signature of Donating Employee Date

Acknowledgement:

______ Request Granted
______ Request Denied

Comments: ____

____

Beginning Balance: _______ PTO days
Donated Days: _______ PTO days
Ending Balance: _______ PTO days

____ ___________________
Signature of Principal Date

****ORIGINAL SENT TO ACADEMICA WEST TO BE PLACED IN EMPLOYEE FILE****

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Employees who are interested in donating Paid Time Off days must meet the following qualifications and understand the following guidelines:

1. Employees may only donate PTO days from their current PTO balance.

2. An employee may donate a maximum of five (5) PTO days to a particular employee in any one school year.

3. All donations must be made in full day increments.

4. Once donated PTO days have been transferred to the recipient's PTO balance, the donor has no rights to those PTO days for any reason. Approved donations will be immediately deducted from the donor's PTO balance and credited to the recipient's balance.

5. The decision to donate PTO should be an individual and personal decision and is completely voluntary.

6. All PTO donations must be approved by the Principal.

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North Davis Preparatory Academy
Donations & Fundraising Policy

Although North Davis Preparatory Academy (the "School") does not typically engage directly in fundraising, it may do so on certain occasions in order to help advance the School's mission. The School encourages the contributions of gracious donors who have the resources and the inclination to make donations for the benefit of the School and its students. This policy is intended to ensure that the School has in place appropriate guidelines and standards for the School's acceptance of donations and gifts as well as for when the School engages in or sponsors fundraising activities.

Donations and Gifts

The Principal will notify the Board of Directors of any donation in excess of $1,000. The Board of Directors must approve any voluntary donation from a private individual or organization in excess of $10,000. Donations involving conditions or restrictions will be considered on a case-by-case basis by the Principal or Board of Directors, as applicable. Anonymous donations do not require approval. The Principal will ensure that charitable donation receipts are provided to donors as necessary.

The decision of whether to accept a donation will be based on an evaluation of the specific restrictions or conditions imposed by the donor, the amount of the contribution, and any other reasonable criteria. The School may not accept donations with the condition that the donation provide direct benefit to specific School employees, students, vendors, or name brand goods or services.

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

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

Fundraising

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

The Principal shall establish administrative procedures to ensure that school-sponsored fundraising is carried out an a fiscally responsible manner and that it is clearly distinguishable which fundraising activities are school sponsored and which are not school sponsored.

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

The Board will review this policy at least every four years.

NDPA Donations & Fundraising Policy
Board Approval Date: 10-10-13

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NORTH DAVIS
PREPARATORY ACADEMY

Donations & Fundraising
Administrative Procedures

These administrative procedures are adopted in accordance with the Donations and Fundraising Policy adopted by the North Davis Preparatory Academy Board of Directors.

Donations and Gifts

The School is a non-profit corporation under Section 501(c)(3) of the Internal Revenue Code. Therefore, donations to the School may be tax deductible to the extent provided by law.

The School will document donations received and any associated conditions or restrictions. Donations will remain anonymous unless recognition is a condition of an accepted donation. The School will not transfer or expend donated property in a manner contrary to donor restrictions imposed as a condition of making the donation. The Principal will ensure that donor restrictions of accepted donations are complied with and that compliance can be verified. The Principal will ensure that charitable donation receipts are provided to donors as necessary.

The Principal must approve voluntary donations from private individual or organization in excess of $1,000 and up to $10,000 and any donation involving donor restrictions prior to accepting the donation. The School may not accept donations with the condition that the donation provide direct benefit to specific School employees, students, vendors, or name brand goods or services.

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

Donations made via check should be made out to North Davis Preparatory Academy, Inc.

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

Fundraising

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

1. The fundraising activity must be undertaken with the intent of obtaining a benefit consistent with the School's mission.
2. The fundraising activity must not violate the School's charter, Board policies, or applicable law.

3. Proposals for fundraising activities must be submitted to the School's Principal for approval.
4. The Principal may restrict the time, place, and manner of any approved fundraising activity.
5. Fundraising activities should be planned and scheduled in a manner that does not create conflict, confusion, or excessive fundraising pressures on students, families or potential donors.
6. Fundraising activities that may expose the School to risk of financial loss or liability if the activity is not successful should not be approved.
7. The participation of School employees, students and parents in any fundraising activity must be voluntary. However, School employees may be assigned to supervise students in connection with School-sponsored fundraising activities in connection with their employment. Such employees may be compensated for such work as appropriate as determined by the Principal.
8. Students may not be required to participate in a fundraising activity as a condition for belonging to a team, club or group, and a student's fundraising efforts may not affect his or her participation time or standing in any team, club or group.
9. Competitive enticements for student participation in fundraising efforts are generally discouraged, and any such rewards or prizes must be approved by the Principal.
10. The Principal will ensure that the School's Fee Waiver Policy is complied with in connection with all School-sponsored fundraising activities that involve fees. Any fee waivers must be granted in accordance with the Fee Waiver Policy.
11. All funds raised through school-sponsored fundraising activities are considered public funds and will be handled accordingly. The Principal will ensure that all other applicable fiscal policies are complied with in connection with fundraising activities.
12. Any fundraising activities that are related to the School but not school sponsored, such as fundraising activities of the parent organization, should clearly inform School patrons that the activity is not school sponsored. School employees may participate in such activities as volunteers but must not represent that they are acting as employees or representatives of the School.
13. The Principal will ensure that charitable donation receipts are provided as necessary.
14. The School's employer identification number and sales tax exemption number may only be used by School personnel in connection with school-sponsored activities. No other entity, including the School's parent organization, may use these numbers.
15. Any School employee involved in managing or overseeing non-School-sponsored fundraising must disclose to the Principal any financial or controlling interest in or access to bank accounts of the fundraising organization or company.
16. The School may cooperate with outside entities such as the parent organization in connection with non-school-sponsored fundraising activities. The School may allow these groups to use School facilities at little or no charge. At the Principal's discretion, the School may provide some level of support or pay for portions of these activities. The details of the arrangements for non-school-sponsored fundraising activities shall be understood and agreed to by the Principal and the representatives of the outside entity. This must take into consideration the School's fiduciary responsibility for the management and use of public funds and assets.

17. The School is committed to principles of gender equity and compliance with Title IX guidance. The School commits to use all facilities, unrestricted gifts and other available funds in harmony with these principles. The School reserves the right to decline or restrict donations, gifts, and fundraising proceeds, including those that might result in gender inequity or a violation of Title IX. Fundraising opportunities should be equitable for all students, comply with Title IX, and be in harmony with Article X of the Utah Constitution.

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

NDPA Administrative Policy
Donations & Fundraising Policy
Last Updated: 9-30-13

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North Davis Preparatory Academy
Dress Code Policy

PURPOSE

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

POLICY

The administration will determine the School's dress code. The dress code should be supportive of the purposes set forth above, yet easily understood by parents and students and not overly complicated, restrictive, or burdensome to families. The administration may modify the dress code from year to year in order to address changes in style and other factors. However, the key provisions of the dress code, including the color and style of allowable tops, bottoms, and dresses/jumpers, should typically remain largely consistent from year to year in order to avoid placing undue burden on families.

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

NDPA Dress Code Policy
Board Approval Date: 3-28-18

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NORTH DAVIS
PREPARATORY ACADEMY

Dress Code
Administrative Procedures

These procedures are established in accordance with the Dress Code Policy adopted by the School's Board of Directors.

To best meet the mission of North Davis Preparatory Academy, the following dress code guidelines have been established. This dress code will enhance the learning environment of our children and cultivate an atmosphere of discipline, equality and respect.

Tops

- Shirts must be of a collared style, plain with no pictures or writing, and solid color – either white, navy, or red. Buttons must not stand out.
- Appropriate collared styles are: blouse, polo, oxford, turtleneck, or dress shirt.
- Sweaters or vests may be worn in solid white, navy, or red. Buttons or other detail should not stand out.
- Plain white, navy, or red undershirts may be worn under school shirts for warmth.
- Solid white, navy, or red sweatshirts with hoods (hereafter referred to as "hoodies") in both pullover and zip up styles may be worn in class for physical comfort with the permission of the teacher. Hoodies with the approved NDPA school logo are also acceptable.
- Tops must be worn in a modest way that does not draw attention to a person's body.

Dresses/Jumpers

- Dresses may be worn if they plain navy, white, or red, have a collar, and are of appropriate length. (See "Bottoms" below.)
- Jumpers may be worn if they are plain navy, white, red, tan or school plaid, and are of appropriate length. (See "Bottoms" below.)

Bottoms

- Girls can wear skirts, jumpers, skorts, shorts, capris, or pants. No denim (or fabrics that appear to be denim) is permitted except for "Casual Friday" or "Free Dress Day" as described below. They are to be solid navy, solid tan, or school-approved plaid. Skirts, shorts or skorts are to be of modest length.
- Boys can wear pants or shorts in solid navy or tan. No denim is permitted except for "Casual Friday" or "Free Dress Days" as described below. No basketball-style or athletic pants/shorts are allowed except for PE class. Shorts are to be of modest length.

Accessories

- All accessories should be appropriate for school, should be plain red, white, navy, or of neutral colors and should not stand out.
- Girls may wear jewelry or hair accessories that are appropriate for school that do not stand out or distract.
- No hats of any kind (including baseball caps) or sunglasses may be worn in the building.
- Girls may wear smooth opaque, cable-knit tights, or leggings as accessories. Appropriate colors include white or navy.
- Belts and ties are optional. If worn, the belt should be solid brown, navy, or black and not stand out.
- Shoes must not be open-toed or backless. Heelies should never be worn at school or any school activity for safety reasons. Higher heels for young women create a safety hazard, and cannot be worn during the school day. Shoes should be of neutral colors and not stand out.

Dress Uniform

- To be worn for all field trips and on other specifically designated occasions. This uniform includes a solid white top (with or without the school logo) and solid navy bottoms that are not denim (or fabrics that appear to be denim).

Vendor Information

- Clothing may be purchased wherever appropriate styles are available.

Regulations

- Dress and grooming standards are part of the dress code regulations.
- Uniforms must be worn during school hours, except under specially designated circumstances such as "Free Dress Days". Unless otherwise stated, students attending after school activities do not need to adhere to the dress code guidelines.
- Students must present a modest, clean, and neat appearance at all times. All clothing must be clean, appropriately sized, and worn correctly. Pants/shorts/skirts must be worn at or near the waist, shoes must be tied or fastened, clothing must be worn right-side-out, and appropriate underwear must be worn. Clothing shall not be excessively worn or have holes.
- Uniforms will be worn Monday through Friday. Fridays will be designated "Casual Fridays", and students may wear denim pants with their uniform tops.
- Hair must be kept neat, have a combed appearance, and be appropriate for school. No extreme colors or styles.
- Any makeup worn should be appropriate for school.
- Outer wear that is worn for warmth to and from school and at outside recess is not considered a uniform item. Any sweaters or hoodies worn inside the classroom must be consistent with school uniform colors and requirements.

Casual Friday Dress Standards

- Blue or navy denim pants without holes may be worn on Casual Fridays. All other uniform regulations apply.

Free Dress Day Standards

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On free dress days, students are still expected to dress in a manner that positively impacts the learning environment. Clothing must be modest, tasteful, and it must not compromise safety standards for our students. The following standards include:

- Shorts and skirts need to be consistent with NDPA Dress Code Policy
- No tank tops
- No baggy pants
- No bare or stocking feet
- No open toe or heeled shoes
- No clothing which displays obscene, vulgar, lewd, or sexually explicit words, messages or pictures
- No clothing that exposes bare midriffs, buttocks or undergarments
- No clothing assumed as gang related

Administration Has Discretion

These administrative procedures are intended to create a framework to meet the purpose as stated in the Dress Code Policy. As styles change, or if questions arise, the school administration, as the Board of Directors' designee, has the authority to determine if a student's dress in keeping with the Dress Code Policy.

NDPA Dress Code Policy
ADMIN Procedures
Last Updated: 2-14-18

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North Davis Preparatory Academy
Dropout Prevention & Recovery Policy

POLICY

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

For purposes of this policy, a "designated student" is a ninth-grade student:

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

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

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

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

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

NDPA Dropout Prevention & Recovery Policy
Board Approval Date: 3-29-23

North Davis Preparatory Academy
Dual Enrollment Policy

PURPOSE

The purpose of this policy is to articulate the position of North Davis Preparatory Academy (the "School") on the dual enrollment of students in both the School and in a private school, home school, or another public school. The School understands that it may be appropriate under certain circumstances to accommodate secondary school students seeking to dually enroll in the School, but the School also wants to ensure that the dual enrollment of its secondary school students does not create negative financial implications for the School or prevent the students from fully engaging in and benefiting from all aspects of the School's mission.

POLICY

For purposes of this policy, "dual enrollment" or "dually enroll(ed)" means a student who is enrolled simultaneously in the School and in (1) a private school; (2) home school; or (3) another public school.

The School does not allow elementary school students to dually enroll in the School. The School may, in its discretion and on a case-by-case basis, allow secondary school students to dually enroll in the School. However, the School generally will not allow a secondary school student to dually enroll in the School if there is not a reasonable educational basis for the dual enrollment and if the School will not be the secondary school student's primary LEA, meaning the LEA which reports the student to be in regular membership and, if applicable, special education membership (sometimes referred to as the student's "school of record").

In order for a secondary school student's request for dual enrollment to be considered by the School, the request should be submitted to the Principal using the approved forms provided by the School.

Secondary school students who are dually enrolled in the School will only take at the School the state standardized tests and other assessments for the subjects for which they receive instruction at the School.

This policy is consistent with Utah Administrative Code Rule R277-438-3(2), which gives charter schools discretion as to whether or not to allow dual enrollment in their schools.

NDPA Dual Enrollment Policy
Board Approval Date: 2-05-20

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North Davis Preparatory Academy
Electronic Meetings Policy

PURPOSE

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

POLICY

Definitions

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

Electronic Meetings

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

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

a. All Board members attend the electronic meeting remotely through an electronic video, audio, or both video and audio connection; and

b. The Board has not received a written request, at least 12 hours before the scheduled meeting time, to provide an anchor location for members of the public to attend in person the open portions of the electronic meeting.

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

a. The anchor location will be:

   i. The building where the Board would normally meet if they were not holding an electronic meeting; or

   ii. Another location that is reasonably as accessible to the public as the building described in subsection (i) above.

b. The Board will provide space and facilities at the anchor location so that interested persons and the public may attend and monitor the open portions of the electronic meeting.

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

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

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

Notice

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

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

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

NDPA Electronic Meetings Policy
REVISION C
Board Approval Date: 06-26-24

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North Davis Preparatory Academy
Electronic Resources Policy

PURPOSE

North Davis Preparatory Academy (the "School") recognizes the value of computer and other electronic resources to facilitate student learning and help the School's employees accomplish the School's mission. The School has therefore made substantial investments to establish a network and provide various electronic resources for its students' and employees' use. Because of the potential harm to students and the School from misuse of these resources, the School requires the safe and responsible use of computers; computer networks, including e-mail and the Internet; and other electronic resources. This policy is intended to ensure such safe and responsible use and to comply with Utah Administrative Code Rule R277-495, Utah Code § 53G-7-227, Utah Code § 53G-7-1001 *et seq*., the Children's Internet Protection Act, and other applicable laws.

Electronic Devices and School Electronic Resources

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

Internet Safety

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

Student Acceptable Use of School Electronic Resources

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

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

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

Staff Acceptable Use of School Electronic Resources

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

Availability of Rules and Procedures

The Principal shall ensure that all rules and procedures established pursuant to this policy are available for review at the School.

Review and Approval

The School shall review and approve this policy at least every three years to ensure that it continues to meet the School's needs.

NDPA Electronic Resources Policy
REVISION C
Board Approval Date: 8-05-26

NORTH DAVIS
PREPARATORY ACADEMY

Electronic Resources
Administrative Procedures

These procedures are established in order to comply with and implement the Electronic Resources Policy adopted by the School's Board of Directors.

Electronic Devices/Resources

Definitions

"**Electronic device**" means a device that is used for audio, video, or text communication or any other type of computer or computer-like instrument including but not limited to: a cellphone or smartphone, a smart or electronic watch, a tablet, a virtual reality device, or AI glasses.

"**Privately-owned electronic device**" means an electronic device that is not owned or issued by the School to a student or employee, including any emerging technology (which includes any device that has or will be able to act in place of or as an extension of an individual's cellphone).

"School Electronic Resources" means resources that include computers and other electronic devices and related software, hardware, the School's network and access to the Internet.

"School" means North Davis Preparatory Academy (NDPA) charter school

"**School hours**" means the time from the beginning of the School day, as designated by the School's bell schedule, until the end of the School day, as designated by the School's bell schedule, including all instructional time, lunch periods, recess, and transition times between classes.

"**School-owned electronic device**" means an electronic device that is owned, provided, issued, or lent by the School to a student or employee.

"**School-sponsored activities**" means field trips, curricular and extracurricular activities, and extended School-sponsored trips or activities, including School-provided transportation to and from such activities.

Responsible/Appropriate Student Use of Electronic Resources

- Students may possess or use privately-owned electronic devices at School during School hours and at School-sponsored activities to access information and communicate with others in a way that enhances the educational environment. However, teachers or advisors shall determine if privately-owned electronic devices are allowed to be possessed and/or used in their individual classrooms.

- An individual other than a student that finds or confiscates a privately-owned electronic device may search the device for the purpose of determining the device's owner.

Irresponsible/Inappropriate Student use of Electronic Resources

- Electronic devices may not be used to view, access, download, store, or transmit pornography or other obscene or inappropriate material.
- Electronic devices may not be used to bully, threaten, humiliate, embarrass, harass, or intimidate other students, teachers, volunteers, School guests, or School employees. See NDPA Bullying and Hazing Policy for additional details.
- Electronic devices may not be used in ways that violate local, state, or federal laws.
- Electronic devices may not be used during quizzes, tests, and standardized assessments except as otherwise provided herein.
- Picture taking or sound or video recording by students is prohibited in School unless authorized by a teacher or the Principal. Picture taking or sound or video recording by students is prohibited in private areas of the School such as locker rooms, counseling sessions, washrooms, and dressing areas.
- Students may not invade the privacy of others by accessing private information on others' electronic device without permission.
- Students may not send communications from another individual's personal electronic device or personal account at School or a School-sponsored activity with the intent of deceiving the receiver as to the identity of the sender.
- Students may not use School electronic resources to send communications with the intent of deceiving the receiver as to the identity of the sender.
- Students who participate in electronic communication that takes place outside the regular School day may be subject to disciplinary action if that communications substantially disrupts the educational process at school.
- In the event that one student's electronic device has been misused by another student, both students may be subject to disciplinary action.

Exceptions

The Principal may give permission for a student to possess and use a privately-owned electronic device during School hours and during School-sponsored activities for good cause, including medical reasons, if the device does not distract from the instructional or educational process and is not otherwise used inappropriately.

Parents may request that the Principal allow a student to briefly use a privately-owned electronic device during non-instructional time in a specified location designated by the School.

Students may use a privately-owned electronic device to address a medical necessity.

A student may possess and use a privately-owned electronic device on active mode during School hours and during School-sponsored activities, including during assessments, if such an accommodation is specified in a written Section 504 plan, an Individualized Education Plan, or in connection with other legitimate circumstances determined by the Principal.

Privately-owned electronic devices may be possessed and used in the event of an emergency during the limited period of the emergency in order to protect the safety of a student or School employee, visitor or volunteer. This includes using a privately-owned electronic device to respond to an imminent threat to health or safety of an individual or to respond to a School-wide emergency.

Students may also use a privately-owned electronic device during School hours and during School-sponsored activities to use the SafeUT Crisis Line.

Parents may make other individualized requests for exceptions to these procedures by contacting the Principal.

Procedures for determining appropriate/inappropriate use

- The Principal or designee shall conduct an appropriate investigation into alleged misuse of electronic devices.
- Privately-owned electronic devices that are used inappropriately may be subject to search by the Principal or other individuals designated by the Principal if there is a reasonable suspicion that the device contains obscene or pornographic material or has been used to cheat or to threaten, embarrass, harass, or intimidate other students, teachers, volunteers, School guests, or School employees. School-owned electronic devices may be searched at any time by School officials, with or without cause.

Consequences for Irresponsible or Inappropriate Use of Electronic Resources

Consequences for misuse of electronic devices will be handled in accordance with the NDPA Bullying Policy and/or the NDPA Student Conduct and Discipline Policy. Both policies are clearly posted on the NDPA website. In addition, students who possess or use their privately-owned electronic device in violation of these procedures may have their privately-owned electronic device confiscated, labeled, and held in a secure location by the School. The Principal, teachers, and other individuals designated by the Principal may confiscate a student's privately-owned electronic device as a result of a student's violation of these procedures.

The School may contact law enforcement if School employees believe that a student has used School electronic resources in connection with a violation of criminal law.

Students are personally responsible for School electronic resources provided to them. Students and their parents/guardians may be held responsible for loss or damage to such electronic resources.

Loss or Damage of Privately-Owned Electronic Devices

The School is not responsible for loss, damage or theft of any privately-owned electronic devices. The School will make reasonable efforts to notify parents/guardians if the School has confiscated a student's privately-owned electronic device. Parents/guardians who show identification may retrieve confiscated electronic devices during School hours or by appointment. *The School will* *retain un-retrieved privately-owned electronic devices until the end of the School year, at which the devices will be disposed of in a manner that ensures that no data stored on the device may be retrieved.*

Notice of the Policy and these Procedures

The School will make the Electronic Resources Policy and these procedures accessible on the School's website, including in the same location as the School's Data Governance Plan required in R277-487.

Internet Safety

Definitions

Key terms are as defined in the Children's Internet Protection Act.

"**Technology Protection Measure**" means a specific technology that blocks or filters Internet access to visual depictions that are:

1- Obscene, which means material that is obscene under section 1460 of title 18, United States Code, and applicable United States Supreme Court precedent.
2- Child Pornography, as that term is defined in section 2256 of title 18, United States Code; or
3- Harmful to minors.

"**Harmful to Minors**" means, as set forth in section 254 of title 47, United States Code, any picture, image, graphic image file, or other visual depiction that:

1- Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
2- Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
3- Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

"**Sexual Act**" and "**Sexual Contact**" have the meanings given such terms in section 2246 of title 18, United States Code.

Access to Inappropriate Material

Technology protection measures (or "Internet filters") shall be used to block or filter Internet, or other forms of electronic communications, access to inappropriate information. These technology protection measures constitute the School's preapproved content filtering system as described in Utah Code § 53G-7-1003, and they are employed by the School regardless of whether a parent requests them or not. The School also employs a parent-accessible monitoring system, which is a technology platform that enables a parent to review the activity of the parent's student on School-owned electronic devices.

Specifically, as required by the Children's Internet Protection Act, blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors.

Subject to staff supervision, technology protection measures may be disabled or, in the case of minors, minimized only for bona fide research or other lawful purposes.

Inappropriate Network Usage

To the extent practical, steps shall be taken to promote the safety and security of users of the School online computer network when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications.

Specifically, as required by the Children's Internet Protection Act, prevention of inappropriate network usage includes: (a) unauthorized access, including so-called "hacking" and other unlawful activities and (b) unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

Education, Supervision and Monitoring

It shall be the responsibility of all members of the School staff to educate, supervise and monitor appropriate usage of the online computer network and access to the Internet in accordance with the Electronic Resources Policy and these procedures, the Children's Internet Protection Act, the Neighborhood Children's Internet Protection Act, and the Protecting Children in the 21st Century Act. This includes educating students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms as well as cyberbullying awareness and response.

Procedures for disabling or otherwise modifying any technology protection measures shall be the responsibility of the Principal or designated representatives.

Student Acceptable Use of School Electronic Resources

In order to use the School's electronic resources, students must be willing to abide by the rules of acceptable use. Use of the School's electronic resources is a privilege, and students have no expectation of privacy in connection with their use of the School's electronic resources.

Students who abuse this privilege by actions such as damaging the School's electronic resources; violating copyrights; bullying, hazing, intimidation, humiliation, harassment and threats; accessing pornography or other obscene or inappropriate material; inappropriate language; gambling; unauthorized games; hacking; invasion of the reasonable expectations of privacy of students or employees; or other unauthorized or inappropriate use, will be subject to discipline. Violation of policies and rules regarding use of the School's electronic resources may also result in confiscation of School-issued devices and denial of access to the School's electronic resources. This may result in missed assignments, inability to participate in required assignments and assessments, and possible loss of credit or academic grade consequences.

The School may contact law enforcement if School employees believe that a student has used School electronic resources in connection with a violation of criminal law, and criminal penalties may arise from inappropriate use of electronic resources. This applies to use of the School's electronic resources at any time and place, whether on or off School grounds.

Students are personally responsible for School electronic resources provided to them and the students and their parents/guardians may be held responsible for loss or damage to such electronic resources.

Parents play an important role in helping students understand what does and does not constitute acceptable use.

The School may establish agreements for students to sign acknowledging that they understand the rules for use of the School's electronic resources.

Staff Acceptable Use of School Electronic Resources

These procedures apply to employees' and volunteers' use of the School's electronic resources, and employees must agree to these terms as a condition of employment.

At-Will Employment

Nothing in the Electronic Resources Policy or these procedures is intended to create additional rights for any employee or to otherwise alter or amend the at-will nature of the employment relationship between the School and any employee.

The School's Rights

It is the School's policy to maintain an environment that promotes safe, ethical and responsible conduct in all activities involving the use of the School's electronic resources. The School recognizes its legal and moral obligation to protect the well-being of students and to preserve the integrity of its electronic resources. The School's rights in connection with its electronic resources include but are not limited to the following:

1. All data, files, programs, and materials downloaded with or used, sent, received, or stored upon the School's electronic resources are the School's property, and the School may deal with such items as it deems appropriate.
2. The School may log network use and monitor server space utilization by users and assumes no responsibility or liability for files deleted due to violation of server space allotments.
3. The School may remove a user account on the network with or without notice.
4. The School may monitor all user activities on the School's electronic resources, including but not limited to real-time monitoring of network activity and/or maintaining a log of Internet activity for later review.
5. The School may provide internal and external controls of network usage as appropriate and feasible, including but not limited to restricting online destinations through software or other means.

6. The School may limit or restrict, with or without notice, access to the School's electronic resources for those who do not abide by these procedures or other direction governing the use of the School's electronic resources.
7. The School may determine, in its sole discretion, what materials, files, information, software, communications, and other content or activity are permitted or prohibited.
8. The School may delete or remove, with or without notice, any files, programs, data or other materials from any of the School's electronic resources.
9. The School may provide additional policies or guidelines regarding acceptable use of electronic resources.

Employees' Responsibilities Regarding Students' Use of Electronic Resources

Employees who supervise students, control electronic resources, or otherwise have the ability to observe student use of School electronic resources are responsible for educating students on appropriate use of the School's electronic resources. Such employees shall make reasonable efforts to monitor such use to ensure that it is consistent with applicable rules. Employees should make reasonable efforts to become familiar with the Internet and the use of the School's electronic resources to help ensure effective monitoring, instruction, and assistance.

User Responsibilities

Use of the School's electronic resources is a privilege intended to help employees fulfill their responsibilities and promote the School's mission. In order to maintain this privilege, users must agree to comply with the Electronic Resources Policy and these procedures. Users who are aware of any violation of the policy or these procedures by any employee must report the violation to the Principal. Employees are responsible for any School electronic resources issued to them at all times and may be held responsible for any inappropriate use, regardless of the user.

Employees may use privately-owned electronic devices at School or at School-sponsored activities in accordance with rules and procedures established by the Principal. Employees may not use privately-owned electronic devices at School or at School-sponsored activities to access inappropriate matter.

Violation of the policy or these procedures is grounds for discipline, up to and including termination. The School may also notify law enforcement as appropriate, and such actions may subject an employee to criminal penalties.

Acceptable Use

Standards for acceptable use of the School's electronic resources include but are not limited to the following:

1. All use of the School's electronic resources, including but not limited to use of computers and other electronic devices, use of e-mail, and network and Internet access must be consistent with the School's mission.

2. Network accounts are to be used only by the authorized user of the account for the authorized purpose.
3. Users must take reasonable steps to protect the privacy of students. School employees and other members of the School community and must strictly maintain the confidentiality of information regarding such individuals.
4. Use of the School's electronic resources, whether inside or outside the School, must comply with the School's employee handbook, as established from time to time.
5. Employees must comply with applicable copyright laws, ethical rules, and other applicable laws and regulations.
6. Users must exercise appropriate professional judgment and common sense when transporting files to and from school, keeping in mind copyright and other legal issues, as well as ensuring that the non-School computers to or from which files are being transferred are employing appropriate virus-control technologies.
7. Users must exhibit professionally appropriate behavior when using the School's electronic resources in order to professionally represent and preserve the image the School.
8. Users must take reasonable precautions to protect the School's electronic resources in order to reduce repair costs, maintain the integrity of the network, and protect the School's assets. Employees who damage School electronic resources may be financially responsible for the cost of repair or replacement.
9. From time to time, the School will make determinations on whether specific uses of the School's electronic resources are consistent with the intent of the Electronic Resources Policy or these procedures.

Unacceptable Use

The following uses of the School's electronic resources are prohibited:

1. Excessive use of the School's electronic resources for personal matters. "Excessive use" includes but is not limited to use of electronic resources in a manner that interferes with an employee's performance of work-related responsibilities or with the functioning of the School's electronic resources.
2. Use of the School's electronic resources in connection with social networking sites for non-academic purposes is prohibited.
3. Use of the School's electronic resources for commercial or for-profit purposes.
4. Use of the School's electronic resources for product advertisement or political lobbying.
5. Personal electronic devices may only be connected to the School's network with appropriate authorization.
6. Intentionally seeking information on, obtaining copies of, or modifying files, other data, or passwords belonging to other users, or impersonating or misrepresenting other users of the School's network.
7. Unauthorized use or disclosure of personal student information in violation of R277-487 and the Family Educational Rights and Privacy Act, 34 CFR, Part 99.
8. Use of the School's electronic resources in a manner that disrupts the use of the network by others.
9. Destroying, modifying, or abusing the School's electronic resources in any way.

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10. Use of the School's electronic resources in a manner that threatens or impairs the integrity or security of the network.
11. Use of the School's electronic resources for hate mail, chain letters, harassment, discriminatory remarks, and other antisocial behaviors.
12. Downloading or installation of any software, including shareware and freeware, for use on the School's electronic resources without the approval of the Principal or designee.
13. Use of any software on the School's electronic resources in violation of the applicable license or use agreement.
14. Use of the School's electronic resources to access, process, store, send or receive pornographic, sexually explicit or otherwise inappropriate material (as determined by the Principal).
15. Use of the School's electronic resources for downloading entertainment software, files or other material not related to the mission of the School. This prohibition pertains to freeware, shareware, copyrighted commercial and non-commercial software, and all other forms of software and files not directly related to the instructional and administrative purposes of the School.
16. Downloading, copying, otherwise duplicating, and/or distributing copyrighted materials without the specific written permission of the copyright owner, except that duplication and/or distribution of materials for educational purposes is permitted when such duplication and/or distribution would fall within the Fair Use Doctrine of federal copyright law.
17. Use of the School's electronic resources for any unlawful purpose.
18. Use of the School's electronic resources to intentionally access, process, store, send or receive materials containing profanity, obscenity, racist terms, or other harassing, abusive, intimidating, threatening, discriminatory or otherwise offensive language or images.
19. Use of the School's electronic resources for playing games unless it is for instructional purposes or otherwise approved by the Principal or designee.
20. Participating in activities, including but not limited to the preparation or dissemination of content, which could damage the School's professional image, reputation and/or financial stability.
21. Permitting or granting access to the School's electronic resources, including but not limited to granting use of an e-mail or network account or password, to another individual, including but not limited to someone whose access has been denied or terminated.
22. Portable data storage devices may only be used to backup or transport files and data between computers and use of such devices for the operation of unauthorized portable applications is prohibited.
23. Establishing connections to live communications, including text, voice, or video, may only be done in a manner approved by the Principal or designee.
24. Malicious use of the School's electronic resources to develop programs that harass other users or infiltrate a computer or computing system and/or damage the software components of a computer or computing system.

Disclaimer

1. The School cannot be held responsible for information that is retrieved via the network.

2. Pursuant to the Electronic Communications Privacy Act of 1986 (18 U.S.C. § 2510, et seq.), notice is hereby given that there are no facilities provided by the School's system for sending or receiving private or confidential electronic communications. System administrators have access to all mail and will monitor messages. Messages relating to or in support of illegal activities will be reported to the appropriate authorities.
3. The School is not responsible for any damage users may suffer, including loss of data resulting from delays, non-deliveries, or service interruptions caused by the School's negligence or your errors or omissions.
4. Use of any information obtained is at the user's own risk.
5. The School makes no warranties (expressed or implied) with respect to:
   - The content of any advice or information received by a user, or any costs or charges incurred as a result of seeing or accepting any information;
   - Any costs, liability, or damages caused by the way the user chooses to use his or her access to the network.
6. The School reserves the right to change its policies and rules at any time.

Privacy

Use of and access to the School's electronic resources is provided to employees as a tool for the School's business. The School reserves the right to monitor, inspect, copy, review, store or remove, at any time, without prior notice, any and all usage of the School's electronic resources such as the network and the Internet, including but not limited to e-mail, as well as any and all materials, files, information, software, electronic communications, and other content transmitted, received or stored in connection with this usage. All such information, content, and files are the property of the School. Employees should have no expectation of privacy regarding them. Network administrators may review files and intercept communications for any reason, including but not limited to maintaining system integrity and ensuring employees are using the system consistently with the Electronic Resource Policy and these procedures.

Training

The School will provide, within the first 45 days of each school year, a school-wide or in-classroom training to employees and students that covers:

- The contents of the Electronic Resources Policy and these procedures;
- The importance of digital citizenship;
- The School's conduct and discipline related consequences as related to a violation of the Electronic Resources Policy and these procedures;
- The School's general conduct and discipline policies;
- The benefits of connecting to the Internet and utilizing the School's Internet filters while on School property; and
- Any specific rules governing the permissible and restricted uses of privately-owned electronic devices while in a classroom.

Each educator who allows the use of a privately-owned electronic device in the classroom must clearly communicate to parents and students the conditions under which the use of such a device is allowed.

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The School will provide an annual notice to all parents of the location of information for in-home network filtering options (https://consumerprotection.utah.gov/edu/filtering.html) as provided for in Utah Code § 76-5c-402.

Complaints

Complaints about the School's Electronic Resources Policy and these procedures or their enforcement, or complaints about observed behavior regarding the policy or these procedures, should be addressed in accordance with the School's grievance policies.

NDPA Electronic Resources
ADMIN Procedures
Last Updated: 8-05-26

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North Davis Preparatory Academy
Employee Compensation During School Closure & Other Extraordinary Circumstances Policy

POLICY

North Davis Preparatory Academy's (the "School") Board of Directors (the "Board") adopts this policy in order to authorize compensation to employees during school closure and other temporary extraordinary circumstances when employees are not able to perform all of the duties that they would normally be assigned to do and/or work all of the hours they would normally be scheduled to work in exchange for their agreed-upon compensation.

The Board delegates to the Principal the authority to assess all relevant factors, including but not limited to the anticipated availability and security of state and federal funding over the short and long term, and implement this policy when the situation warrants.

This policy may be applied retroactively.

Continued Employment and Compensation

The Board recognizes that closures and other temporary extraordinary circumstances impact normal school operations in many different ways, some of which are not foreseeable. The School nonetheless intends to keep employees employed and engaged in serving the School's students to the maximum extent possible during such circumstances. The School also desires to pay employees in full, as provided for in their employment agreements, to the maximum extent possible during such circumstances, including by providing paid time off when necessary.

Paid Time Off

Criteria for Paid Time Off

All of the following criteria must be met before paid time off may be given to an employee under this policy for any portion of an employee's compensation:

- The employee and the Principal or the Principal's designee have explored all reasonable alternatives for the employee to provide services in connection with their current position(s) and have determined that there are none;
- The employee and the Principal or the Principal's designee have determined that the employee has completed all possible training and professional development opportunities that can be conducted online or through self-directed opportunities; and
- The employee and the Principal or the Principal's designee have determined that there are no other reasonable work opportunities available for the employee—including work opportunities in other programs and work from home.

Substitute teachers are not eligible for paid time off under this policy. However, the school will explore opportunities for substitute teachers to provide services for their regular rate of pay during a closure or other extraordinary circumstances.

Documentation

For each employee receiving paid time off under this policy, the Principal and the employee will identify the expectations for what duties the employee will perform, the hours the employee will work, and the amount of paid time off the employee will receive.

Other Paid Time Off and Leave

This policy does not apply to or affect other paid time off or leave an employee may receive or be eligible for under other School policies or applicable law.

Compensation Expenditures Charged to Federal & State Grants & Programs

Compensation-related expenditures for employees who qualify for paid time off under this policy will be charged to the employee's regular position and program. This includes compensation-related expenditures for Federal and State grants and programs.

Only the portion of the employee's compensation that would normally be associated with a program will be charged to such program. Compensation charged to a program during extraordinary circumstances, including paid time off under this policy, will be calculated based upon the employee's employment agreement and normal average hours per day/week the employee worked before the extraordinary circumstances occurred.

If an employee is not able to complete all of his or her normal average hours by working in the employee's regular position and program but is able to make up the difference by working in a different program, the School will charge the employee's compensation to both programs in accordance with the hours the employee worked in each program. However, the employee will not be compensated beyond the normal average hours that the employee worked before the extraordinary circumstances began.

Notwithstanding the foregoing, if an employee receives paid time off under this policy and that paid time off is charged to the employee's regular position and program, the employee may not be compensated for additional time worked in another program.

Maximum Compensation

The School will pay employees in full, as provided in employment agreements, for all work performed under extraordinary circumstances, including any overtime as required by law.

However, paid time off under this policy is intended to make employees whole and reduce the financial burden caused by the extraordinary circumstances. This policy is not intended to provide an employee with a windfall.

Therefore, an employee's total compensation that includes paid time off under this policy may not exceed the amount provided for in the employee's employment agreement and may not exceed what the employee typically earned prior to when the extraordinary circumstances began.

The School will treat all employees the same under this policy, regardless of whether they are compensated through Federal or State grants or programs.

NDPA Employee Compensation During School Closure Policy
Board Approval Date: 5-06-20

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North Davis Preparatory Academy
Employee Handbook Policy

PURPOSE

The purpose of this policy is to ensure that North Davis Preparatory Academy (the "School") operates in accordance with applicable employment laws.

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

NDPA Employee Handbook Policy
Board Approval Date: 8-06-14

NORTH DAVIS
PREPARATORY ACADEMY

Employees Engaging in Private Activities Related to Public Education
Administrative Procedures

PURPOSE

North Davis Preparatory Academy (the "School") recognizes that its employees may have opportunities to engage with students in private activities related to public education that are not sponsored by the School. The School supports its employees participating in such activities so long as they are done appropriately.

These procedures are intended to help ensure that any private, but public education-related activity involving School employees is conducted in a manner that complies with state law and rules, including R277-107, and maintains the integrity of the public education system. These procedures outline expectations for School employees who sponsor or participate in private activities related to public education and delineate boundaries between public employment and private enterprise.

Definitions

For purposes of these procedures:

"Employee" means a person who is employed on a full-time, part-time, or contract basis by the School.

"Private, but public education-related activity" means any type of private activity for which:

a. An employee of the School receives compensation; and
b. The principal clients are students at the School.

"Private, but public education-related activity" may include:

a. Tutoring;
b. Lessons;
c. Clinics;
d. Camps; or
e. Travel opportunities.

General Rules for School Employee Participation in Private, But Public Education-Related Activities

Employees may participate in a private, but public education-related activity in accordance with R277-107 and these procedures.

1. Separation of Private and Public Roles

a. Employees who participate in a private, but public education-related activity must ensure that such participation is separate and distinguishable from their employment with the School. For example, such employees may not:
   i. Contact students at the School during School hours to promote such private activities; or
   ii. Use student education records, School resources, or information gained through employment with the School in connection with such private activities, unless that information is readily available to the general public.

2. Prohibited Use of School Time and Resources

   a. Employees who participate in a private activity or a private, but public education-related activity may not use School time or resources to:
      i. Discuss, promote, or prepare for such private activities; or
      ii. Organize or advertise such private activities.

3. Permissible Activities by Employees

   a. Employees who participate in a private, but public education-related activity may:
      i. Offer such private activities to students outside of regular School hours;
      ii. Discuss such private activities with students or parents outside of the classroom and regular School hours;
      iii. Use student directories or online resources which are available to the general public; or
      iv. Advertise or promote such private activities in accordance with the rules in R277-107-3 and -4, including in School publications that allow commercial advertising.

4. Equity and Access

   a. Employees may not condition credit or participation in a School program or activity on a student's participation in such activities as clinics, camps, private programs, or travel activities that are not equally and freely available to all students.
   b. Employees may not state or imply to any person that participation in a regular School activity or program is conditioned on participation in a private activity.

5. Student-Initiated Educational Opportunities

   a. Nothing in these procedures prohibit students from requesting or petitioning the School for academic credit for educational experiences obtained outside of School consistent with School policy and applicable state law.

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6. Contracts Governing Private, But Public Education-Related Activities

    a. Contracts between an employee and a sponsor of a private, but public education-related activity shall be signed by the employee and include the acknowledgments set forth in R277-107-6.
    b. An employee shall provide the School with a signed copy of all contracts between the employee and a sponsor of a private, but public education-related activity. The School shall maintain a copy of such contracts in the employee's personnel file.

NDPA Employees Engaging in Private Activities Related to Public Education
ADMIN Procedures
Last Updated: 5-30-25

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North Davis Preparatory Academy
Enrollment & Lottery Policy

PURPOSE

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

POLICY

In regards to applications, enrollment, and lottery procedures, North Davis Preparatory Academy will follow all state and federal laws and guidelines.

Temporary Leave of Absence

North Davis Preparatory Academy (NDPA) recognizes that students will occasionally be required to leave NDPA on a temporary basis but intend to return. NDPA desires to establish a policy by which such students, may retain their enrollment slot in NDPA after a temporary absence without being required to re-enter NDPA through the lottery process. Accordingly, students who have enrolled in NDPA through the lottery process and must temporarily transfer to another educational institution due to extenuating family circumstances may petition the Board for approval of a temporary leave of absence no less than thirty (30) days prior to withdrawing from NDPA. The decision on the petition will be made pursuant to procedures established by the principal and a representative of the Board.

NDPA Enrollment & Lottery Policy
Board Approval Date: 12-02-09

Equipment & Other Capital Assets Acquired with Federal Funds
Administrative Procedures

North Davis Preparatory Academy (the "School") will purchase, use, manage, and dispose of equipment and other capital assets acquired in whole or in part with federal funds in accordance with applicable federal law, including 2 CFR 200.439 and 2 CFR 200.313(c)-(e).

Definitions

The definitions in 2 CFR 200.1 apply to this administrative procedure, including but not limited to the following:

"Capital assets" means:

a. Tangible or intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with GAAP. Capital assets include:
    i. Land, buildings (facilities), equipment, and intellectual property (including software) whether acquired by purchase, construction, manufacture, exchange, or through a lease accounted for as financed purchase under Government Accounting Standards Board (GASB) standards or a finance lease under Financial Accounting Standards Board (FASB) standards; and
    ii. Additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance).
b. For purpose of this procedure, capital assets do not include intangible right-to-use assets (per GASB) and right-to-use operating lease assets (per FASB). For example, assets capitalized that recognize a lessee's right to control the use of property and/or equipment for a period of time under a lease contract. See also § 200.465.

"Capital expenditures" means expenditures to acquire capital assets or expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life.

"Equipment" means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the School for financial statement purposes, or $5,000.

"General purpose equipment" means equipment which is not limited to research, medical, scientific or other technical activities. Examples include office equipment and furnishings, modular offices, telephone networks, information technology equipment and systems, air conditioning equipment, reproduction and printing equipment, and motor vehicles.

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"Special purpose equipment" means equipment which is used only for research, medical, scientific, or other technical activities. Examples of special purpose equipment include microscopes, x-ray machines, surgical instruments, and spectrometers.

Equipment

Management Requirements

With respect to managing equipment acquired in whole or in part with federal funds, the School will:

a. Maintain property records that include:
   i. A description of the equipment;
   ii. A serial number or other identification number for the equipment;
   iii. The source of funding for the equipment;
   iv. Who holds title to the equipment;
   v. The date the equipment was acquired by the School;
   vi. The cost of the equipment;
   vii. The percentage of participation in the project costs for the federal award under which the equipment was acquired;
   viii. The location of the equipment;
   ix. The use and condition of the equipment; and
   x. Any ultimate disposition data with respect to the equipment, including the date of disposal and sale price of the equipment.
b. Take physical inventory of the equipment and update/reconcile the property records accordingly at least once every two years.
c. Develop and implement a control system that will provide adequate safeguards to prevent loss, damage, or theft of the equipment.
d. Investigate any loss or damage to or theft of the equipment.
e. Regularly maintain and/or service the equipment to help ensure the equipment remains in good condition.
f. If authorized or required to sell the equipment, engage in a sales process that will help ensure the School receives the highest possible return on the sale of the equipment.

Use and Disposition Requirements

Regarding the use and disposition of equipment acquired with federal funds, the School will follow the requirements in 2 CFR 200.313(c) and (e).

Purchasing Requirements

The School shall follow the procedure below in order to purchase equipment with federal funds.

Capital Expenditures

The School shall comply with federal law in connection with purchasing equipment and other capital assets with federal funds, including but not limited to 2 CFR 200.439. Below are some of the purchasing rules the School shall follow:

a. The School shall not use federal funds to pay for improvements to land, buildings, or equipment which materially increase their value or useful life unless the School receives prior written approval of the federal awarding agency or the pass-through entity (the USBE) to do so (note: this applies to School construction, alteration, or repair projects);
    a. And with respect to construction, alteration, or repair projects that cost in excess of $2,000, the School shall not use federal funds to pay for such projects unless the School follows other applicable laws, including but not limited to the Davis-Bacon and Related Acts;
b. The School shall not use federal funds to purchase general purpose equipment (note: this includes, for example, computers and other tech devices), buildings, or land unless the School receives prior written approval of the federal awarding agency or the pass-through entity (the USBE) to do so; and
c. The School may use federal funds to purchase special purpose equipment; however, if any such item of equipment has a unit cost of $5,000 or more, the School shall obtain prior written approval of the federal awarding agency or the pass-through entity (the USBE) in order to purchase those items with federal funds.

NDPA Equipment Acquired with Federal Funds
ADMIN Procedures
Last Updated: 2-01-24

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North Davis Preparatory Academy
E-Rate Proclamation

Whereas North Davis Preparatory Academy has established an E-Rate Gift Administrative Policy, prohibiting NDPA from accepting gifts from any vendors who participate in the E-Rate program,

Whereas North Davis Preparatory Academy has established an E-Rate Administrative Procurement Policy, requiring open and fair bidding processes for potential vendors,

Whereas North Davis Preparatory Academy as established an E-Rate Record Retention Administrative Policy, requiring NDPA to keep all E-Rate records for a minimum of 5 year,

The NDPA Board of Directors hereby proclaim that these administrative policies meet all the requirements of the Universal Service Fund, and the Board directs the administration to ensure that all three policies are followed to the full extent of all laws and regulations, and that Trent Brown be designated as the official signer of the E-Rate documents.

NDPA E-Rate Proclamation
Board Approval Date: 10-10-13

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NORTH DAVIS
PREPARATORY ACADEMY

E-Rate Gift
Administrative Procedures

It is the policy of North Davis Preparatory Academy (the "School") to comply with the gift rules outlined in the FCC's 6th Report and Order. Specifically, as an E-Rate applicant, the School and its employees and agents will not solicit or accept any gift or other thing of value from a service provider participating in or seeking to participate in the E-Rate program. This policy is applicable at all times and is not in effect or triggered only during the time period when the competitive bidding process is taking place. Notwithstanding the foregoing, this policy is not intended to discourage charitable giving.

NDPA E-Rate Gift
ADMIN Procedures
Last Updated: 9-27-13

NORTH DAVIS
PREPARATORY ACADEMY

E-Rate Procurement

Administrative Procedures

In selecting service providers for all eligible goods and/or services for which Universal Service Fund ("E-Rate") support will be requested, North Davis Preparatory Academy (the "School") shall:

Make a request for competitive bids for all eligible goods and/or services for which E-Rate support will be requested and comply with all applicable state procurement processes.

Wait at least twenty-eight (28) days after the posting date of the FCC Form 470 on the USAC Schools and Libraries website before making commitments with the selected service providers.

Consider all bids submitted and select the most cost-effective service offering, with price being the primary factor considered.

Maintain control over the competitive bidding process; shall not surrender control of the process to a service provider who is participating in the bidding process; and shall not include service provider contact information on the FCC Forms 470.

If a situation is not addressed by this policy, the School will follow 47 C.F.R., section 54.503.

NDPA Administrative Policy
E-Rate Procurement Policy
Last Updated: 9-27-13

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NORTH DAVIS
PREPARATORY ACADEMY

E-Rate Record Retention
Administrative Procedures

It is the policy of North David Preparatory Academy (the "School") to retain all e-Rate records for a period of five (5) years after the last date of service in accordance with FCC Fifth Report and Order (Para. 47, FCC 04-190, Adopted August 4, 2004).

NDPA Administrative Policy
E-Rate Record Retention Policy
Last Updated: 9-27-13

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North Davis Preparatory Academy
Ethics Policy

North Davis Preparatory Academy (the "School") adopts this policy to ensure that individuals associated with the School, including Board Members and employees, conduct themselves consistent with high standards of ethics and with applicable law.

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

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

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

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

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

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

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

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

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

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

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

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

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

NDPA Ethics Policy
Board Approval Date: 10-10-13

NORTH DAVIS
PREPARATORY ACADEMY

Family Educational Rights and Privacy Act
Notice of Directory Information

Directory Information

The Family Educational Rights and Privacy Act ("FERPA"), a federal law, requires that North Davis Preparatory Academy (the "School"), with certain exceptions, obtain a parent or eligible student's (eligible students are students 18 years of age or older) written consent prior to the disclosure of personally identifiable information ("PII") from a student's education records. However, the School may disclose appropriately designated "directory information" without written consent, unless a parent or eligible student has advised the School to the contrary in accordance with School procedures.

Purpose of Directory Information

The primary purpose of directory information is to allow the School to include information from a student's education records in certain school publications. Examples include:

- A playbill, showing a student's role in a drama production;
- The annual School yearbook;
- Honor roll or other recognition lists;
- Graduation/promotion programs; and
- Sports programs or activity sheets showing the weight and/or height of team members.

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 or eligible student's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.

Military Recruiters and Institutions of Higher Education

In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965, as amended (the "ESEA"), to provide military recruiters and institutions of higher education, upon request, with secondary student names, addresses and telephone listings unless parents or eligible students have advised the LEA that they do not want such information disclosed without their prior written consent. *See* Section 9528 of the ESEA (20 U.S.C. § 7908) and 10 U.S.C. § 503(c).

Opting Out

If a parent or eligible student does not want the School to disclose any or all of the types of information designated below as directory information from the student's education records without prior written consent, the parent or eligible student must so notify the School in the "Notice for Directory Information" Section in the student's Registration Packet **prior to** submitting the Registration Packet to the School.

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What Information is Designated as Directory Information?
The School has designated the following student information as directory information:

- Name;
- Phone number;
- Address;
- Email;
- Photograph;
- Grade level;
- Participation in officially recognized activities and sports; and
- Honors and awards.

NDPA FERPA Notice of Directory Information
Last Updated: 10-04-21

Family Educational Rights and Privacy Act
Notification of Rights

The Family Educational Rights and Privacy Act ("FERPA") affords parents and students 18 years of age or older ("eligible students") certain rights with respect to their education records. These rights include:

1. The right to inspect and review the student's education records within 45 days after the day North Davis Preparatory Academy (the "School") receives a request for access. A parent or eligible student should submit to the School Principal/Director a written request that identifies the record(s) the parent or eligible student wishes to inspect. The School will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request an amendment of the student's education records that the parent or eligible student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

   Parents or eligible students who wish to ask the School to amend a record should write the School Principal/Director, clearly identify the part of the record they want changed, and specify why it should be changed.

   If the School decides not to amend the record as requested, the School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the School discloses personally identifiable information ("PII") from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

   One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official typically includes a person employed by the School in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the School's board of directors; contractors, consultants, volunteers, and other outside parties to whom the School has outsourced institutional services or functions that the School would otherwise use its own employees to perform and who is under the direct control of the School and subject to the same conditions governing the use and redisclosure of education records that apply to other school officials, such as an attorney, auditor, therapist, medical consultant, or education service provider; or a parent, student, or other School volunteer assisting another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the school official needs to review an education record in order to fulfill his or her professional responsibilities for the School.

Upon request, the School may also disclose education records without a parent or eligible student's prior written consent to officials of another school in which a student seeks or intends to enroll, or is already enrolled, if the disclosure is for purposes of the student's enrollment or transfer.

Please refer to the list on the following page for a summary of disclosures schools may make without receiving prior written consent from a parent or eligible student.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

   Family Policy Compliance Office
   U.S. Department of Education
   400 Maryland Avenue, SW
   Washington, DC 20202

<u>Disclosures Schools May Make Without Prior Written Consent</u>

FERPA permits the disclosure of PII from students' education records without consent of the parent or eligible student if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. A school may disclose PII from the education records of a student without obtaining prior written consent from a parent or eligible student as follows:

- To other school officials, including teachers, within the school whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(*1*)-(a)(1)(i)(B)(*3*) are met. (§ 99.31(a)(1))

- To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled, if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))

- To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State Education Agency (SEA) in the parent or eligible student's State. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§ 99.31(a)(3) and 99.35)

- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))

- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§ 99.31(a)(6))

- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))

- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))

- To comply with a judicial order or lawfully issued subpoena if applicable requirements are met. (§ 99.31(a)(9))

- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))

- Information the school has designated as "directory information" if applicable requirements under § 99.37 are met. (§ 99.31(a)(11))

- To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student's case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement. (20 U.S.C. § 1232g(b)(1)(L))

- To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions. (20 U.S.C. § 1232g(b)(1)(K))

NDPA FERPA Notification of Rights
Last Updated: 10-11-21

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North Davis Preparatory Academy
Family Educational Rights & Privacy Act Policy

PURPOSE

The purpose of this policy is to encourage positive parental involvement in the education of children attending North Davis Preparatory Academy (the "School") by allowing parents access to their student(s) education records and to protect the privacy of student and family information that is protected by law.

POLICY

The School shall comply with State and federal laws concerning student and family educational rights and privacy, including but not limited to the federal Family Educational Rights and Privacy Act (FERPA), the Individual with Disabilities Education Act (IDEA), the Protection of Pupil Rights Amendment (PPRA), and Utah Code § 53E-9-201 *et seq*.

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

NDPA FERPA Policy
REVISION B
Board Approval Date: 12-04-24

Family Education Rights & Privacy Act
Administrative Procedures

These procedures are established pursuant to the Board's Family Educational Rights and Privacy Act Policy

Activities Prohibited without Prior Written Consent

Prior Written Consent Requirement

Any School employee or agent who plans to administer to a student in any grade any psychological or psychiatric examination, test, or treatment, or any survey, analysis or evaluation that has the purpose or evident intended effect of causing the student to reveal information, whether the information is personally identifiable or not, concerning the student's or any family member's:

(a) political affiliations or, except as provided under Utah Code § 53G-10-202 or rules of the Utah State Board of Education, political philosophies;
(b) mental or psychological problems;
(c) sexual behavior, orientation, gender identity, or attitudes;
(d) illegal, anti-social, self-incriminating, or demeaning behavior;
(e) critical appraisals of individuals with whom the student or family member has close family relationships;
(f) religious affiliations or beliefs;
(g) legally recognized privileged and analogous relationships, such as those with lawyers, medical personnel, or ministers; or
(h) income, except as required by law;

shall obtain prior written consent from the student's parent or guardian at least two (2) weeks before the test/treatment/survey/analysis/evaluation is administered or the information listed above is sought, unless the employee or agent must seek this type of private information due to an emergency, or unless a student spontaneously discloses the information.

The prohibitions above also apply within the curriculum and other School activities.

If the School chooses to administer any of the surveys listed below, the School shall, on an annual basis, obtain prior written consent for the survey(s) from students' parents or guardians at the time students register with the School:

(a) surveys related to an early warning system described in Utah Code § 53F-4-207;
(b) surveys that include social emotional learning questions; and
(c) the school climate survey described in Utah Code § 53G-8-802.

Parental Notice and Consent Checklist

For a consent from a student's parent or guardian to be valid, the consent must be in writing and signed. In addition, prior to the written consent being signed by a parent or guardian, a written notice shall be given to the parent or guardian that includes:

(a) notice that the parent has a reasonable opportunity to obtain written information concerning:
  (i) relationships and other information that may be examined or requested in the test, treatment, survey, analysis, or evaluation to be administered;
  (ii) how the test, treatment, survey, analysis, or evaluation will be administered;
  (iii) why (*i.e.*, the purpose) the test, treatment, survey, analysis, or evaluation is needed; and
  (iv) who will have access to the information gathered from the test, treatment, survey, analysis, or evaluation to be administered;

(b) if it is a survey that is to be administered, notice:
  (i) that a copy of the survey is available at the School and online (a link to the survey shall be included in the notice);
  (ii) of the intended purpose and use of the data collected through the survey;
  (iii) of the types of persons or governmental entities that share the data collected from the survey (including a list of recipients who will receive the student-level data), or receive the data collected from the survey from a governmental entity on a regular or contract basis; and
  (iv) of the record series as defined in Utah Code § 63G-2-103 in which the data is or will be included, if applicable.

A general consent used to approve admission to School or involvement in special education, remedial education, or a School activity does not constitute written consent for these purposes.

Duration of Parental Authorization

Unless otherwise agreed to by a student's parent or guardian and the person requesting written consent, the authorization is valid only for the activity for which it was granted. However, a written withdrawal of authorization submitted to the School Principal/Director by the authorizing parent or guardian terminates the authorization.

Waiver of Parental Notice Period

A parent or guardian may waive the 2-week notice period by signing and returning a written waiver to the School.

Well-Being of a Student

If a School employee or agent believes that a situation exists that presents a serious threat to the well-being of a student, that employee or agent shall notify the student's parent or guardian without delay. If, however, the matter has been reported to the Division of Child and Family Services

(DCFS), it is the responsibility of DCFS to notify the student's parent or guardian of any possible investigation, prior to the student's return home from School.

Risk of Suicide

If a School employee, agent, or School resource officer (if any) believes a student is at risk of attempting suicide, physical self-harm, or harming others, the School employee, agent, or School resource officer may intervene and ask a student questions regarding the student's suicidal thoughts, physically self-harming behavior, or thoughts of harming others for the purposes of:

(a) referring the student to appropriate prevention services; and
(b) informing the student's parent or guardian.

Student Education Records Management

Inspecting and Reviewing Education Records

Parents or guardians have the right to inspect and review their student's education records, subject to certain exceptions. If the education records of a student contain information on more than one student, the parent or guardian may inspect and review or be informed of only the specific information about their student.

- The School will grant a request by a parent or guardian for access to the education records of their child within a reasonable period of time, but in no case more than forty-five (45) days after the request has been received by the School.

Amending Education Records

Parents or guardians have the right to challenge and request the School to amend any portion of their student's education record that they believe is inaccurate, misleading, or in violation of the privacy rights of the student.

- The School shall consider the request and decide whether to amend the records within a reasonable amount of time. If the Principal/Director decides not to amend the record as requested, the Principal/Director shall inform the parent or guardian of the decision and of their right to a hearing.
- Upon request of a parent or guardian, the School shall provide an opportunity for a hearing to challenge the content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy rights of the student.
- Such hearing shall be informal and shall be conducted by an individual who does not have a direct interest in the outcome of the hearing.
- If, as result of the hearing, the School decides that the challenged information is inaccurate, misleading, or in violation of the privacy rights of the student, the record should be amended accordingly and the parent or guardian informed in writing.

- If, as result of the hearing, the School decides that the challenged information is not inaccurate, misleading, or in violation of the privacy rights of the student, it shall inform the parent or guardian of their right to place a statement in the record, commenting on the challenged information in the record or stating why they disagree with the decision. Any such document must remain with the contested part of the record for as long as the record is maintained, and shall be disclosed whenever the portion of the record to which the statement relates is disclosed.

Disclosing Education Records

The School shall not disclose personally identifiable information from a student's education records without first obtaining parental consent, except as provided by law. Such exceptions under FERPA include, but are not limited to, disclosures:

- To School officials within the School who have legitimate educational interests;
- To a contractor, consultant, volunteer or other party to whom the School has outsourced a service or function provided that the outside party::
  - o Performs an institutional service or function for which the School would otherwise use employees;
  - o Is under the direct control of the School with respect to the use and maintenance of education records; and
  - o Is subject to the requirements of 34 CFR § 99.33(a) governing the use and redisclosure of personal identifiable information from education records.
- To an authorized caseworker or other representative of the Department of Health and Human Services, but only as described in Utah Code § 53E-9-308(3);
- To other schools that have requested the records and in which the student seeks or intends to enroll, or where the student is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer;
- In response to valid court orders or subpoenas;
- To appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals;
- To officials in the juvenile justice system as permitted by law;
- To the Comptroller General of the United States, the Attorney General of the United States, the Secretary, or State and local educational authorities in connection with an audit and evaluation of federally or state supported education programs, or for the enforcement of, or compliance with, federal legal requirements relating to those programs;
- To the applicable entities/agencies within the Department of Homeland Security for foreign students attending the School under a visa; or
- To the Attorney General of the United States in response to an *ex parte* order in connection with the investigation or prosecution of terrorism crimes.

The School may disclose a student's directory information without parental consent for appropriate reasons if it has given the parent or guardian proper annual notice of their right to request that their student's directory information not be released by the School and the parent or guardian has not notified the School that they do not want the student's directory information to be released.

- The following information relating to students may be declared directory information from time to time:

  (a) name, address, e-mail address, and telephone number;
  (b) date and place of birth;
  (c) major field of study;
  (d) participation in officially recognized activities and sports;
  (e) weight and height of members of athletic teams;
  (f) dates of attendance;
  (g) degrees, honors, and awards received;
  (h) most recent previous education agency or institution attended;
  (i) photograph;
  (j) grade level; and
  (k) parent names and contact information.

- The School shall not release directory information to any individual or organization for commercial use.

Parent or Guardian Right to Access Education Records

The School shall give full rights to student education records to either parent or guardian, unless the School has been provided with evidence that there is a court order or other legally binding instrument relating to matters such as divorce, separation, or custody that specifically revokes or limits these rights.

Confidentiality of Student Information

The School and all employees, volunteers, third party contractors, or other agents of the School shall protect the privacy of the student and the student's family through compliance with the protections established under state and federal law, including FERPA and the student privacy and data protection statutes in Title 53E, Chapter 9 of the Utah Code.

Access to confidential student information will be limited to individuals with a legitimate educational interest in the data. The Principal/Director will determine which individuals have a legitimate educational interest in having access to particular data. In general, this will include the Principal/Director, other administrative personnel such as an assistant administrator or counselor, members of the School's front office staff, members of the School's special education staff (in accordance with special education regulations regarding school records), teachers (typically for students in their classes, but sometimes other students as well), and third parties with which the School has contracted to perform special tasks for the School. The School will ensure that all individuals who have access to student information will understand how, where, and when they can access this data and will commit to fulfill their obligations to protect the confidentiality of the information.

Data Collection and Storage Procedures

The School will ensure that its school enrollment verification data, student performance data, and personally identifiable student information are collected, maintained, and transmitted in a secure manner and consistent with sound data collection and storage procedures.

Physical Protection
Any physical documents containing confidential student information will be stored in a secured, locked location. Access to the storage location will be determined by the Principal/Director.

Technological Protection
The School will ensure that appropriate technological protections are in place, as described below, whenever the School gathers, transmits, or stores confidential information electronically.

The School currently uses Aspire as its Student Information System. This is the primary location in which the School will store electronic data. This program provides a secure location for the maintenance and transmission of confidential student information. The School also uses the Aspire online registration system for the registration and enrollment of all new and returning students entering the School. In the event the School decides to use a Student Information System other than Aspire, the School will ensure that the system is approved by USBE and is adequately secure.

All confidential student information that is stored electronically will be in a location that is password protected. Such data will not be stored on local device drives or on removable data storage media.

The School will ensure that its network, including servers and wireless access components, employs industry standard security measures.

School personnel will not share log in information for any system in which confidential student information is stored unless authorized by the Principal/Director.

Confidential student information will only be transmitted through secure means such as MoveIt and, where practical, will not be transmitted via e-mail in an unencrypted format.

Personnel Responsibilities
School personnel are responsible for entering student data into the School's Student Information System. This includes information obtained through the Aspire online registration system and other data gathered throughout the course of the school year. School personnel also manage the maintenance and reporting of records and data required by governmental entities.

Third Party Access to Confidential Information

The School's Educational Services Provider, Academica West, will have access to the personally identifiable student data and school enrollment verification data collected and maintained by the School in connection with legitimate educational purposes of the School.

Data Breach

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The School will notify the parent or guardian of a student if there is a release of the student's personally identifiable student data due to a security breach. The School will also notify the State Superintendent of significant data breaches of student data as required in R277-487.

Training

On an annual basis, the School shall provide appropriate student data privacy training to its employees, aides, and volunteers who are authorized by the School to have access to education records as defined in FERPA. The training shall cover federal and state student data privacy laws and rules. The School shall ensure that its authorized employees sign a statement certifying that they have completed the training and understand student privacy requirements. The School shall create and maintain a list of the authorized employees and provide it to the Board of Directors as required in Utah Code § 53E-9-204.

The School shall also provide its employees with appropriate training on IT security matters.

Where required by R277-487, educators at the School shall also complete the student data security and privacy training for educators developed by the State Superintendent as a condition of re-licensure.

NDPA Administrative Policy
FERPA Procedures
Last Updated: 12-13-24

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North Davis Preparatory Academy
Fee Waiver Policy

PURPOSE

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

POLICY

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

Definitions

"Common education expense"

(a) means an expense the School incurs that is related to the delivery of instruction for all courses, unrelated to a specific course, program, or activity; and
(b) includes the employment of educators and staff, the provision of capital facilities, and operation and maintenance costs.

"Course" or "class"

(a) means an activity, a course, or a program that the School:
  (i) intends to deliver instruction;
  (ii) provides, sponsors, or supports; and
  (iii) conducts primarily during school hours.
(b) includes a course in which a student is required to enroll as a condition of participation in a separate extracurricular activity.

"Discretionary project" means a project that a student completes in lieu of or in addition to a required classroom project in accordance with Section 53G-7-503.

"Extracurricular activity"

(a) means an activity or a program that:
  (i) is not a course; and
  (ii) the School provides, sponsors, or supports.
(b) does not include a noncurricular club as defined in Section 53G-7-701.

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

(a) regardless of how the School terms, describes, requests, or requires the charge, expense, deposit, rental, or payment, directly or indirectly;

(b) in the form of money, goods, or services; and
(c) that is a condition to a student's full participation in or admission to an activity, course, or program that the School provides, sponsors, or supports.

"Fee" includes:
(a) payments to a third party that provides a part of a School activity, class, or program; and
(b) a fine other than a fine described below.

"Fee" does not include:
(a) a student fine that the School approves for:
  (i) failing to return School property;
  (ii) losing, wasting, or damaging private or School property through intentional, careless, or irresponsible behavior, including defacing or damaging School property as described in Utah Code 53G-8-212; or
  (iii) improper use of School property, including a parking violation;
(b) a payment for School breakfast or lunch;
(c) a deposit that:
  (i) is a pledge securing the return of School property; and
  (ii) the School refunds upon the return of School property;
(d) a charge for insurance, unless the insurance is required for a student to participate in an activity, course, or program; or
(e) money or another item of monetary value that a student or the student's family raises through fundraising.

"Fee course" means a course that is not a non-fee course.

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

"Instructional supply"
(a) means a non-reusable or a consumable material or supply that is necessary to use, expend, or deplete as a component or element of an activity, course, or program in a secondary school.
(b) does not include a personal student supply for a secondary student.

"Non-fee course" means a course that results in course credit or a course grade within the core standards the USBE establishes under Section 53E-4-202 and other statutory requirements for:
(a) English language arts;
(b) health education;
(c) mathematics;

(d) science; and
(e) social studies

"Non-waivable charge" means a cost, payment, or expenditure that:
(a) is a personal discretionary charge or purchase, including:
(i) a charge for insurance, unless the insurance is required for a student to participate in an activity, class, or program;
(ii) a charge for college credit:
(A) from an institution of higher education; or
(B) for post-secondary related courses; or
(iii) except when requested or required by the School, a charge for a personal consumable item such as a yearbook, class ring, letterman jacket or sweater, or other similar item;
(b) is subject to sales tax as described in Utah State Tax Commission Publication 35, Sales Tax Information for Public and Private Elementary and Secondary Schools; or
(c) by Utah Code, federal law, or State Board of Education rule is designated not to be a fee, including:
(i) a school uniform as provided in Utah Code § 53G-7-801;
(ii) a school lunch; or
(iii) a charge for a replacement for damaged or lost School equipment or supplies.

"Personal student supply"
(a) means, for a secondary student, an object, tool, material, or supply that:
(i) is the personal property of the student;
(ii) regardless of the use of the supply in the instructional process, individuals not enrolled in the course or activity also commonly purchase and use; and
(iii)has a high probability of regular use in activities other than School-sponsored activities.
(b) includes pencils, papers, notebooks, crayons, scissors, and basic clothing.

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

"Provision in lieu of fee"

(a) means an alternative to fee payment; and

(b) may include a plan under which fees are paid in installments or under some other delayed payment arrangement or a service in lieu of fee payment agreement.

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

(a) fully participate in school or in a School activity, class, or program;

(b) successfully complete a School class for the highest grade; or

(c) avoid a direct or indirect limitation on full participation in a School activity, class, or program, including limitations created by:

(i) peer pressure, shaming, stigmatizing, bullying, or the like; or

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

"School activity clothing" means special shoes or items of clothing that:

(a) meet specific requirements, including requesting a specific brand, fabric, or imprint;

(b) the School requires a student to provide and to wear for an activity-, course-, or program-related activity; and

(c) that the student rents while participating in the activity, or become the property of the student upon exiting the activity, course, or program.

"School activity clothing" does not include:

(a) a school uniform; or

(b) clothing that is commonly found in students' homes.

"School equipment" means a machine, equipment, facility, or tool that:

(a) is durable;

(b) is reusable;

(c) a secondary school owns; and

(d) a student uses as part of an activity, course, or program in a secondary school.

"Something of monetary value"

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

(b) includes:

(i) charges or expenditures for a School field trip or activity trip, including related transportation, food, lodging, and admission charges;

(ii) payments made to a third party that provide a part of a School activity, class, or program;

(iii) classroom textbooks, supplies or materials;

(iv) charges or expenditures for school activity clothing; and

(v) a fine, except for a student fine specifically approved the School for:

(A) failing to return School property;

(B) losing, wasting, or damaging private or School property through intentional, careless, or irresponsible behavior; or
(C) improper use of School property, including a parking violation.
(c) does not include a payment or charge for damages, which may reasonably be attributed to normal wear and tear.

"Textbook"
(a) means instructional material necessary for participation in an activity, course, or program, regardless of the format of the material;
(b) includes:
(i) a hardcopy book or printed pages of instructional material, including a consumable workbook; or
(ii) computer hardware, software, or digital content; and
(c) does not include School equipment, instructional equipment, or instructional supplies.

"Waiver" means a full release from:
(a) a requirement to pay a fee; and
(b) any provision in lieu of fee payment.

General School Fees Provisions

The School may only charge a fee for an activity, class, or program provided, sponsored, or supported by the School that is noticed and authorized by School policies and state law.

If the School imposes a fee:
(a) the fee shall be directly related to the expense incurred by the School in providing for a student the activity, course, or program for which the School imposes a fee;
(b) the fee shall be equal to or less than the expense described immediately above; and
(c) the School may not impose an additional fee or increase a fee to supplant or subsidize another fee that the School is prohibited from charging, including the normal expense of delivering instruction in a course.
The School may not sell textbooks or otherwise charge a fee for textbooks, except for a textbook used for a concurrent enrollment, International Baccalaureate, or Advanced Placement course.

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

The School shall not charge a fee that is general in nature and for a service or good that does not have a direct benefit to the student paying the fee. In addition, the School may not charge a fee for a common education expense.

Beginning for the 2026-2027 school year, the School shall, with respect to awarding secondary students credit toward graduation, ensure that it has at least one option for each graduation requirement that:
(a) fulfills the graduation requirement; and
(b) does not require the payment or waiver of any fee.

However, the restriction above does not apply to the School if the School only offers one of the following for a given graduation requirement:

(a) an Advanced Placement course;
(b) an International Baccalaureate course; or
(c) a concurrent enrollment course, as described in Section 53E-10-302.

Fees for Classes & Activities During the Regular School Day

Fees for Students in Kindergarten through Sixth Grade

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

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

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

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

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

Fees for Students in Seventh through Ninth Grade

Fees may be charged in grades 7-9 in connection with an activity, class, or program provided, sponsored, or supported by the School that takes place during the regular school day if the fee is noticed and approved as provided in R277-407 and is allowed to be charged by state law. All such fees are subject to waiver. In addition, if an established or approved class requires payment of fees or purchase of items in order for students to fully participate and to have the opportunity to acquire skills and knowledge required for full credit and highest grades, the fees or costs for the class are subject to waiver.

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

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

The School may charge students in grades 7-9 a fee for:

(a) relating to a non-fee course or a fee course, for:
  (i) instructional equipment;
  (ii) a School field trip or activity trip or performance, including related transportation, food, lodging, and admission charges or participation fees;
  (iii) School activity clothing;
  (iv) a discretionary project as described herein; or
  (v) a competency remediation program in accordance with Section 53G-9-803;

(b) an expense related to a course, activity, or program that is a fee course, including:
  (i) instructional supplies;
  (ii) the life-cycle replacement costs for School equipment directed related to the fee course;
  (iii) a music instrument rental;
  (iv) licensing fees for fine arts intellectual property; or
  (v) participating in a driver education course described in Section 53G-10-503;

(c) an expense related to the following post-secondary-related courses, including tuition, college credit, an exam, or a textbook:
  (i) an Advanced Placement course;
  (ii) an International Baccalaureate course; or
  (iii) a concurrent enrollment course, as described in Section 53E-10-302.

If the School charges fees for a fee course or a non-fee course, such fees are limited to those described above.

Fees for Optional Projects

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

Fees for Activities Outside of the Regular School Day

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

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

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

Fees for Extracurricular Activities

The School may charge students in grades 7-9 fees for an extracurricular activity. The School may also charge students in grades K-6 fees for an extracurricular activity if it takes place outside of the regular school day and meets the other requirements described above. A fee for an extracurricular activity for students in grades 7-9 may include the life-cycle replacement costs for School equipment directly related to the extracurricular activity.

A fee related to an extracurricular activity may not exceed the maximum fee amounts for the extracurricular activity adopted by the Board, as provided below.

Other Miscellaneous Fees

Fees for Adult Education

The School may charge students in grades 7-9 fees for an adult education course in accordance with Section 53E-10-202.

Fees for Remediation Programs
The School may charge students in grades 7-9 fees to participate in the School's remediation programs.

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

Fees for Charter School Application Processing

The School may charge students in grades 7-9 a fee for charter school application processing in accordance with Section 53G-6-503.

Fee Schedule

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

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

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

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

Maximum Fee Amounts

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

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

Notice to Parents

The Principal will annually provide written notice of the School's Fee Schedule and Fee Waiver Policy to the parent or guardian of each student in the School by ensuring that a written copy of the School's Fee Schedule and Fee Waiver Policy is included with all registration materials provided to potential or continuing students each year. The Fee Schedule shall clearly identify any fee for each activity, course, or program alongside the description of the activity, course, or program.

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

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

Donations

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

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

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

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

Fee Collection

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

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

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

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

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

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

Budgeting and Spending Revenue Collected Through Fees

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

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

School Fee Collections & Accounting Procedures

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

Fees must be received and deposited in a timely manner.

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

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

Fee Waiver Provisions

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

All fees are subject to waiver.

Non-waivable charges are not subject to waiver.

Fee Waiver Administration

The Principal will administer this policy and will review and grant fee waiver requests or designate another staff member to do so. The process for obtaining waivers or pursuing alternatives will be administered in accordance with this policy, fairly, objectively, and without delay, and in a manner that avoids stigma, embarrassment, undue attention, and unreasonable burdens on students and parents.

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

The process for obtaining waivers or pursuing alternatives will comply with the privacy requirements of The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g

(FERPA).The School may not identify a student on fee waiver to students, staff members, or other persons who do not need to know. As a general rule, teachers and coaches do not need to know which students receive fee waivers. Students may not assist in the fee waiver approval process.

Fee Waiver Eligibility

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

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

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

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

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

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

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

Fee Waiver Approval Process

The School will inform patrons of the process for obtaining waivers and will provide a copy of the standard fee waiver application on the School's website.

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

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

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

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

Appeal Process

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

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

Alternatives to Fees and Fee Waivers

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

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

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

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

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

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

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

Annual Review, Approval, and Training

The Board will review and approve this policy annually.

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

NDPA Fee Waiver Policy
REVISION H
Board Approval Date: 3-25-26

North Davis Preparatory Academy
Financial Reporting, Debt & Risk Management Plan Policy

North Davis Preparatory Academy (the "School") practices sound financial reporting in accordance with state and federal law and applicable accounting standards.

Additionally, the Board of Directors and administration of the School shall manage the financial affairs of the School based on the following principles: (1) comply with all applicable laws and bond covenants; (2) provide the best educational services to the students of the School consistent with the School's charter; and (3) get the most effective and cost efficient services possible in all areas at the School.

Financial

Financial Reporting

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

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

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

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

General Financial Management

The Board understands that the School is a steward over the financial resources and assets entrusted to it by the state of Utah. The Board recognizes the need to abide by all applicable laws and regulations, including the following acknowledgements: (i) fiscal procedures will be consistent with generally accepted financial management standards; and (ii) neither the chartering entity nor the state, including an agency of the state, is liable for the debts or financial obligations of the School or persons or entities who operate the School, unless agreed to in writing with the School.

The School adheres to Generally Accepted Accounting Principles as constituted by the Financial Accounting Standards Board. The School also complies with all applicable areas of the Utah Money Management Act. Cash collected at the School is handled properly, as set forth in the School's Cash Handling Policy.

In accordance with state law, the School, prior to June 30th of the each fiscal year, prepares an annual operating budget for the next fiscal year. The budget is designed so that the School priorities, as established by the Board, are met. All budgets and budget amendments are approved by the Board through a vote in a public meeting in accordance with the Utah Open and Public Meetings Act.

Subject to appropriation limits with object codes and other restrictions, the School reserves the right to reallocate funds from one line item in the budget to another if purchasing practices or conservation result in an expenditure different from the budgeted amount. The Board may choose to add undistributed reserves from the School operational budget to the following year and/or may reallocate them to the current fiscal year's budget, at its discretion. The budget and cash flow projections utilized by the School provide sufficient detail to enable reasonably accurate projections of revenues and expenses, separation of capital and operational items, cash flow, and subsequent audit trail documentation.

In addition, the School understands and complies with all applicable fiscal rules and regulations, including completion and submission of an annual financial audit of the current fiscal year conducted by an independent certified public accounting firm by November 30th of the following fiscal year, submission of October and December student counts in accordance with state-mandated deadlines, Utah Money Management reports, wages and benefits negotiation reports, Utah Transparency Act reports and updates, October 1st AFR and APR submissions, and any other regular enrollment and financial reports as required by the State Board of Education now or in the future.

Purchases are authorized and carried out in accordance with the Purchasing and Disbursement Policy and the Procurement Policy adopted by the Board and the Utah Procurement Code.

The School tracks fixed assets in accordance with the Capitalization and Expense Policy and other applicable requirements.

All fiscal policies and procedures comply with the School's Conflict of Interest Policy.

The School assigns a representative, which may be a representative of the School's management company, to attend school finance and statistics training and all required finance training. The School will continue to take the measures necessary so that its representatives attend future trainings as announced or provided to ensure accounting and management of the School resources are in compliance with any revisions to applicable rules and statutes.

Minimum Reserve and Coverage Levels

The School will maintain minimum reserve and coverage levels that the Board determines are consistent with long-term financial health. The Board Financial Coordinator, administration, management company and accounting staff will regularly monitor the status of reserve and coverage ratios and report that information to the Board.

The School will ensure that it satisfies minimum reserve and coverage levels as required by law or applicable bond covenants.

The School will take reserve and coverage levels into consideration when making budgeting, financial planning, and other financial decisions, including decisions regarding major purchases.

Financial Forecasting and Budgeting

Throughout the fiscal year, the Board Financial Coordinator, administration, management company and accounting staff will meet regularly to discuss the budget, the School financial status, and any changes. The Board will be fully engaged in the budgetary process and informed of such issues on a regular basis.

The Board Financial Coordinator, administrator, management company and accounting staff will meet to prepare a tentative budget. The School's budgeting philosophy will be to conservatively project both revenues and expenses while achieving the level of accuracy required by state standards. The tentative budget will be circulated to the Board for further review and discussion. The tentative budget will be scheduled for discussion on a board meeting agenda, further discussed, and adopted at the annual board meeting.

As the October 1 count is finalized, and as the School receives new revenues, the Board will be updated on new figures. In order to account for these changes, the Board will approve revisions and amendments to the budget over the course of the fiscal year, as needed and appropriate.

Debt

The School will seek to avoid debt to the extent possible. The School's plan is to only assume debt as absolutely necessary or when the benefits of a purchase will, in the judgment of the Board, benefit the School's students for the life of such debt. The Board recognizes that the ability to take on debt will be governed by the covenants of existing indebtedness and pending indebtedness. The School's accounting staff, administration and Board Financial Coordinator will be informed of the requirements affecting the School ability to incur debt. Any debt assumed by the School will therefore comply with applicable laws and any existing bond covenants.

As economical or in its best interests, the School will seek refunding opportunities to either lower its debt profile, meet bond covenants or other advantageous benefits realized through a restructure of its debt.

Academy will ensure that it satisfies the debt service coverage levels as required by law or applicable bond covenants. The general goal of the Academy is to maintain 1.10x debt service coverage.

Risk Management

As a nonprofit corporation and public school, the School shall actively seek to avoid unnecessary risks to the greatest extent possible. The School shall always maintain insurance at the highest amount that is either (a) required by law, (b) required by existing bond covenants, (c) is reasonable and customary for a Utah charter school, or (d) is considered prudent by the Board after consulting with qualified professionals. In the event any material risk is identified by the School's Board or administration that is not covered by existing insurance, a qualified professional shall promptly be engaged to evaluate such risk and recommend the appropriate action.

The Board will work with qualified professionals to recognize and avoid risks associated with its governance of the School. In particular, the Board will be cognizant of financial risks that are addressed by the provisions above, compliance with applicable laws, including but not limited to the Utah Open and Public Meetings Act and the Government Records Access and Management Act. The Board will periodically review the policies that it has adopted to ensure that it has all necessary policies in place and that the policies that have been adopted comply with current law, adequately address issues at which they are aimed, and cover all areas requiring board guidance. The Board may periodically request that the administration provide assurance that Board policies are being complied with. In the event the Board learns that policies are not being complied with, it will request the administration to create a plan to remedy any deficiencies and establish procedures to ensure that the policies are complied with in the future.

The administration is also directed to work with qualified professionals, including the School's management company and loss control representatives of the School insurer, to recognize, manage and avoid risks associated with the operation of the School. In particular, the administration will be cognizant of risks associated with human resources activities, student safety and security, facility matters, and state and federal legal compliance, including civil rights issues. The administration will establish procedures in order to address key issues pertaining to the School operations and will ensure that all the School employees and, to the extent necessary, students and parents, are aware of such procedures. The administration will periodically review and revise administrative procedures in order to ensure that they adequately address the pertinent issues and are consistent with the School situation and needs.

NDPA Financial Reporting, Debt & Risk Management Plan Policy
Board Approval Date: 5-07-25

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North Davis Preparatory Academy
Food & Candy Policy

PURPOSE

The purpose of this policy is ensure that NDPA promotes healthy lifestyles and ensures the safely of students with food allergies.

Rewards, Motivation, Incentives

- Candy will not be used as a reward or incentive in the classroom.

Food in Lesson Plans

- Lesson plans involving the use of food will be pre-approved by the principal and adequate notice will be given to parents prior to the activity.
- The food activity will enhance the learning experience of the students and will be directly related to the unit of study.

Birthdays, Holidays, Other Celebrations

- Student birthdays will be celebrated in the classroom in a way that celebrates the student. Students or parents are not allowed to bring food or favors of any kind to hand out to others.
- Teacher and staff birthdays will be celebrated by the school. No money may be collected in the classroom to buy teachers gifts.
- Other holidays and celebrations, if chosen to be observed, will be celebrated in appropriate ways that will enhance the meaning and understanding of the event for the student.

Students with Allergies

- Students with severe food allergies will be given the opportunity to teach their classmates and teacher about their allergies so all will be aware of the situation and know how to respond should a reaction occur. A list of allergens and procedures to follow in the event of an allergic reaction, along with a picture of the student may be posted in the classroom. Teachers should be cognizant of these situations and plan accordingly, being sensitive to parental input.

NDPA Food & Candy Policy
Board Approval Date: 8-03-05

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North Davis Preparatory Academy Government Records Access Management Act (GRAMA) Policy

POLICY

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

Records Officer

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

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

Records Classification

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

Records shall be classified under the following general categories:

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

Record Access

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

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

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

Fees

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

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

Appeals

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

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

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

Approval of Board Meeting Minutes

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

NDPA GRAMA Policy
REVISION A
Board Approval Date: 10-03-18

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North Davis Preparatory Academy
Home School Student Participation in Statewide Assessments Policy

PURPOSE

The purpose of this policy is to set forth the responsibilities of North Davis Preparatory Academy (the "School") in the event a home school student requests to participate in statewide assessments at the School.

POLICY

A home school student may participate in statewide assessments at the School if each of the following conditions are met:

(1) The student is a Utah resident as defined in Utah Code Ann. § 53A-2-201 and proof of residency has been provided to the School;

(2) The student has satisfied the home schooling requirements of Utah Code Ann. § 53A-11-102 and a copy of the certificate from a local school board excusing the student from attendance at school during the applicable school year has been provided to the School;

(3) The request for the student to participate in statewide assessments at the School is provided to the School at least thirty (30) days prior to the opening of the applicable state assessment window; and

(4) The parent or guardian of the student, or a responsible adult designated by the student's parent or guardian, will remain at the School in a designated area while school personnel administer and proctor the test. The parent or guardian of the student agree that they will not participate in the monitoring or proctoring of the student's statewide assessments at the School.

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

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

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

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

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

NDPA Home School Student Participation in Statewide Assessments Policy
REVISION A
Board Approval Date: 10-07-20

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North Davis Preparatory Academy
Hotline Complaint Policy

PURPOSE

The purpose of this policy is to outline, in accordance with Utah Administrative Code R277-123-7, how North Davis Preparatory Academy (the "School") responds to and resolves Utah State Board of Education ("USBE") public education hotline complaints received as referrals from the USBE Internal Audit Department.

POLICY

After the School receives a hotline complaint, if contact information for the complainant is available, designated School personnel will contact the complainant promptly and document (a) the School personnel that contacted the complainant; (b) the type of contact made (phone, email, etc.); (c) the date of the contact; and (d) the resolution of the concern or action steps to be taken.

The School will make at least two good faith attempts to contact a complainant when contact information is available.

The School will investigate, respond to, and attempt to resolve hotline complaints in accordance with the requirements set forth in R277-123-7 and School policy. If the School determines that a hotline complaint should have been addressed by way of the School's applicable grievance policy, the School may inform the USBE Internal Audit Department. To the extent allowed by R277-123 and applicable law, complainants should not use the hotline to bypass the School's grievance policies.

NDPA Hotline Complaint Policy
Board Approval Date: 10-29-25

Immigration Expense Payment

Administrative Procedures

North Davis Preparatory Academy (the "School") regularly recruits and hires foreign teachers in support of accomplishing the School's educational mission.

The purpose of these procedures is to clarify which expenses associated with the immigration of the School's foreign teachers the School will pay and which expenses the foreign teacher will pay.

J-1 Visa

Paid by the School:

- All costs associated with the initial J-1 visa.
- All costs associated with the 4th & 5th year J-1 visa extension if the foreign teacher pursues the extension at the explicit written request of the School's Director.
- All costs associated with seeking a waiver of the 2-year home residence requirement if the School Director explicitly requests in writing to have the foreign teacher extend his or her stay in the USA by changing their status to another immigration status.

Paid by the Foreign Teacher:

- All costs associated with the 4th & 5th year J-1 visa extension, if the employee, independent of an explicit written request from the School's Director, pursues the extension.
- All costs associated with the initial J-2 visa and any extension thereafter for any family member of the foreign teacher.
- All costs associated with seeking a waiver of the 2-year home residence requirement, if the foreign teacher, independent of an explicit written request from the School's Director, wishes to extend his or her stay in the USA by changing to another temporary work visa with the School as the petitioner.

Q-1 Visa

Paid by the School:

- All costs associated with the initial Q-1 visa petition and any extension thereafter if pursued at the explicit written request of the School's Director.

Paid by the Foreign Teacher:

- All costs associated with the initial Q-1 visa petition and any extension thereafter, if the foreign teacher, independent of an explicit written request from the School's Director, pursues, with the School's assistance, the initial Q-1 visa petition or any extension thereafter.

H-1B Visa
Paid by the School:
- All costs associated with the initial H-1B visa petition and any extension thereafter if pursued at the explicit written request of the School's Director.
- Except as noted below, a foreign teacher may not pay the costs of any H-1B visa petition.

Paid by the Foreign Teacher:
- All costs associated with the initial H-4 visa and any extension thereafter for the foreign teacher's eligible family members.

Permanent Residency (Green Card)
Paid by the School:
- All costs associated with Step 1 of the application process, which is known as the *Application for Permanent Employment Certification* (ETA Form 9089), including any costs associated with an audit. A foreign teacher may not pay any of the costs associated with this Step 1.

Paid by the Foreign Employee:
- All costs associated with Step 2 [*Immigrant Petition for Alien Worker* (Form I-140)] and Step 3 [*Application to Adjust Status* (Form I-485) or *Application for Immigrant Visa* (Form DS-260)] of the application process, unless doing so would result in the School paying to the foreign teacher less than the Prevailing Wage as determined by the U.S. Department of Labor. This includes any costs for the final interview at U.S. Citizenship and Immigration Services or the United States Consulate abroad.
- All costs associated with Step 3 [*Application to Adjust Status* (Form I-485) or *Application for Immigrant Visa* (Form DS-260)] of the application process for the foreign teacher's eligible family members.

Other
Costs referenced above include legal fees, administrative fees, filing fees, expert opinion letters, and recruitment ads.

Other costs the Foreign Teacher would pay:
- Utah teacher license
- The additional filing fee for the Premium Processing Service, including additional legal and administrative fees, if any (for a Q-1, H-1B, and I-140 petitions) when the need for this service is truly optional.
- Professional evaluations of the foreign teacher's foreign credentials.
- Translations of documents in a foreign language to English.
- Any other immigration-related costs not explicitly stated that the School would pay under these procedures.

Exceptions
Notwithstanding the foregoing, if the School Director believes that good cause exists, the School Director has authority to make exceptions to these procedures and to have the School pay all or part of the costs that the foreign teacher would otherwise be obligated to pay under these

procedures. In making such exceptions, the School Director will confirm those exceptions in writing and will use his or her best judgment and endeavor to be reasonable, fair, and consistent.

Process for Foreign Teacher's Payments

In many instances, the foreign teacher will pay directly those costs that are his or her responsibility under these procedures. When the School's outside legal counsel invoices the School for costs referenced above, often it includes costs that the foreign teacher is to pay under the terms of these procedures. In those situations, the School will pay the invoices from School funds.

Unless the foreign teacher makes other arrangements to pay these costs directly, costs advanced by the School that are to be paid by the foreign teacher under these procedures will be reimbursed by the foreign teacher to the School through a deduction from the foreign teacher's paycheck under a payroll deduction authorization form signed by the foreign teacher. The School Director and the foreign teacher will cooperate and coordinate regarding the timing of these payroll deductions to avoid undue financial burden on the foreign teacher, but all costs should be paid by the foreign teacher to the School within 90 days of the date such costs are paid by the School.

NDPA Immigration Expense Payment
ADMIN Procedures
Last Updated: 4-07-20

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North Davis Preparatory Academy
Information Technology Security Policy

PURPOSE

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

POLICY

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

Information Technology Systems Security Plan

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

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

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

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

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Training

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

NDPA Information Technology Security Policy
Board Approval Date: 10-04-17

NORTH DAVIS
PREPARATORY ACADEMY

Administrative
Information Technology Systems Security Plan

1. PURPOSE

The primary purpose of this Information Technology Systems Security Plan is to establish security measures that will help North Davis Preparatory Academy (the "School") protect sensitive data that is stored or maintained on its computer equipment, systems, and networks. The School is required to establish this Plan pursuant to Utah Administrative Code Rule R277-487 and the School's Information Technology Security Policy.

2. SCOPE AND APPLICABILITY

This Plan is applicable to employees, volunteers, and third-party contractors of the School. The School will use this Plan to protect its computer equipment, systems, and networks from, among other things, unauthorized access, inappropriate disclosure, and compromise.

This Plan works in conjunction with the School's Information Technology Security Policy, Student Data Privacy and Security Policy, Family Educational Rights and Privacy Policy and Administrative Procedures, Data Governance Plan, and policies and procedures pertaining to the School's electronic resources and devices.

This Plan contains security measures related to the following:

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

3. ROLES AND RESPONSIBILITIES

The School's contracted IT provider functions as the School's IT Security Manager and will help the School implement this Plan and comply with it. The responsibilities of the IT Security Manager set forth in this Plan supplement the responsibilities of the IT Security Manager outlined in the School's Data Governance Plan, which include the following:

1. Overseeing IT security at the School;
2. Helping the School to comply with IT security laws applicable to the School;
3. Providing training and support to School employees on IT security matters;
4. Investigating complaints of alleged violations of the School's IT security policies, procedures, or plans;
5. Investigating alleged security breaches of the School's IT systems; and
6. Reporting periodically to the School's Board of Directors on the security of the School's IT systems.

Please refer to the School's Data Governance Plan to review the data privacy and security roles and responsibilities of the School's Student Data Manager, employees, educators, volunteers, and third-party contractors.

4. COMPLIANCE

School employees, volunteers, and third-party contractors must comply with this Plan. Failure to comply shall result in consequences for the person or entity up to and including removal of access to the School's computer equipment, systems, and networks. If such access is required for employment or contracted services, employees and third-party contractors may be subject to dismissal.

5. REPORTING

All persons who are granted access to the School's computer equipment, systems, and networks are expected to be careful and aware of suspicious communications and unauthorized use of the School's IT assets. When School personnel or other users become aware of suspicious activity, they shall immediately contact the Student Data Manager or IT Security Manager with the relevant information.

6. SYSTEM ADMINISTRATION

System administration is a critical function that provides management of the School's information systems that contain sensitive data, including personally identifiable student data. If malicious actors compromise system administration, they have access to the School's sensitive data and information systems.

The School's information systems will be administered by the IT Security Manager. The IT Security Manager will use a combination of preventative, detective, forensic, and audit controls to protect system administration channels from exploitation by attackers.

7. NETWORK SECURITY

It is essential for the School to protect its network from both internal and external malicious actors. The School recognizes that appropriate network security procedures are necessary for identifying, evaluating, controlling, and mitigating network vulnerabilities and for protecting the School's technology assets.

The IT Security Manager will manage the School's network according to industry best practices. In so doing the IT Security Manager will provide a secure and robust computing environment at the School; protect the School's information technology assets and systems; and preserve the privacy of sensitive data belonging to the School's employees, students, and associated entities.

All wireless access networks at the School shall conform to current best practices and shall utilize at minimum WPA encryption for any connections. No wireless access point shall be installed on the School's network that does not conform to current network standards as defined by the IT Security Manager.

The School shall ensure that any remote access with connectivity to the School's internal network is achieved using the School's centralized VPN service that is protected by multiple factor authentication systems.

8. APPLICATION SECURITY

Web application vulnerabilities account for the largest portion of attack vectors outside of malware. To help protect the School from harm, it is essential to perform security assessments of web applications used by the School.

The IT Security Manager shall perform a security assessment of all web applications that are used (or will be used) by the School to house sensitive data. The purpose of the security assessments is to identify potential or realized weaknesses. Any vulnerabilities found in a web application used by the School shall be remediated. If serious vulnerabilities in a web application cannot be remediated, the web application shall be removed.

The IT Security Manager shall determine which web application security assessment tools to use.

9. ENDPOINT, SERVER, AND DEVICE SECURITY

The School understands the importance of preventing, detecting, and remediating attacks and compromises of the School's computers, servers, and other computing devices.

School employees' computers or computing devices shall not be left unattended and unlocked for extended periods of time, especially when logged into sensitive systems or data, including personally identifiable student or employee data. Automatic log off, locks, and password screen savers should be used to enforce this requirement.

The IT Security Manager shall ensure that all servers at the School undergo a security audit and evaluation before they are used by the School. Administrative access to servers shall be password protected. Any and all new servers must be registered and approved by the IT Security Manager. The maintenance and support of all new servers should be managed by the School's IT Security Manager, if possible.

The School shall install, distribute, and maintain spyware, malware, and virus protection software on all School-owned technology assets, including computers, computing devices, and servers.

Server rooms and telecommunication rooms/closets shall be protected by appropriate access control which segregates and restricts access from general office areas at the School. Access control shall be enforced using keys, electronic card readers, or another similar method. Only IT and other School personnel whose job functions require access to such rooms shall be allowed unescorted access.

Before any third-party contractor is allowed access to any computer system, server room, or telecommunication room, the contractor shall be required to present a company issued identification card and his or her access must be confirmed directly by the School employee who issued the service request or by the IT Security Manager.

10. IDENTITY, AUTHENTICATION, AND ACCESS MANAGEMENT

The School shall grant access to its systems and network in accordance with the principles of least privilege and need-to-know. In addition, the School shall require unique identities and authentication in order to access the School's systems and network. This will ensure that users are identifiable and unable to repudiate their activities on the School's systems and network.

Passwords are a critical component of information security and the school shall enforce strong password management. All individual passwords connected to the use of the School's computer equipment, systems, and networks shall:

1. Be created and maintained in accordance with industry best practices;
2. Be maintained in a manner that reduces the threat of unauthorized access to sensitive data;
3. Be treated as confidential information and not be shared with anyone; and
4. Not be inserted into email messages or any other forms of electronic communication.

Any user suspecting that his or her password may have been compromised shall report the incident to the IT Security Manager and change all passwords.

11. DATA PROTECTION AND CRYPTOGRAPHY

One of the most effective ways to achieve data security is through encryption. To read an encrypted file, a person must have access to a secret key or password that enables the person to decrypt it.

Where technologically feasible, the School shall utilize encryption when transmitting sensitive data over the network.

All computers and other computing devices owned by the School, such as desktop computers, laptops, and tablets, that connect to the School's network and that may contain or transmit personally identifiable data must be configured to encrypt such data on any internal hard drive. Users must protect these devices from unauthorized use or access.

Personally identifiable data shall not be stored on external storage media such as external hard drives, flash drives, or DVDs unless such storage is authorized by the Student Data Manager and the personally identifiable data on the external storage media is encrypted. Users must protect these external storage media from unauthorized use or access.

All employees or other users that need assistance or guidance on encrypting sensitive data on any School computer or device described in this section shall contact the IT Security Manager.

12. MONITORING, VULNERABILITY, AND PATCH MANAGEMENT

This area is concerned with minimizing the School's attack surface through the detection and mitigation of vulnerabilities and the early detection of intrusions.

The IT Security Manager shall:

1. Monitor the School's network so that it may detect and investigate security incidents when they occur;
2. Engage in effective vulnerability management and penetration testing in order to detect and remediate vulnerabilities when they occur in the School's computer equipment, systems, and applications; and
3. Perform regular patch management in order to maintain the School's information systems in a secure state.

13. HIGH AVAILABILITY, DISASTER RECOVERY, AND PHYSICAL PROTECTION

Procedures related to high availability, disaster recovery, and physical protection are intended to make it possible for the School to continue to operate successfully in the face of adversity, which may range from mild, routine failures of School computers to severe natural or man-made catastrophes.

The School will ensure the availability and recoverability of the School's data and data systems in accordance with industry best practices.

Physical access to the School's data centers shall be governed by the same access requirements applicable to server rooms and telecommunications rooms at the School.

14. INCIDENT RESPONSES

All incidents of network or system shutdown or failure shall be reported to the IT Security Manager immediately. The IT Security Manager shall utilize industry standards and current best practices in responding to and resolving such incidents.

Incidents involving a data breach shall be reported to the Student Data Manager who, along with the IT Security Manager, shall follow the data breach protocol set forth in the School's Data Governance Plan.

15. ACQUISITION AND ASSET MANAGEMENT

The School shall follow its purchasing and procurement policies when purchasing technology equipment.

The School will track, support, and manage all of its acquired technology assets (hardware and software) in a reasonable and effective manner.

16. POLICY, AUDIT, AND E-DISCOVERY TRAINING

The School shall provide training on its policies as required by law. This includes providing training to its employees, aids, and volunteers regarding information technology security matters on an annual basis. The School shall also provide training on audits and e-discovery as required by law.

17. REVIEWS AND AUDITS

The IT Security Manager shall periodically review the School's security policies, procedures, plans. The IT Security Manager shall ensure that security and privacy audits are performed as required by this Plan or by law.

NDPA Information Technology Systems Security Plan
Last Updated: 9-25-17

North Davis Preparatory Academy
Instructional Materials Policy

PURPOSE

The purpose of this policy is to establish the parameters by which North Davis Preparatory Academy (the "School") will select, approve, and purchase instructional materials. The purpose of this policy and accompanying procedures is to also set forth the School's process for reviewing challenges to instructional materials.

DEFINITIONS

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

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

"Objective sensitive material" means an instructional material that constitutes pornographic or indecent material, as that term is defined in Utah Code §76-5c-208, under the non-discretionary standards described in Utah Code § 76-5c-207(1)(a)(i), or (ii), or (iii).

"Subjective sensitive material" means an instructional material that constitutes pornographic or indecent material, as that term is defined in Utah Code §76-5c-208, under the following factor-balancing standards:

(a) material that is harmful to minors under Utah Code §76-5c-101;
(b) material that is pornographic under Utah Code §76-5c-101; or
(c) material that includes certain fondling or other erotic touching under Utah Code §76-5c-207(1)(a)(i)(C)-(D).

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

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

"Stakeholder" for purposes of this policy means:

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

POLICY

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

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

Criteria for Instructional Materials

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

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

Selection and Approval of Instructional Materials by the Principal

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

The Principal shall select and approve instructional materials that meet the criteria set forth in this policy. When considering instructional materials, the Principal may review the USBE's recommended instructional materials (RIMs) , but the Principal is not required to select RIMs if there are other instructional materials available that meet the criteria set forth in this policy.

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

Selection and Approval of Instructional Materials by the Board

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

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

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

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

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

Purchase of Instructional Materials

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

Educator Selection of Additional Supplemental Materials or Resources

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

(a) the educator has reviewed the supplemental materials or resources in their entirety prior to using them in the classroom;
(b) the supplemental materials or resources meet the criteria set forth in this policy; and

(c) the supplemental materials or resources have not previously been prohibited by the Principal or the Board.

Contract Requirements

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

Sensitive Material Review Procedures

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

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

NDPA Instructional Materials Policy
REVISION C
Board Approval Date: 12-03-25

NORTH DAVIS
PREPARATORY ACADEMY

Sensitive Material Review
Administrative Procedures

These procedures are established in accordance with the Instructional Materials Policy adopted by the School's Board of Directors.

SENSITIVE MATERIAL REVIEW PROCESS

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

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

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

Step One – Initial Review

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

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

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

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

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

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

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

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

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

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

Miscellaneous Review Rules

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

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

Communication

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

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

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

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

Appeal

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

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

REMOVING INSTRUCTIONAL MATERIALS THAT CONSTITUTE SENSITIVE MATERIAL

Removing Instructional Material if State Threshold is Met

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

(a) at least three school districts; or
(b) at least two school districts and five charter schools.

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

Removing Instructional Material After Sensitive Material Review

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

Disposal of Instructional Material

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

(a) physically remove the sensitive material from the School;
(b) remove all access by students to the sensitive material;

(c) communicate with the relevant vendors and publishers regarding the School's decision;
(d) legally dispose of the sensitive material; and
(e) not sell or distribute the sensitive material.

NDPA Sensitive Materials Review
ADMIN Procedures
Last Updated: 8-07-24

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Sensitive Material Review Request Form

Information about Instructional Material Requested to be Reviewed:

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

Information about Requestor:

1) Name:
2) Phone:
3) Address:
4) Email:
5) Are you a student of North Davis Preparatory Academy? Yes No
6) Are you a parent of a student of North Davis Preparatory Academy? Yes No
7) Are you an employee of North Davis Preparatory Academy? Yes No
8) Are you a board member of North Davis Preparatory Academy? Yes No

Information about Review Request:

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

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

Requestor's Signature:_________________________________ Date: _________________

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

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Sensitive Material Appeal Request Form

Instructions:

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

Information about Requestor:

1) Name:
2) Phone:
3) Address:
4) Email:
5) Date you received the School's written decision on your sensitive material review request: ________________

6) Are you a student of North Davis Preparatory Academy?	Yes	No
7) Are you a parent of a student of North Davis Preparatory Academy?	Yes	No
8) Are you an employee of North Davis Preparatory Academy?	Yes	No
9) Are you a board member of North Davis Preparatory Academy?	Yes	No

Information about Challenged Instructional Material:

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

Requestor's Signature:____________________________________ Date: __________________

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

North Davis Preparatory Academy
Investment Policy

INTRODUCTION

North Davis Preparatory Academy (the "School") shall invest its cash assets in such a manner as to comply with the requirements of the Section 51-7-1 et seq., Utah Code Ann., State Money Management Act (the "Act").

SCOPE

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

OBJECTIVES

The objectives of this Investment Policy include the following:

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

POLICY

The following shall be the School's investment policies:

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

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

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

D. The Board of Directors shall manage investment activities authorized by the Act in consultation with the School's financial advisor. The Board of Directors shall maintain a system of internal controls so that School funds are protected at all times from loss, theft, and fraud.

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

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

G. Transfers into and out of the School's investment accounts to accomplish the objectives of this policy may be made when approved by both the Principal and the School's management company. Any transfer approved by both the Principal and the School's management company shall be reported to the Board of Directors.

NDPA Investment Policy
REVISION A
Board Approval Date: 2-06-19

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North Davis Preparatory Academy
Language Access Policy

PURPOSE

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

DEFINITIONS

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

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

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

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

POLICY

<u>Language Access Coordinator</u>

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

<u>Notification to Employees</u>

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

<u>Determination of Primary Language</u>

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

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

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Obligation to Provide Language Assistance Services

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

Interpretation Services

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

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

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

Translation Services

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

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

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

Centrally Produced Critical Communications

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

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

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

Student-Specific Critical Documents

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

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

Qualifications of Interpreters and/or Translators

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

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

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COMPLAINTS

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

ANNUAL REVIEW OF POLICY

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

NDPA Language Access Policy
Board Approval Date: 6-15-23

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North Davis Preparatory Academy
LEA-Specific Educator License Policy

PURPOSE

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

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

POLICY

Applying for an LEA-Specific Educator License

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

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

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

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

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

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

Criteria for Employing Educators with an LEA-Specific Educator License

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

1. Vet each candidate and contact references in order to verify that they are a strong candidate. In particular, ensure that the candidate does not have any prior misconduct that would impair their success in teaching.

2. Interview each candidate and verify that they support the School's philosophy of education.

3. Consider the extent to which each candidate has training in the content area and the ability to facilitate student learning in that content area.

4. Consider the extent to which each candidate has experience and the ability to effectively teach courses.

5. Consider whether the LEA-specific educator license is sought in a content area in which there is a shortage of qualified educators in the state.

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

1. Consider whether the educator is a certified teacher in other content areas.

2. Consider whether the number of periods to be taught under the LEA-specific license, license area, or endorsement constitutes a full teaching load.

3. Consider whether the School currently employs or is hiring a teacher who does not have a degree or endorsement in the content area but who can also teach other areas in which they are licensed.

4. Consider whether the educator has demonstrated proficiency in teaching these courses.

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

Educator Preparation and Support

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

(a) educator ethics;

(b) classroom management and instruction;

(c) basic special education law and instruction; and

(d) the Utah Effective Teaching Standards described in R277-530.

Website Posting

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

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

(a) disclosure of the fact that the School employs individuals holding LEA-specific licenses, license areas, or endorsements;

(b) an explanation of the types of licenses issued by the USBE;

(c) the percentage of the types of licenses, license areas, and endorsements held by educators employed in the School based on the employees' FTE as reported to the USBE Superintendent; and

(d) a link to the Utah Educator Look-up Tool provided by the USBE Superintendent in accordance with Subsection R277-312-7(6).

NDPA LEA-Specific Educator License Policy
REVISION A
Board Approval Date: 3-30-22

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NORTH DAVIS
PREPARATORY ACADEMY

Meal Charge

Administrative Procedures

The goal of North Davis Preparatory Academy Charter School is to provide students with healthy delicious meals each day in an effort to establish a foundation for healthy living and learning. Our Food Services Department makes affordable, healthy and nutritious lunches available. It is the responsibility of a student's parents to provide meals either by supplying food from home, by sending money to school so that the school can supply a meal, or by applying for meal assistance through the free and reduced meal program.

In an effort to keep parents informed the following procedures have been put in place.

I. Purpose

North Davis Preparatory Academy participates in the National School Lunch Program ("NSLP") and National School Breakfast Program ("NSBP"). The School provides meals to its students pursuant to these programs and offers free or reduced-price meals to eligible students. Participating students who are not eligible for free or reduced-price meals may receive meals at the School at the normal paid rate.

These procedures address how the School will handle situations where students eligible to receive reduced price or paid rate meals at school do not have money in their account or in hand to pay for the cost of a meal at the time of meal service. These procedures also address, among other things, where families can find assistance with applying for free or reduced-price school meals, notification and collection of unpaid meal charges, and how the School will communicate these procedures to families and School personnel.

II. Information about Free or Reduced-Price Meals

A. Prior to or at the beginning of each school year, the School will provide to the parent or guardian of each student:
   - (i) Information about school meals, including prices for the meals and acceptable methods of paying for the meals; this information is on our School website and available at back to school night.
   - (ii) Information about the NSLP and NSBP, including how students qualify for free or reduced priced meals under the programs; and
   - (iii) An application for free or reduced priced meals under the NSLP and NSBP.

B. The School will provide the information and application as follows:
   - (i) The applications are available to fill out electronically online and a link has been set up on the NDPA website. This is the most efficient way to make sure the application is completed and sent in. Applications may also be

printed from the link on our website. Hard Copies are available at both school sites at the front office and also on the milk coolers, and at back to school night. Applications can also upon request be sent home in an envelope with students. The Director of Nutrition Services LaRetta Foxley is available upon request and with a scheduled time to give assistance in filling out the applications.

(ii) Applications are made available each school year beginning July 1st. Application for free and reduced lunch must be done on an annual school year bases. Assistance and help will be given when requested but it is the responsibility of the Parent or Guardian to apply for the free or reduced benefits.

(iii) Parents or Guardians may apply at any time during the year that they feel they may qualify for the program or that income circumstances have changed.

C. Completed applications should be returned to the School as soon as possible, but completed applications will be accepted by the School throughout the year. Applications will be dated at the time they are received and qualifications are for that date forward. Parents or guardians should contact LaRetta Foxley DNS at (801) 547-1809 or email at **LFoxley@NorthDavisPrep.org** for questions about or assistance with applying for free or reduced priced school meals.

III. Students Unable to Pay for Meals

A. Students who are unable to pay for a meal at the time of meal service, either because they don't have sufficient money in their meal account or on their person, will be allowed to charge the meal to their meal account. A case by case basis will be used to determine if a student with insufficient funds will not be served a meal. Contact with Parent or Guardian will happen and arrangements made to pay negative balance before a meal is ever denied to a student.

B. Students allowed to charge a meal to their meal account under the terms described above will receive a regular reimbursable meal as opposed to an alternate meal.

C. This Section does not apply to students who have qualified for free meals under the NSLP and NSBP, as such students are not required to pay for reimbursable meals at the School. Students with insufficient funds will not be allowed to charge extra meals or ala carte items.

D. This Section also does not apply to the lunches of students who have qualified for reduced price meals under the NSLP. Per Utah Code § 53F-2-423, students who have qualified for reduced price meals under the NSLP are not required to pay for reimbursable lunches at the School.

V. Notifications Regarding Balances; Collection Efforts

A. Parents have access to the students account balances by accessing the ASPIRE account of student. It is the responsibility of the Parent or Guardians to check the students balance and keep sufficient funds in the account. Students are reminded when the account balance has 5 days or less balances as they come through the line.

B. The School will notify parents or guardians of negative meal account balances. When a student's meal account has a negative balance, the School will notify the student's parent or guardian of the negative account balance. When a student's meal account reaches a balance of $0 or lower, the School will notify the student's parent or guardian of the negative low balance by email and phone or text when correct email and phone numbers are provided to the school. When necessary and contact in previously mentioned methods have not been successful notice of the negative account will be sent letters by mail and or in a note to the parent with the student. Information in all notification will be given about the account balance and information about how they can bring the account current.

C. If a Parent or Guardian has needs for a delay in payment it is their responsibility to contact the school and make payment arrangements

D. When a student's meal account reaches a negative balance of at least -$50.00, the School will continue to notify parents or guardians as described above and may also turn the account over to collections.

E. The School may contact parents or guardians of students with delinquent meal accounts to inquire if the household might be eligible for free or reduced-price meal benefits under NSBP and NSLP.

F. LaRetta Foxley at the School is generally responsible for managing meal account balances and balance notifications and can be reached at 801-547-1809 or lfoxley@northdavisprep.org for questions or concerns related to such matters.

G. The School will maintain documentation of the balance notifications and collection efforts described above, as this may be requested as part of federal or state audits.

VI. Communication of Procedures

A. Prior to or at the beginning of each school year, and upon a student transferring to the School during the school year, the School will provide to the parent or guardian of each student a link to the Website where this procedure is available and a Parent or Guardian will be given a hard copy of this procedure.

B. In order to ensure that these procedures are applied consistently and correctly, the School will also annually provide a copy of these procedures to all School personnel who are responsible for or involved in:
   (i) Collecting payment for meals at the time of meal service;
   (ii) Notifying parents or guardians of low or negative meal account balances;

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(iii) Collection efforts for delinquent meal accounts;
(iv) Distributing these procedures and the information described in Section II; and
(v) Enforcing any aspect of these procedures.

C. The School will post these procedures on its website and may also choose to provide additional copies to parents or guardians of students whose meal accounts reach a negative balance.

D. The School will maintain documentation of the communication methods described above, as this may be requested as part of federal or state audits.

E. Students, parents, and the School community were involved in developing these communication procedures.

VII. Review of Procedures

A. The School will review these procedures annually and revise them as it deems necessary.

NDPA Meal Charge
ADMIN Procedures
Last Updated: 10-01-25

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NORTH DAVIS
PREPARATORY ACADEMY

Notice of Nondiscrimination

North Davis Preparatory Academy (the "School") does not discriminate on the basis of race, color, national origin, religion, sex, disability, age, citizenship status, or genetic information in its programs and activities as required by Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Immigration Reform and Control Act of 1986, the Genetic Information Nondiscrimination Act of 2008, and Title II of the Americans with Disabilities Act of 1990. The School also provides equal access to the Boy Scouts and other designated youth groups in accordance with the Boy Scouts of America Equal Access Act.

The following persons at the School have been designated to handle inquiries regarding the School's nondiscrimination policies:

Title IX Coordinator – handles complaints of sex discrimination and sexual harassment
Jessica Bryant, Assistant Principal
1591 W. Hill Field Road
Layton, Utah 84041
801-336-3601
jbryant@northdavisprep.org

Person designated to handle all other complaints of discrimination
Ryan Robinson, Principal
1591 W. Hill Field Road
Layton, Utah 84041
801-336-3601
rrobinson@northdavisprep.org

If an individual believes that he or she, or his or her child, has been discriminated against by the School, that individual may contact the U.S. Department of Education Office for Civil Rights ("OCR"). OCR is a federal agency responsible for enforcing federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from the Department of Education, including public schools. The contact information for OCR's headquarters (in Washington, D.C.) and its Denver Office (the office that serves Utah) is as follows:

U.S. Department of Education Office for Civil Rights Lyndon B. Johnson Department of Education Bldg 400 Maryland Avenue, SW Washington, DC 2020-1100 Telephone: 800-421-3481 Fax: 202-453-6012; TDD: 800-877-8339 Email: OCR@ed.gov	Denver Office Office for Civil Rights U.S. Department of Education Cesar E. Chavez Memorial Building 1244 Speer Boulevard, Suite 310 Denver, CO 80204-3582 Telephone: 303-844-5695 Fax: 303-844-4303; TDD: 800-877-8339 Email: OCR.Denver@ed.gov

NDPA Notice of Nondiscrimination
Last Updated: 5-22-25

NORTH DAVIS
PREPARATORY ACADEMY

Notification of Rights
Under the Protection of Pupil Rights Amendment (PPRA)/Utah FERPA

North Davis Preparatory Academy (the "School") recognizes that the federal Protection of Pupil Rights Amendment (or PPRA) in 20 U.S.C. § 1232h and Utah FERPA in Utah Code § 53E-9-203 affords the parents of each elementary and secondary student certain rights with respect to the administration of surveys, collection and use of information for marketing purposes, and administration of certain physical examinations at school. These rights include, but are not limited to:

- **The right to prior written parental consent*** before a student is required to submit to any psychological or psychiatric examination, test, or treatment, or any survey, analysis, or evaluation in which the purpose or evident intended effect is to cause the student to reveal information concerning one or more of the following protected areas about the student or his/her family member's ("protected information survey"):

  1. Political affiliations or, except as provided under Utah Code § 53G-10-202 or rules of the Utah State Board of Education, political philosophies;
  2. Mental or psychological problems;
  3. Sexual behavior, orientation, or attitudes;
  4. Illegal, anti-social, self-incriminating, or demeaning behavior;
  5. Critical appraisals of individuals with whom the student or family member has close family relationships;
  6. Religious affiliations or beliefs;
  7. Legally recognized privileged and analogous relationships, such as those with lawyers, medical personnel, or ministers; or
  8. Income, except as required by law.

  * *Such prior written parental consent is not required in connection with a protected information survey that is part of a youth suicide prevention program as described in Utah Code § 53G-9-702 or that is administered by the State of Utah; neither is such prior written consent required in circumstances where there is a reasonable belief that there is an emergency, child abuse, neglect, or a serious threat to the well-being of the student.*

- **The right to receive notice and an opportunity to opt a student out of:**

  1. Any protected information survey that is part of a suicide prevention program described in Utah Code § 53G-9-702;
  2. Any protected information survey administered by the State of Utah;
  3. Any non-emergency, invasive physical examination or screening required as a condition of attendance, administered by the School or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical examination or screening permitted or required under Utah law; and

4. Activities involving collection, disclosure, or use of personal information collected from students for marketing or to sell or otherwise distribute the information to others. (This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions.)

- **The right to inspect**, upon request and before administration or use:

1. Protected information surveys of students and surveys created by a third party;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who reaches 18 years old or becomes an emancipated minor under Utah law.

The School has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The School will directly notify parents of these policies at least annually during registration and will also provide notice of the policies within a reasonable period of time after any substantive changes in the polices. The School will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in any of the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. The School will make this notification to parents at the beginning of the school year if the School has identified the specific or approximate dates of the activities or surveys at that time. For any surveys and activities scheduled after the school year starts, parents will be provided at least two weeks' notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Below is a list of the specific activities and surveys covered under this direct notification requirement:

- Collection, disclosure, or use of personal information collected from students for marketing, sales, or other distribution;
- Administration of any protected information survey; or
- Any non-emergency, invasive physical examination or screening as described on the previous page.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

NDPA Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)/Utah FERPA
Last Updated: 10-04-21

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North Davis Preparatory Academy
Paid Parental, Postpartum Recovery, Adoption, & Foster Leave Policy

In accordance with Utah Code § 53G-11-209, the School offers qualified employees paid parental leave, postpartum recovery leave, adoption leave, and foster leave. This policy is effective July 1, 2026.

Definitions

For purposes of this policy:

"Adoption leave" means paid leave hours the School provides to an adoption leave eligible employee.

"Adoption leave eligible employee" means a School employee who:
- (a) receives regular paid personal time off (PTO) benefits from the School; and
- (b) is legally adopting a young child, unless the employee is the spouse of the young child's pre-existing parent.

"Child" means an individual younger than 18 years old.

"Foster leave" means paid leave hours the School provides to a foster leave eligible employee.

"Foster leave eligible employee" means a School employee who:
- (a) receives regular paid personal time off (PTO) benefits from the School; and
- (b) is the foster parent of a child.

"Parental leave" means paid leave hours the School provides to a parental leave eligible employee to bond with a child or incapacitated adult, including a child or incapacitated adult for whom the parental leave eligible employee is appointed the legal guardian.

"Parental leave eligible employee" means a School employee who receives regular paid personal time off (PTO) benefits from the School and is:
- (a) a birth parent as defined in Utah Code § 81-13-101;
- (b) legally adopting a child, unless the employee is the spouse of the child's pre-existing parent;
- (c) the intended parent of a child born under a validated gestational agreement in accordance with Title 81, Chapter 5, Part 8, Gestational Agreement; or
- (d) appointed the legal guardian of a child or incapacitated adult.

"Postpartum recovery leave" means paid leave hours the School provides to a postpartum recovery leave eligible employee to recover from childbirth that occurs at 20 weeks or greater gestation.
"Postpartum recovery leave eligible employee" means a School employee who:

(a) receives regular paid personal time off (PTO) benefits from the School; and
(b) gives birth to a child.

"Qualified employee" means:
(a) a parental leave eligible employee;
(b) a postpartum recovery leave eligible employee;
(c) an adoption leave eligible employee; or
(d) a foster leave eligible employee.

"Qualified leave" means:
(a) parental leave;
(b) postpartum recovery leave;
(c) adoption leave; or
(d) foster leave.

"Retaliatory action" means to do any of the following regarding an employee:
(a) dismiss the employee;
(b) reduce the employee's compensation;
(c) fail to increase the employee's compensation by an amount to which the employee is otherwise entitled to or was promised;
(d) fail to promote the employee if the employee would have otherwise been promoted; or
(e) threaten to take an action described immediately above.

"Young child" means an individual younger than six years old.

Postpartum Recovery Leave

The School allows a postpartum recovery leave eligible employee to use up to three calendar weeks of postpartum recovery leave for recovery from childbirth that occurs at 20 weeks or greater gestation.

Postpartum recovery leave as described above:
(a) shall be used starting on the day on which the postpartum recovery leave eligible employee gives birth, unless a health care provider certifies that an earlier start date is medically necessary;
(b) shall be used in a single continuous period, unless otherwise authorized in writing by the Principal; and
(c) runs concurrently with FMLA leave, if applicable to the postpartum recovery leave eligible employee.

A postpartum recovery leave eligible employee's postpartum recovery leave does not increase if the postpartum recovery leave eligible employee has more than one child born from the same pregnancy.

Parental Leave

The School allows a parental leave eligible employee to use up to three calendar weeks of parental leave for:

- (a) the birth of the parental leave eligible employee's child;
- (b) the adoption of a child; or
- (c) the appointment of legal guardianship of a child or incapacitated adult.

Parental leave as described above:

- (a) may not be used before the day on which:
    - (1) the parental leave eligible employee's child is born;
    - (2) the parental leave eligible employee adopts a child; or
    - (3) the parental leave eligible employee is appointed legal guardian of a child or incapacitated adult.
- (b) may not be used more than six months after the date described immediately above;
- (c) shall be used in a single continuous period, unless:
    - (1) by mutual written agreement between the School and the parental leave eligible employee; or
    - (2) a health care provider certifies that intermittent leave is medically necessary due to a serious health condition of the child;
- (d) runs concurrently with FMLA leave, if applicable to the parental leave eligible employee; and
- (e) runs consecutively to postpartum recovery leave, if applicable to the parental leave eligible employee.

A parental leave eligible employee's parental leave does not increase if the parental leave eligible employee:

- (a) has more than one child born from the same pregnancy;
- (b) adopts more than one child; or
- (c) is appointed legal guardian of more than one child or incapacitated adult.

A parental leave eligible employee may not use more than three calendar weeks of parental leave within a single 12-month period, regardless of whether during that 12-month period the parental leave eligible employee:

- (a) becomes the parent of more than one child;
- (b) adopts more than one child; or
- (c) is appointed legal guardian of more than one child or incapacitated adult.

Adoption Leave

The School allows an adoption leave eligible employee to use up to three calendar weeks of adoption leave for adopting a young child, unless the employee is the spouse of the young child's pre-existing parent.

Adoption leave as described above:

- (a) may not be used before the day on which the adoption leave eligible employee adopts a young child;
- (b) may not be used more than six months after the date described immediately above;

(c) shall be used in a single continuous period, unless:
   (1) by mutual written agreement between the School and the adoption leave eligible employee; or
   (2) a health care provider certifies that intermittent leave is medically necessary due to a serious health condition of the young child;
(d) runs concurrently with FMLA leave, if applicable to the adoption leave eligible employee; and
(e) runs consecutively to parental leave taken for the adoption of a child.

An adoption leave eligible employee's adoption leave does not increase if an adoption leave eligible employee adopts more than one young child. Accordingly, an adoption leave eligible employee may not use more than three calendar weeks of adoption leave within a single 12-month period, regardless of whether during that 12-month period the adoption leave eligible employee adopts more than one young child.

If a young child is legally adopted by two adoption leave eligible employees, the adoption leave eligible employees are entitled to use a single three-calendar-week period of adoption leave, which the employees may allocate between themselves. Adoption leave eligible employees who intend to allocate adoption leave as described in this paragraph shall provide notice of this intent in the manner and before the deadline described in the "Notice of Plan to Take Leave" section below.

Foster Leave

The School allows a foster leave eligible employee to use up to four calendar weeks of foster leave for the placement of a foster child in the employee's care.

Foster leave as described above:
(a) may not be used before the day on which a child is placed in foster care with a foster leave eligible employee;
(b) may not be used more than six months after the date described immediately above;
(c) may not be used after the child is no longer placed in foster care with the foster leave eligible employee;
(d) may be used intermittently; and
(e) runs concurrently with FMLA leave, if applicable to the foster leave eligible employee.

A foster leave eligible employee's foster leave does not increase if a foster leave eligible employee has more than one child placed in foster care with the foster leave eligible employee. Accordingly, a foster leave eligible employee may not use more than four calendar weeks of foster leave within a single 12-month period, regardless of whether during that 12-month period more than one child is placed in foster care with the foster leave eligible employee.

If a child is placed in foster care with two foster leave eligible employees, the foster leave eligible employees are entitled to use a single four-calendar-week period of foster leave, which the employees may allocate between themselves. Foster leave eligible employees who intend to allocate foster leave as described in this paragraph shall provide notice of this intent in the manner and before the deadline described in the "Notice of Plan to Take Leave" section below.

A qualified employee may not use:
(a) both foster leave and parental leave with respect to the same child; or
(b) both foster leave and adoption leave with respect to the same young child.

Leave Period

The maximum amount of postpartum recovery leave available to qualified employees under this policy is three calendar weeks.

The maximum amount of parental leave available to qualified employees under this policy is three calendar weeks.

The maximum amount of adoption leave available to qualified employees under this policy is three calendar weeks.

The maximum amount of foster leave available to qualified employees under this policy is four calendar weeks.

Any non-contracted workdays (such as holidays, days during summer break, etc.) that occur during a qualified employee's qualified leave count toward the applicable leave period.

Notice of Plan to Take Leave

Qualified employees shall give the School's Principal notice at least 30 days before the day on which the qualified employee plans to:
(a) begin using qualified leave; and
(b) stop using qualified leave.

If circumstances beyond the qualified employee's control prevent the qualified employee from giving notice as described above, the qualified employee shall give the School each notice described above as soon as reasonably practicable.

All such notices shall be reviewed by the Principal. If the employee providing notice does not meet the definition of a qualified employee under this policy (and is therefore not entitled to qualified leave), the Principal shall inform the employee. Employees may be required to provide documentation supporting the need for qualified leave.

Other Leave

Except with respect to FMLA leave, the School may not charge qualified leave against a qualified employee's regular paid personal time off (PTO) or any other leave a qualified employee is entitled to under the School's leave policies.

Employee Benefits During Leave

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During the time a qualified employee uses qualified leave, the qualified employee shall continue to receive all employment related benefits and payments at the same level that the qualified employee received immediately before beginning the qualified leave, provided that the qualified employee pays any required employee contributions.

Employee Position after Leave

Following the expiration of a qualified employee's qualified leave, the School shall ensure that the qualified employee may return to:

(a) the position that the qualified employee held before using qualified leave; or
(b) a position within the School that is equivalent in seniority, status, benefits, and pay to the position that the qualified employee held before using qualified leave.

Despite the foregoing, if during the time a qualified employee uses qualified leave the School experiences a reduction in force and, as part of the reduction in force, the qualified employee's employment would have been terminated had the qualified employee not been using the qualified leave, the School may terminate the qualified employee's employment in accordance with any applicable process or procedure as if the qualified employee were not using the qualified leave. In addition, upon termination of a qualified employee's employment (for any reason), the employee is not entitled to be paid for any unused qualified leave.

Retaliatory Action

The School may not interfere with or otherwise restrain a qualified employee from using qualified leave in accordance with this policy. In addition, the School may not take retaliatory action against a qualified employee for using qualified leave in accordance with Utah Code § 53G-11-209.

Part-Time Qualified Employees

In the event a qualified employee of the School is also a part-time employee, the employee shall be allowed to use the amount of qualified leave available to the qualified employee under this policy on a pro rata basis.

NDPA Paid Parental, Postpartum Recovery, Adoption, & Foster Leave Policy
REVISION B
Board Approval Date: 8-05-26

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North Davis Preparatory Academy
Paid Professional Hours for Educators Policy

PURPOSE

The purpose of this policy is to establish the parameters by which North Davis Preparatory Academy (the "School") will provide paid professional hours to its educators.

DEFINITIONS

For purposes of this policy:

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

- (a) general education teachers;
- (b) special education teachers;
- (c) counselors;
- (d) administrators;
- (e) specialists;
- (f) student support (may include librarians, instructional coaches, or other certified positions that work 50% or more in a School building);
- (g) psychologists;
- (h) speech language pathologists; and
- (i) audiologists.

"Paid professional hours" means hours outside of an educator's contracted hours.

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

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

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

POLICY

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

<u>Allowable Uses of Program Funds</u>

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

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

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

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

Educator Responsibilities

As a condition to receiving program funds, an educator shall, except as provided in Utah Code § 53F-7-203(5)(b)(i):
(a) on or before September 30 of each year, create a plan, in consultation with the School's Principal, on how the educator plans to use the paid professional hours; and
(b) before the end of a given fiscal year, provide a written statement to the School's Principal of how the educator used the paid professional hours.

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

Timing and Method of Payment of Paid Professional Hours

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

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

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

NDPA Paid Professional Hours for Educators Policy
Board Approval Date: 12-04-24

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North Davis Preparatory Academy
Parent & Family Engagement Policy

PURPOSE

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

POLICY

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

- Involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under Title I, Part A, including the planning, review, and improvement of this policy and the joint development of the targeted assistance or schoolwide program plan.

- Update this policy periodically to meet the changing needs of parents and the School, distribute it to the parents and family members of participating children, and make this policy available to the local community.

- Provide full opportunities, to the extent practicable, for the participation of parents and family members with limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children, including providing information and school reports required under Section 1111 of the ESSA in an understandable and uniform format and, to the extent practicable, in a language parents understand.

- If the targeted assistance or schoolwide program plan under Section 1114(b) of ESSA is not satisfactory to the parents of participating children, submit any parent comments with such plan when the School submits the plan to the state.

- Be governed by the following statutory definition of parent and family engagement and will carry out programs, activities, and procedures in accordance with this definition:

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

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

<u>Required Policy Components</u>

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

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

comments made by parents and family members in meetings at the School and during parent-teacher conferences, or through other means.

- Communications. The School will take the following actions to provide parents and family members timely information about the Title I programs in which the School participates:
  - ✓ Distribute a copy of the updated version of this policy and the school-parent compact to parents and family members at the beginning of each school year through appropriate channels, such as the registration packet.
  - ✓ Provide information related to the Title I programs, meetings, and other activities to the parents of participating children in an understandable and uniform format and, to the extent practicable, in a language that the parents can understand.

- School-Parent Compact. The School's school-parent compact outlines how parents, the entire School staff, and students will share the responsibility for improved student academic achievement and the means by which the School and parents will build and develop a partnership to help children achieve the state's high standards. The School will review the school-parent compact with parents of participating children by doing the following:
  - ✓ Distributing a copy of the updated version of the school-parent compact to parents and family members at the beginning of each school year through appropriate channels, such as the registration packet.
  - ✓ Obtaining all parties' signatures (electronic or written) on each school-parent compact on an annual basis.
  - ✓ Encouraging parents to review the school-parent compact with their children on a regular basis.
  - ✓ Considering, and implementing, if appropriate, any suggestions or feedback provided by parents and family members on how the School can improve its school-parent compact.

- Reservation of Funds. The School currently does not receive Title I allocations of $500,000 or more. In the event the School's Title I allocations reach or exceed $500,000 in the future, the School will follow the requirements in Section 1116(a)(3) of the ESSA.

- Coordination of Services. The School will, to the extent feasible and appropriate, coordinate and integrate parent and family engagement programs and activities with other federal, state, and local programs, including public preschool programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children.

- Building Capacity of Parents. The School will build the parents' capacity for strong parent and family engagement to ensure effective involvement of parents and to support a partnership among the School and the community to improve student academic achievement through the following:

- ✓ Providing opportunities for discussion with parents about the School's curriculum, forms of academic assessment used to measure student progress, and achievement levels of the challenging state academic standards.
- ✓ Engaging parents with materials and training to help parents to work with their child to improve their child's achievement, such as literacy training and using technology (including education about the harms of copyright piracy), as appropriate, to foster parent and family engagement.
- ✓ Giving parents information at parent-teacher conferences about their student's state core testing and other appropriate curriculum based assessments.
- ✓ Providing progress reports to parents to communicate their student's academic performance throughout the school year.
- ✓ Facilitating communication between parents and School personnel through the School's LAND Trust Committee.
- ✓ Scheduling School meetings, as well as parent-teacher conferences, in a way that will maximize parent and family member involvement and participation.
- ✓ Gathering, on an annual basis, input from parents through a variety of methods. For example, parent surveys, needs assessments, conversation, parent-teacher conferences, and School activities.
- ✓ Providing assistance to parents, as appropriate, in understanding topics such as the following:
  - ✶ The challenging state's academic standards;
  - ✶ The state and local academic assessments, including alternate assessments;
  - ✶ The requirements of Title I, Part A;
  - ✶ How to monitor their child's progress; and
  - ✶ How to work with educators to improve the achievement of their child.

- Building Capacity of School Staff. The School will, with the assistance of parents, provide training to educate teachers, specialized instructional support personnel, principals/directors and other School leaders, and other staff on the value and utility of contributions of parents; how to reach out to, communicate with, and work with parents as equal partners; how to implement and coordinate parent programs; and how to build ties between parents and the School. The School may accomplish this training through in-person trainings and/or through the utilization of online print and video resources. The School may also provide other reasonable support for parent and family engagement activities under Section 1116 as parents may reasonably request.

Parents and Family Members of Children Learning English

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

The School may seek assistance from community organizations to assist the School in communicating with parents and family members of students who are English language learners.

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If the School provides such assistance, it will try to determine the method of communication preferred by the parents and family members of students who are English language learners.

Review

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

NDPA Parent & Family Engagement Policy
REVISION A
Board Approval Date: 10-05-22
Re-Approved: 5-27-26

North Davis Preparatory Academy
Parent Classroom Observation Policy

PURPOSE

The purpose of this policy is to explain how North Davis Preparatory Academy (the "School") reasonably accommodates parent requests to observe classes attended by their children.

PARENTAL RIGHT TO REASONABLE CLASSROOM OBSERVATIONS

Utah Code § 53G-6-803 provides that Utah public schools are required to reasonably accommodate parent requests to visit and observe any class their child attends. Similarly, 20 U.S.C. § 6318 explains that schools that receive Title I funds are required to allow parents reasonable observations of classroom activities.

In this context "reasonably accommodate" means, per Utah Code § 53G-6-801, that a Utah public school shall make its best effort to enable a parent to exercise his or her parental right to visit and observe any class their child attends:

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

Accordingly, a parent's right to observe his or her child's classroom is not unlimited but is subject to the substantial impacts and balancing factors set forth above.

POLICY

In accordance with the foregoing, the School shall reasonably accommodate parent requests to do classroom observations as set forth below.

<u>Who May Observe a Classroom</u>

The right to a reasonable accommodation to observe a classroom at the School resides solely with the parent or legal guardian of a child who attends the class. For purposes of this policy, the term "parent" includes students' natural or adoptive parents, legal guardians, or other individuals legally authorized to make educational decisions for a child. As a result, the right to a reasonable accommodation to observe a classroom does not extend to individuals outside of these categories, such as a student's grandparents, relatives, caregivers, or others. However, the Principal may allow a grandparent, close relative, or caregiver of a child to observe the child's classroom if the child's parent has provided written permission and the Principal, after consulting with the classroom teacher, deems it to be reasonable under the circumstances.

Approval and Scheduling of Classroom Observations

Parents shall email classroom observation requests to their child's classroom teacher or to the Principal. The request must include the parent's purpose for wanting to observe their child's class. Teachers that receive classroom observation requests shall forward them to the Principal. The Principal shall approve or deny classroom observation requests consistent with the parameters in this policy.

Together the Principal and classroom teacher shall schedule approved classroom observations for a time and date convenient to both the parent and the teacher. The classroom observation shall take place within a reasonable time following the parent's request, but no fewer than forty-eight (48) hours from the date of the request. Classroom observations shall not take place while students are taking a test or quiz. Only one parent may observe a class at a time.

As each classroom is equipped with surveillance cameras, parents may be given the option to do a classroom observation through watching a live stream of their child's classroom from the School's administrative offices.

Frequency and Duration of Classroom Observations

Classroom observations must be limited to minimize interruptions and distractions during valuable class time and to minimize any other negative effects on the School. Because parent classroom observations shall not substantially impact staff and resources, and because parent classroom observation requests require the School to balance parental rights against the educational needs of students, the impacts on a classroom, the teacher's workload, and the assurance of the safe and efficient operation of the School, the School has deemed it reasonable to allow one parent classroom observation per student per term. Each observation shall last no more than one hour.

Parental Conduct During Classroom Observations

Parents are not allowed to leave and re-enter the classroom during a classroom observation, except in cases of emergency. Parents shall remain in the back of the classroom or otherwise out of the way during observations and may not interact with students or the teacher unless the teacher initiates the interaction. Parents shall refrain from making unnecessary noise or movement.

Parents may not be accompanied by other adults or children, including siblings of the child attending the class, during a classroom observation. If a parent brings other people to the School for a classroom observation, the School will reschedule the observation. If a parent requests an observation by a professional such as a psychologist or therapist who is not employed by the School, the student's Individualized Education Program ("IEP") team or Section 504 team shall determine whether the observation is required under the applicable law and shall address the request through the applicable IEP or Section 504 procedures.

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Parent concerns or complaints shall not be addressed during a classroom observation or immediately before or after an observation. Such concerns or complaints may be addressed separately in accordance with the School's Parent Grievance Policy.

To protect the privacy of all students in attendance, parents are not permitted to take photographs or make any audio or video recordings during classroom observations. Cell phones and other electronic devices shall be turned off or silenced and shall not be visible during observations.

The Principal or Principal's designee may also be present in the classroom during the observation in order to protect the learning environment for all students.

All parents who are scheduled to do a classroom observation shall be required to sign the School's Classroom Observation Agreement prior to doing the observation. Parents are required to comply with the procedures and rules set forth in the Agreement.

Violation of Classroom Observation Rules

A parent's right to observe a class attended by his or her child can only be achieved through adherence to and respect for this policy and the procedures and rules set forth in the School's Classroom Observation Agreement. If a parent's presence or conduct causes a disruption or interferes with classroom instruction, the teacher shall privately remind the parent of the observation rules. If the disruption persists, the teacher may ask the parent to leave the classroom or, if the teacher feels that asking the parent to leave would cause a greater disruption, the teacher may wait until the observation ends and then report the parent's behavior to the Principal.

Violation of the rules contained in this policy or in the School's Classroom Observation Agreement shall, where possible, be resolved in private between the parent and the Principal and/or teacher. If violations persist, the School may temporarily or permanently prohibit a parent from observing their child's classroom. In addition, serious violations of this policy or the Classroom Observation Agreement may require a communication protocol, a no trespass notice, or other legal action.

Confidentiality

School employees shall not discuss confidential information about a student/student's family, School personnel, or School volunteers with unauthorized individuals. Because parents who observe a classroom may inadvertently be exposed to confidential information, the Principal or teacher shall instruct such parents to respect the privacy and confidentiality rights of every student, employee, and volunteer. Parents must be especially careful to respect the privacy rights of special education students as even the classification of a student as a special education student or the presence of a student in a special education class is confidential. Student education records and other sensitive or confidential documentation, including a student's grades, behavior, IEP, Section 504 plan, etc. shall not be visible during classroom observations. Parents who violate the privacy rights of students or employees may be prohibited from observing classes at the School.

NDPA Parent Classroom Observation Policy
Board Approval Date: 8-02-23

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CLASSROOM OBSERVATION AGREEMENT

North Davis Preparatory Academy welcomes you to our school and thanks you for your interest in the instructional programs we offer our students. We hope that your classroom observation is a rewarding experience and one that provides you with greater insight into the skill, professionalism, and dedication of our teachers and staff. Our desire is to ensure that the instructional process is not disturbed for either the teacher or the students involved. Accordingly, we require that all parents agree to and comply with the following in connection with their classroom observation:

- Parent observations are by appointment only. You must email the School Principal or classroom teacher to request an observation. Your request must include the purpose for wanting to observe your child's class. Approved observations will be scheduled for a reasonable time following a parent's request, but no fewer than forty-eight (48) hours from the date of the request. Classroom observations via live video camera streaming may also be available.
- Observations are limited to one observation per student per term, and each observation is limited to one hour. If exceptional circumstances exist, you may request more frequent or lengthy observations. Such requests will be approved or denied by the Principal after consulting with the teacher.
- Observations may not take place during tests or quizzes.
- Upon arrival at the School, you must check in at the front office and obtain a visitor pass. You will be required to show identification.
- Other people, including siblings of your child whose classroom you are observing, may not accompany you to an observation. If you arrive at the School with other people for an observation, the School will reschedule the observation.
- Upon arrival at the classroom, please sit where the teacher directs you. You will likely be in the back of the room or otherwise out of the way rather than next to or among the students.
- Unless an emergency arises, you may not leave and re-enter the classroom during your observation.
- If you bring a cell phone or other electronic device, it must be turned off or silenced and kept out of sight. Audio or video recording of the teacher or students during the observation is strictly prohibited.
- You must be a silent observer while in the classroom. You may not talk to or interact with any student or make comments during the observation unless invited to do so by the teacher.
- The teacher has the responsibility for all students in the class, so you will not be able to discuss matters concerning your child or the classroom observation during or immediately before or after the observation. Such matters can be discussed at a later date or time in accordance with the School's Parent Grievance Policy.
- If you become aware of any confidential information during the observation, including a student's presence in a special education classroom, you must keep the information confidential.
- After the completion of your classroom observation, you must return to the front office to sign out.

I understand and agree to the foregoing terms. I understand and agree that if I create a disruption in the classroom, interfere with the classroom instruction, or otherwise violate the terms of this Agreement or the School's Parent Classroom Observation Policy during my observation, I may be asked to leave the classroom and my requests for future classroom observations may be denied.

____
Parent Name (Please Print)

____
Parent Signature

____
Date

____
Principal Signature

NDPA Parent Classroom Observation Policy
Board Approval Date: 8-02-23

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North Davis Preparatory Academy
Parent Compact

The NDPA School Community has developed the following school compact in order for students, parents and school personnel to work as partners in a learning environment characterized by our core values.

North Davis Preparatory Academy Vision

In order to ensure *NDPA students develop a love of learning, achieve high academic standards, and enjoy high bi-literate proficiency*, and develop college and career readiness, the NDPA school community has developed the following:

CORE VALUES

- We prepare the child for the path, not the path for the child.
- We nurture curiosity, self-discipline, and the courage to act on our own thoughts and dreams.
- All interactions between students, teachers, staff, and parents are based on honesty, trust, and respect.
- We are a community that embraces differences in our languages, cultures, religions, and abilities.

END STATEMENTS

- All students will produce exceptional work.
- All students will utilize autonomous learning skills taking responsibility for their own learning.
- All students will demonstrate personal and social responsibility.
- All students will fluently communicate in the Spanish language with a native speaker.

NDPA Parent/Student/ Faculty Compact

PARENTS
As a parent at NDPA, I commit to the NDPA school personnel I will:

- Place the education of our children as the highest priority
    - ✓ Ensure our students attend regularly and are on time daily so their educational progress does not suffer
    - ✓ Support school policies including the school Dress Code Policy
    - ✓ Provide daily support at home for homework
    - ✓ Stay informed about school activities
    - ✓ Attend Parent-Teacher Conferences to understand my student(s) progress
- Develop strong and trusting partnerships with the teachers

- ✓ Alert the teacher of serious problems my student may have that may interfere with his/her learning
- ✓ Go directly to a teacher or school personnel if I have a concern or conflict with that person
- ✓ Respect the teaching and preparation time of teachers and school personnel by scheduling appointment for meetings and picking up my students on time
- ✓ Volunteer in my child's classroom as appropriate.

STUDENT

As a student at NDPA, I commit to my parents and NDPA school personnel I will:

- Do my best in my schoolwork
- Treat all other people – teachers, staff members, and other students – with respect, and I will "make it right" when I make mistake
- Demonstrate the courage to ask questions or ask for help in front of others. Tell my teacher if there is a serious problem that interferes with my learning
- Persist, and not give up easily
- Treat the school building, grounds furniture and equipment respectfully and carefully.

FACULTY

As teachers, administrators and staff members, we commit to parents and students that we will:

- Place the education of your student as the highest priority
    - ✓ Provide Highly Qualified teachers with expertise in their content and educational pedagogy
    - ✓ Provide a challenging academic curriculum to your students to prepare them with content and complex thinking skills for success at college and beyond
    - ✓ Provide your students with activities to ensure they know how to apply for college and apply for scholarships and financial aide
    - ✓ Provide quality instruction in the Spanish language to provide each student with a competitive advantage in the workplace
    - ✓ Teach the "whole child" helping them develop autonomous learning skills and personal and social responsibility for future success
    - ✓ Provide a safe and orderly environment with all interactions characterized by respect, understanding, love and logic
    - ✓ If any of us act or react in a way that you feel is unjust, you only need say to me, "I'm not sure that's fair." We will arrange a private conference during which you can express to me why you feel our actions were not fair.
- Develop strong and trusting partnerships with you as we:
    - ✓ Provide information to you regarding school activities, events, policies and procedures through Friday Notes each month and our NDPA website
    - ✓ Report students' educational progress and update grades regularly through our Student Information System (Apsire).
    - ✓ Provide opportunities for you to provide input to school officials through
        - ★ Bi-monthly Board of Directors' meetings
        - ★ Monthly Community Council meetings
        - ★ Monthly POET Board meetings
        - ★ Scheduled appointments with any of us

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- ✓ Respond to your calls and emails in a timely fashion
- ✓ Welcome any concern you may have about your student, and we pledge we will never retaliate against you or your student.

Parent Signature: ____ Date _____________

Student Signature: ____ Date _____________

School Official Signature: _______________________________________ Date _____________

NDPA Parent Compact
REVISION A
Board Approval Date: 12-01-21

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North Davis Preparatory Academy
Parent Grievance Policy

PURPOSE

The purpose of this policy is to clarify for parents a process by which concerns can be addressed. The Board encourages active parent participation in their child(ren)'s education and hopes that parents will feel empowered to voice their opinions, volunteer in and out of the classroom for North Davis Preparatory Academy, and work as a team to provide the best education for their child(ren).

If you have a concern with teacher or any staff member of NDPA, the following steps shall be followed:

1. Items involving teachers, staff members or administration should first be addressed with the individual(s) directly involved.
2. If the issue is not resolved at this level, you may address your concern with the administration.
3. If the issue remains unresolved, or the specific issue concerns the administration, a ***written complaint*** may be filed with the Board of Directors.

If you have a concern with a policy, procedure or practice at the school, the following avenues of expression are available to you:

1. Contact the following individuals for directions regarding who to contact: Board of Director Members and/or school Administrator:
   a. If the concern is directly related to administrative practices or procedures, you may address your concern directly with the administration.
   b. If your concern is directed to POET, you may attend the regular POET Parent Meetings held in the library (Please see POET Book for this year's dates and times) and express yourself during the parent comment portion or call the Chairman at least (3) working days in advance and request to be placed on the Agenda.
   c. If your concern deals with school policy, you may address the board in a formal Board of Directors meeting during the "public comment" portion. You may also request to be added to the meeting agenda by contacting the president of the Board of Directors 3 working days prior to the scheduled meeting date. It is important to note that the Board President has discretion over the Board Meeting agenda items.

If you feel you or your child has been treated unfairly, discriminated against, or treated in a manner that is in violation of state or federal law:

1. You may file a ***written complaint*** with the principal, and if you wish, make an appointment to discuss the issue.
2. You may file a ***written complaint*** with the Board of Directors.
3. You are welcome to attend the Board of Directors' Meeting and have the issue addressed during a regularly scheduled public comment period.

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**Written complaints shall specify the individual(s) involved, details of the incident(s) spurring the complaint, including dates and approximate times, and details of an attempt to rectify the situation.*

NDPA Parent Grievance Policy
Board Approval Date: 6-03-09

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North Davis Preparatory Academy
Pest Management Policy

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

NDPA Pest Management Policy
Board Approval Date: 12-03-14

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North Davis Preparatory Academy
Political Signs on School Property Policy

PURPOSE

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

POLICY

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

NDPA Political Signs on School Property Policy
Board Approval Date: 10-07-15

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North Davis Preparatory Academy
Procurement, Purchasing & Disbursement Policy

The purpose of this policy is to ensure that North Davis Preparatory Academy (the "School") follows applicable procurement laws in connection with purchases, to ensure that proper internal controls are in place in connection with purchases and disbursements made by the School, and to enable administration to make minor purchases that are necessary for the day-to-day operation of the School without approval from the Board of Directors.

PROCUREMENT

The School will follow applicable state and federal laws in connection with the procurement of services, supplies and equipment, including but not limited to the provisions of the Utah Procurement Code at Utah Code 63G-6a-101, et seq. The Principal will establish administrative procedures in order to assist in compliance with applicable statutory and regulatory requirements regarding procurements.

PURCHASING

Except as set forth herein, the Board of Directors delegates to the Principal responsibility for approving purchases as set forth below:

- All purchases up to $2,500 must be approved by the Principal or the Principal's designated alternate.
- All purchases up to $5,000 must be approved by the Principal;
- All purchases between $5,000 and $7,500 must be approved by either the Board President or Board Treasurer;
- All purchases between $7,500 and $25,000 must be approved by the Board President and the Board Treasurer; and
- All purchases above $25,000 must be approved by a majority vote of the Board.

All expenses regarding professional development that require overnight stay must be approved by the Board of Directors.

The Principal will establish administrative procedures in order to create fiscally sound internal controls for purchases and ensure compliance with this policy.

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DISBURSEMENTS

The responsibility for disbursement is designated to Academica West, the School's management company.
Disbursements are to be handled in a manner that ensures that the proper funds and accounts are charged; that the disbursement is used only for authorized purposes; and that laws, rules and regulations governing the disbursements, and handling of public funds, are followed.

The Principal will establish administrative procedures in order to create fiscally sound internal controls for disbursements and ensure compliance with this policy.

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

NDPA Procurement, Purchasing & Disbursement Policy
REVISION C
Board Approval Date: 8-01-18

NORTH DAVIS
PREPARATORY ACADEMY

Procurement, Purchasing & Disbursement

Administrative Procedures

These administrative procedures are adopted in accordance with the Purchasing, Procurement & Disbursement Policy adopted by the North Davis Preparatory Academy Board of Directors.

PROCUREMENT

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

Quotes or Bids Not Required

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

Quotes or Bids Required

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

Formal Procurement Process Necessary

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

Professional Services

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

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

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

Construction Projects

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

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

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

Other Requirements

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

School personnel will comply with the provisions of the Procurement Code prohibiting the acceptance of gratuities or kickbacks from vendors during the procurement process.

The School's contracts with vendors, including any renewal or extension periods, will not have a term that is longer than five years unless an exception applies or the School complies with the requirements of the Procurement Code governing any contract with a term that is longer than five years.
The School will comply with the requirements of the Procurement Code in connection with any construction or real property improvements undertaken by the School.

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

Any alleged violation these procurement procedures or applicable law shall be reported in writing to the School's Principal or Board of Directors.

PURCHASING

Invoices, purchase orders, and authorized facsimiles must be approved by the school Principal and/or by the Principal's designated alternate, Board Financial Coordinator, Board President, or majority vote of the Board as set forth in the Board Purchasing, Procurement & Disbursement Policy.

Purchases of miscellaneous items such as office supplies shall be coordinated through the front office. Personal purchases that result in reimbursement to School employees shall be kept to an absolute minimum.

Purchases for travel that require the use of a credit card are to follow the standard purchasing disbursement process utilizing a purchase order. Academica West, the School's management company, will retain the credit card for making such purchases and only utilize the credit card when required to do so.

DISBURSEMENTS

Disbursements will be charged to one of two School accounts: (i) the General Operating Account; or (ii) the Petty Cash Account. Academica West is responsible for disbursements charged to the General Operating Account, and the Principal is responsible for disbursements charged to the Petty Cash Account.

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

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

- A purchase order shall be completed prior to disbursing funds for a purchase unless the disbursement is made in accordance with the terms of an ongoing contract that has been previously approved by the Board.

- A purchase order shall be authorized by the individual(s) listed above based on the purchase amount.

- Following proper authorization, purchase orders are reviewed by Academica West.

- Academica West must be given a valid invoice and properly completed purchase order prior to making payment.

- Disbursements are to be made primarily by check with counter signatures to provide additional control.

Petty Cash Account

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

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

- In general, the Petty Cash Account should maintain a balance between $500 and $2,000.

- Access to the Petty Cash Account debit card is limited to the Principal or their designated alternate;

- Access to blank checks is limited to the Principal or their designated alternate. When blank checks are received; the date, quantity, and inclusive serial numbers are recorded and added to the total balance on hand. When a blank check is used, the stub along with a copy of the receipt is to be signed by the Principal and forwarded to Academica West. The use of these blank checks should be kept to an absolute minimum;

- The Principal or their designated alternate is responsible for: (i) maintaining records and receipts for each transaction charged to this account; and (ii) entering the information into the School's accounting software on a regular basis. Information should be uploaded in a timely manner to allow Academica West adequate time to provide accurate monthly financial reports to the Board.

- The Principal or their designated alternate is responsible for replenishment of the account when petty cash is low. To replenish petty cash, the Principal must request Academica West to transfer funds.

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Recording Transactions

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

NDPA Procurement, Purchasing & Disbursement
ADMIN Procedures
Last Updated: 3-03-22

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North Davis Preparatory Academy
Proper Use of Public Funds & Assets Policy

PURPOSE

The purpose of this policy is to establish that North Davis Preparatory Academy (the "School") will not misuse its public funds or assets to try to persuade students to enroll in the School or participate in any of the School's programs.

POLICY

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

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

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

NDPA Proper Use of Public Funds & Assets Policy
Board Approval Date: 2-01-23

NORTH DAVIS
PREPARATORY ACADEMY

Public Education Engagement & Exit Survey
Administrative Procedures

North Davis Preparatory Academy (the "School") recognizes the importance of understanding factors that influence public educator satisfaction and the reasons public educators choose to leave the School or public education in general. The School believes that collecting such information may help the School improve their educators' morale, engagement, and job satisfaction, as well as help the School improve its recruitment and retention of educators.

The School shall abide by Utah Code § 53G-11-304 and Utah Administrative Code Rule R277-325 with respect to the administration of the Public Education Engagement Survey and the Public Education Exit Survey.

The purpose of these administrative procedures is to help the School comply with all requirements related to the surveys as set forth in the law.

Definitions

"Educator" for purposes of these administrative procedures means:

(a) a general education classroom teacher;
(b) a preschool teacher;
(c) a special education teacher; or
(d) a school based specialist.

"Public Education Engagement Survey" for purposes of these administrative procedures means the model Public Education Engagement Survey referenced in and available at R277-325-3(2)(a).

"Public Education Exit Survey" for purposes of these administrative procedures means the model Public Education Exit Survey referenced in and available at R277-325-3(2)(b).

Administering Surveys

Public Education Engagement Survey

The School shall request that its educators complete the Public Education Engagement Survey, at a minimum, every other year beginning in the 2019-20 school year. Except as provided below with respect to new educators, the School shall request that its educators complete the Public Education Engagement Survey in the opposite years from those in which it administers the school climate survey described in Rule R277-623 (for example, if the School administers the school climate survey in the 2020-21 school year, the School should request that its educators complete the Public Education Engagement survey in the 2019-20 school year).

With respect to new educators, the School shall request that its new educators complete the Public Education Engagement Survey every year for the first three years the educator is in the profession.

Public Education Exit Survey

The School shall request that an educator leaving the School complete the Public Education Exit Survey at the time of the educator's separation from employment with the School.

Survey Providers

The School shall use a USBE-approved online provider or a provider approved by the LEA to administer the Public Education Engagement Survey and Public Education Exit Survey. If the School administers the Public Education Engagement Survey or the Public Education Exit Survey through a provider other than a USBE-approved online provider, the School shall provide the data from the surveys to the State Superintendent by June 30 annually in a manner prescribed by the State Superintendent.

Survey Questions

The School may add additional questions to the model Public Education Engagement Survey or Public Education Exit Survey when it administers such surveys to its educators, but any additional questions:

(a) must allow each educator to remain anonymous;
(b) must not request the educator's CACTUS ID number; and
(c) may ask each educator to voluntarily identify the educator's school.

Survey Results

Only the School's Principal, Board of Directors, and appropriate personnel specifically authorized by the Principal may have access to results of the Public Education Engagement and Exit Surveys.

The Principal shall implement whatever protective measures are necessary to prevent the identification of educators who complete the surveys, including but not limited to:

(a) instructing educators to not share personally identifiable information in their survey responses; and
(b) redacting any personally identifiable information that educators inadvertently (or intentionally) include in survey responses before giving access to the survey results to authorized individuals identified in the paragraph above.

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North Davis Preparatory Academy
Revenue Recognition Policy

PURPOSE

To specify the approach taken in recognizing revenues received by the school, and to specify the priority under which revenues will be allocated to associated expenses.

Background Information
The principal source of operating funds the School receives is derived from federal, state, and local funds. The School receives state funding based on the number of students enrolled in the School. The School also receives federal grants on a reimbursement basis; accordingly, grant revenues are recognized when qualifying expenses have been incurred and all other grant requirements have been met.

POLICY

North Davis Preparatory Academy will recognize grant revenues when qualifying expenses have been incurred and all other grant requirements have been met.

Procedure
It is the intent of North Davis Preparatory Academy to expend funds in such a manner that restricted funds are used prior to unrestricted funds and that Federal funds are used prior to State funds. If a grant requires a local revenue match, those funds will receive priority and will be expensed first to satisfy the local revenue match requirement.

NDPA Revenue Recognition Policy
Board Approval Date: 3-15-08

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North Davis Preparatory Academy
Reverence Policy

PURPOSE

The purpose of this policy is to begin each meeting reflecting on the vision and goals of the school, for which it is the Board's mission to ensure in the operation of the school.

POLICY

An invited parent, teacher, student, member of the Parent Organization Executive Committee, The Volunteers of the Month, or a member of the Board of Directors shall recite the Vision and Purpose of North Davis Preparatory Academy after the Pledge of Allegiance each month at the Board of Director's public meeting.

NDPA Reverence Policy
Board Approval Date: 2-01-06
Ratified Date: 6-03-09

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North Davis Preparatory Academy
Salary Supplement for Highly Needed Educators Program Policy

PURPOSE

The purpose of this policy is to describe how North Davis Preparatory Academy (the "School") administers the Salary Supplement for Highly Needed Educators ("SHiNE") Program. This policy is meant to comply with the requirements of Utah Code § 53F-2-504.

DEFINITIONS

"Eligible teacher" means a teacher who:

(a) has a qualifying assignment;
(b) qualifies for the teacher's assignment in accordance with an LEA's policy; and
(c) is a new employee or has not received an unsatisfactory rating on the teacher's three most recent evaluations.

"Qualifying assignment" means a teacher who is assigned to a high-needs area.

"High-needs area" means at least two and up to five teaching assignments that an LEA designates in a policy as challenging to fill or retain.

POLICY

High-Needs Areas

The following teaching assignments are designated as high-needs areas at the School:

(a) Special Education;
(b) Secondary Science; and
(c) Secondary Math.

Process for Determining if a Teacher is an Eligible Teacher

The School's Principal his/her designee shall perform due diligence in determining whether a teacher meets the definition of eligible teacher as set forth in this policy. Due diligence includes, at a minimum, verifying that a teacher:

(a) is assigned to teach in one of the high-needs areas listed above;
(b) is qualified to teach in the high-needs area (qualification factors to consider include, but are not limited to, licensure, training, education, experience, and skills); and
(c) is a new employee of the School or is not a new employee of the School but has not received an unsatisfactory rating on the teacher's three most recent evaluations from the School.

On an annual basis, the School's Principal or his/her designee shall create a list of all teachers who have been determined to meet the definition of eligible teacher under this policy.

Process for Certifying a List of Eligible Teachers to be Awarded a Salary Supplement

On an annual basis, the School's Principal or his/her designee shall review the list of all teachers who have been determined to meet the definition of eligible teacher under this policy and shall make any changes to the list he/she feels is necessary. The list is considered certified by the School's Principal or his/her designee when he/she finalizes the list with accounting or human resources.

Salary Supplement Amount

All teachers at the School determined to be eligible teachers under this policy (i.e., all teachers on the certified list described above) shall receive a salary supplement under the SHiNE Program in an amount consistent with this policy and the funds allocated to and received by the School under the SHiNE Program.

Eligible teachers who are assigned 1.0 FTE in a high needs area shall receive the full salary supplement. Eligible teachers who are assigned less than 1.0 FTE in a high needs area shall receive a prorated salary supplement based on the percentage of their FTE in the high needs area. However, if an eligible teacher's employment with the School ends before the salary supplement is paid, the teacher shall receive only a prorated portion of the salary supplement based on the portion of the school year the teacher worked at the School.

In addition, an eligible teacher who begins employment with the School after the certified list described above has been finalized shall not be entitled to a salary supplement. However, the Principal may, in the Principal's sole discretion and subject to available SHiNE Program funding, award such teacher a prorated salary supplement based on the portion of the school year the teacher worked at the School.

The School may increase the amount of funds the School provides to eligible teachers if the School:

(a) first ensures proper distribution of funds the School receives under the SHiNE Program to the School's eligible teachers; and
(b) experiences a carry forward or leftover balance.

Appeals

If the School's Principal or his/her designee determines that a teacher does not meet the definition of eligible teacher and therefore does not qualify for a salary supplement under the SHiNE Program, the teacher may appeal that decision in writing to the School's Board of Directors (the "Board") if the teacher:

(a) believes he/she does meet the definition of eligible teacher under this policy; or

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(b) has a teaching assignment at the School that is substantially equivalent to a high-needs area and otherwise meets the definition of eligible teacher under this policy.

When submitting an appeal, a teacher is required, at minimum, to provide transcripts and other documentation to the Board in order for the Board to determine if the teacher is an eligible teacher with a qualifying teaching background.

The Board shall make a decision on the appeal within thirty (30) school days.

Administrative Procedures

Each school year the Principal shall establish, through administrative procedures, the salary supplement amount that each eligible teacher will receive for that school year.

Updating Policy

The School shall update this policy annually and provide notice of any changes to the policy to teachers within the School.

NDPA SHiNE Policy
REVISION A
Board Approval Date: 8-05-26

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NORTH DAVIS
PREPARATORY ACADEMY

School LAND Trust Council
Membership & Election Procedures

North Davis Preparatory Academy (the "School") has established a Charter LAND Trust Council (the "LAND Council") to prepare a plan for the use of School LAND Trust Program money in accordance with state law and administrative rule.

1. **LAND Council Size & Composition**. The LAND Council shall consist of no fewer than five (5) and no more than thirteen (13) members. The LAND Council shall determine the size of its membership by a majority vote. The number of LAND Council members who are parents or grandparents of students actively enrolled at the School *shall* exceed all other members combined by at least two.

    a. If the School's governing board meets the size and composition requirements above, the governing board will serve as the LAND Council.

    b. If the governing board does not serve as the Council, the Council shall consist of at least four of parents/grandparents. In addition, membership may also include staff members, School's Principal, and other members that desire to serve on the Council.

2. **Election Procedures for Parents/Grandparents**. On or before October 1st each year, the Principal will notify parents/guardians about Council membership opportunities and the necessary steps to become a member. Notification will be posted on website and school newsletter as well as the Parent Teacher Conference in September.

    a. If the number of interested individuals exceeds the number of open positions, an election will take place. If an election is required, the school will notify families of the election process at least ten (10) days before voting commences.

        i. Only parents of students currently attending the school are eligible to vote.

        ii. Each parent will be given one (1) vote regardless of the number of family members that attend the school.

        iii. Voting by secret ballot will be done through Google Forms and instructions for voting (including when voting opens/closes, submission information as well as the candidate list will be included in the election notice described in paragraph 2(a) above.

        iv. Absentee voting is not allowed.

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v. If two or more candidates receive the same number of votes, the person who informed the Principal of their desire to serve first, based on date and time of email to Principal, will be given the place on the Council. Notice of desire stated in paragraph 2(a) above.

vi. The School's Principal will oversee the election to ensure compliance with these election procedures.

b. If the number of interested individuals is less than or equal to the number of open positions, an election is not required. Appointments by Principal will be made to fill any open seats.

3. **Parent/Grandparent Terms**. Terms shall be a 2-year term, and members are eligible for re-election. See paragraph (1) for eligibility to serve.

4. **Staff and Other Members Terms**. Terms shall be a 1-year term, and members are eligible for re-election.

5. **Officers**. Once established, the Council members shall elect from its membership a parent or grandparent of a student enrolled at the school to serve as Chair. The Principal may not hold an officer position.

6. **Filling Vacancies**. If a Council member resigns a replacement will be appointed by the Principal using the elections list if an election was held. If no election was held then the Principal will appoint a willing parent/grandparent to finish the incomplete term if the Council is not a parent majority or less than five (5) Council members.

7. **Quorum**. A quorum consists of a majority of the current members of the Council.

8. **Meetings**. The Chair shall schedule, provide notice, and convene the meetings of the Council consistent with the School Community Council Open and Public Meeting Act, 53G-7-1203.

9. **Council Responsibilities**. In accordance with state board rule regarding Charter Trust LAND Council expenditures and funding limits, a Council shall:

a. Prepare a plan for the use of School LAND Trust Program money.

b. Work with students, families, and educators and hold at least an annual discussion with charter school administrators to develop and incorporate safety principles at the school level.

c. Provide input to the School's Principal on a Positive Behaviors Plan.

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North Davis Preparatory Academy
School Video Camera Monitoring Policy

PURPOSE

The purpose of this policy is to establish objectives, requirements, and procedures related to the use of video surveillance on North Davis Preparatory Academy (the "School") property.

POLICY

The School's Board of Directors (the "Board") recognizes and authorizes the use of video surveillance on School property to ensure the health, welfare, and safety of all staff, students, and visitors to School property, and to safeguard School buildings, grounds, and equipment. The School shall use video surveillance in a manner that enhances security and aids enforcement of School rules and administrative procedures, Board policies, and state laws, while respecting the privacy expectation of School staff, students, and community members.

The School shall comply with all applicable laws and regulations pertaining to its use of video surveillance, including those related to maintaining and sharing video footage. *See* 20 U.S.C. § 1232g, Family Educational Rights and Privacy Act; Utah Code § 53E-9-101 *et. seq*.; and Utah Code § 63G-2-101 *et. seq*.

Specifically, the use of video surveillance:

(a) promotes the safety of all individuals on School property;
(b) assists in providing physical security for School assets;
(c) provides visual resources to areas having an absence of adult supervision;
(d) assists School administration and law enforcement during an emergency;
(e) provides retroactive and investigative support to School administrators; and
(f) acts as a deterrent to inappropriate or criminal behavior.

Video surveillance equipment may only be used by the School for legitimate education or business-related purposes as determined by School administration and may not be used to harass, stalk, intimidate, or inappropriately monitor any individual.

Video equipment and footage may only be accessed by authorized personnel, and may not be accessed for personal, inappropriate, or unlawful reasons. Requests for video footage come from many sources, including news media, law enforcement, vendors, parents, employees, students, and community members. However, before sharing any video footage, the School will thoroughly review each request to ensure compliance with all state and federal laws, including open records laws and student data privacy laws, Board policies, and lawfully issued subpoenas and warrants.

PROCEDURES

The Principal shall establish administrative procedures that will help the School implement this policy.

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NORTH DAVIS
PREPARATORY ACADEMY

School Video Camera Monitoring
Administrative Procedures

These procedures are established pursuant to the School Video Camera Monitoring Policy established by the School's Board of Directors.

DEFINITIONS

Parent:

For purposes of these administrative procedures and the corresponding Board policy, "parent" means:

A. a biological or adoptive parent;

B. a legal guardian or other individual legally authorized to make educational decisions for the child;

C. an individual, with whom the child lives, who is acting as a parent in the absence of a natural parent or a guardian;

D. a foster parent if the authority of the biological or adoptive parents to make educational decisions on the child's behalf has been terminated or specifically limited by a court order;

E. in the absence of any individual qualified under parts A-D, a surrogate parent appointed pursuant to the Individuals with Disabilities Education Act; and/or

F. a stepparent if the stepparent is present on a day-to-day basis with the natural parent and child, and the other parent is absent from the home. A stepparent who is not present on a day-to-day basis in the home of the child does not have rights under Family Educational Rights and Privacy Act ("FERPA") with respect to the child's education records. Stepparents without guardianship of a child do not have the authority to enroll or register a child in school.

"Parent" does not include the state or any political subdivision of government.

Surveillance Cameras: Photographic equipment which makes video recordings of the environment, people, and events in proximity to the equipment and stores the recorded information in a digital format.

PROCEDURES FOR IMPLEMENTATION

I. Use of Surveillance Cameras

A. Surveillance cameras will only be utilized in public areas upon authorization of School administrators.

B. Surveillance cameras will not be used where there is a "reasonable expectation of privacy" such as bathrooms and locker rooms.

C. Any video recording used for surveillance purposes in School buildings, for School purposes, and/or on School property, shall be the sole property of the School.

   1. The custodian of such recordings is the individual or company designated by the School.

   2. Only authorized personnel shall have access to the video recordings.

      a. Unless monitoring video recordings is part of an employee's essential job function, authorization to access surveillance camera records must be granted by School administrators.

D. Surveillance camera recordings are not actively monitored at all times.

E. All video recordings will be created in digital form and secured to avoid tampering and ensure confidentiality in accordance with all applicable laws and regulations.

F. Video recordings shall be available for up to three (3) days. However, if there is a request for a specific video recording, the recording shall be retained until such time as the request has been resolved.

G. The School reserves the right to use the images produced by the surveillance cameras as part of enforcement of Board policy, School administrative procedures and School rules, and, where appropriate, disciplinary proceedings.

H. Surveillance cameras may record criminal offenses and/or other misconduct that occurs in view of the camera. Such video recordings may be released to law enforcement or other applicants in accordance with Board policy, and all applicable state and federal laws, including, but not limited to, FERPA and Utah's Student Data Privacy and Data Protection laws in Utah Code § 53E-9-101 *et seq*.

I. When individuals enter a School-sponsored event, they are entering an area where the school may be photographing and/or video recording the event, and their images may be incidentally captured.

II. Requests to Review/Copy Video Recordings

A. All requests for a copy of a video recording that will be given or shared with an outside entity or individual must be made in writing to the School's administrators and contain an explanation of why the request is being made. With respect to such requests:

1. Requests for copies will be granted in accordance with Board Policy, School administrative procedures and rules, and all applicable state and federal privacy laws.

2. Requests made directly to personnel other than School administrators will be forwarded to School administration for proper tracking and processing.

B. If a parent of a student or an eligible student who is identified in the recording wishes to view the video recording, that request should be directed to the student's School administrator.

1. Each such request will be considered individually, taking into account the following factors:

a. whether one or more other student's identities are discernable;

b. whether student or other discipline is being contemplated; and

c. whether criminal activity is depicted.

2. If the request is granted, such viewing must occur in the presence of a School administrator.

3. Under no circumstances will the school's video recording be removed from School premises, physically or by electronic transmission, unless in accordance with a court order and/or subpoena.

III. Notification that Surveillance Cameras are in Use

A. Appropriate signage will be posted at entrances to the School and/or at major entrances into School buildings notifying students, staff, and the general public of the School's use of surveillance cameras.

B. Students, parents, and staff will receive additional notification, as appropriate, regarding the use of surveillance cameras in the Schools and/or on School grounds.

1. Such notification does not preclude, as deemed appropriate by School administration, the discussion of the use of surveillance cameras with staff and students to heighten awareness.

IV. Prohibited Uses

A. Any unauthorized viewing or release of surveillance camera records by any School personnel may result in disciplinary action, up to and including termination.

B. If an employee inappropriately monitors the surveillance cameras or uses recordings for an unauthorized or inappropriate purpose, the employee's access shall be revoked.

C. Surveillance cameras may not be used to harass, stalk, intimidate, or inappropriately monitor any individual.

   1. Complaints related to inappropriate usage of the surveillance camera records should be directed to School administration.

   2. If an individual feels that they are being bullied, cyber-bullied, harassed, or discriminated against, they should contact the School's administration.

NDPA School Video Camera Monitoring
ADMIN Procedures
Last Updated: 3-29-23

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North Davis Preparatory Academy
Sex Education Instruction Policy

PURPOSE

The purpose of this policy is to ensure that any sex education instruction or instructional program taught at North Davis Preparatory Academy (the "School") is compliant with state law.

POLICY

The School will comply with applicable state law regarding the presentation of sex education instruction or instructional programs.

"Sex education instruction or instructional programs" means any course, unit, class, activity or presentation that provides instruction or information to students about: sexual abstinence, human development, including puberty and maturation; human reproductive processes, including conception, fetal development, pregnancy, and birth; human reproductive anatomy and, physiology; healthy dating practices, marriage, and parenthood, in accordance with the success sequence as defined in Utah Code § 53G-10-402; adoption in accordance with Utah Code § 53G-10-404; information about contraceptive methods or devices in accordance with Utah Code § 53G-10-402(2)(b) and (c); chronic, infectious, and acute diseases and conditions of the reproductive system, including, sexually transmitted infections and diseases; or refusal skills, as defined in Utah Code § 53G-10-402. While these topics are most likely discussed in courses such as health education, health occupations, human biology, physiology, parenting, adult roles, psychology, sociology, child development, and biology, this policy applies to any course or class in which these topics are the focus of discussion.

The Principal shall establish administrative procedures to help the School comply with the requirements related to sex education instruction or instructional programs under Utah law.

REVIEW

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

NDPA Sex Education Instruction Policy
REVISION A
Board Approval Date: 8-05-26

NORTH DAVIS
PREPARATORY ACADEMY

Sex Education Instruction
Administrative Procedures

These administrative procedures are established pursuant to the Sex Education Instruction Policy adopted by the School's Board of Directors.

In accordance with state law, all sex education instruction or instructional programs, which include but are not limited to all maturation education programs and all health curriculum, will comply with the requirements of Utah Code § 53G-10-402 through -403 and Utah Admin Code R277-474.

The School's health curriculum will include instruction in the following topics, as required by Utah Code § 53G-10-402(2)(a)(ii):

(a) the success sequence;
(b) community and personal health, including personal hygiene and the prevention of communicable disease;
(c) physiology;
(d) human development;
(e) marriage and safe dating practices;
(f) refusal skills;
(g) resilience;
(h) situational awareness;
(i) the harmful effects of pornography, and;
(j) the consequences of behaviors that pose a risk to individual health or of failure under the success sequence.

The School shall ensure that health curriculum instruction:

(a) stresses the importance of abstinence from all sexual activity before marriage and fidelity after marriage as methods for: maintaining mental, physical, and social health, including reducing stress; eliminating risks associated with sexual activity, including preventing pregnancy and certain communicable diseases; and achieving the success sequence; and
(b) Personal skills that encourage abstinence, the return to abstinence, and fidelity.

The Principal will establish a curriculum materials review committee composed of parents, health professionals, school health educators, and administrators. The committee will have at least as many parents as school employees. The School's Board of Directors will review and approve the membership of the committee on or before August 1 each year.

The curriculum materials review committee will meet on a regular basis, as determined by the members of the committee, select officers for the committee and designate a committee chair, and comply with the Open and Public Meetings Act. The committee will review and make recommendations to the School's Board of Directors regarding instructional materials to be used by the School in connection with sex education instruction. Program materials and guest speakers supporting instruction on these topics must also be reviewed and approved by the curriculum materials review committee.

Instructional materials used by the School in connection with sex education instruction must be approved by the School's Board of Directors in an open meeting. These materials will comply with the requirements of applicable law and will be available for parents to review for a reasonable period of time prior to consideration for adoption by the Board of Directors.

The following topics may not be taught in the School:

- The intricacies of sexual stimulation or erotic behavior;
- The advocacy of premarital or extramarital sexual activity;
- The advocacy or encouragement of the use of contraceptive methods or devices (however, instruction that includes information about contraceptive methods or devices, not including abortion or any abortive methods, that stresses effectiveness, failure rates for youth, limitations, risks, and information on state law applicable to minors obtaining contraceptive methods or devices is allowed); or
- Any means or methods that facilitate or encourage the violation of any state or federal criminal law by a minor or an adult, including as a response to a spontaneous question from a student.

The School will comply with the student privacy laws in Utah Code § 53E-9-202 through -203, and obtain parental consent prior to any sex education instruction. At no time will a student be in the classroom during any sex education instruction unless an approval form signed by the student's parent/guardian is on file. The parental notification form (aka the approval form) will:

a) explain a parent's right to review proposed curriculum materials in a timely manner;

b) request the parent's permission to instruct the parent's student in identified course material related to sex education instruction;

c) allow the parent to exempt the parent's student from attendance for a class period where identified course material related to sex education instruction is presented and discussed;

d) be specific enough to give parents fair notice of topics to be covered;

e) include a brief explanation of the topics and materials to be presented and provide a time, place and contact person for review of the identified curricular materials;

f) be retained on file with affirmative parental consent for each student prior to the student's participation in discussion of issues protected under Section 53G-10-402; and be maintained at the School for a reasonable period of time.

Instructors may not intentionally elicit comments or questions about matters subject to parental consent requirements. Additionally, instructors' responses to questions spontaneously raised by students must be brief, factual, objective and in harmony with content requirements of this policy and state law. Responses must also be age appropriate and limited in scope to that reasonably necessary under the circumstances.

The School will ensure that all educators with any responsibility for any aspect of sex education instruction will receive appropriate professional development outlining the sex education curriculum and the criteria for sex education instruction. The School will ensure that educators receive this professional development at least once every three years. Additionally, the School will ensure that such educators are familiar with the student privacy requirements of Utah Code § 53E-9-202 through -203.

Any complaint or appeal concerning sex education instruction materials adopted by the School should be addressed in accordance with the School's Parent Grievance Policy or Staff Grievance Policy, as applicable.

NDPA Sex Education Instruction
ADMIN Procedures
Last Updated: 8-05-26

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North Davis Preparatory Academy
Sexual Abuse & Molestation Prevention Policy

POLICY

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

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

Reporting by School Personnel

Utah law requires that whenever any person, including any school employee, contracted or temporary employee, or volunteer who has reason to believe that a child has been subjected to incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect, or observes a child being subjected to conditions or circumstances which would reasonably result in sexual abuse, physical abuse, or neglect, he/she shall immediately notify the nearest peace officer, law enforcement agency, or the Division of Child Family Service. The law provides serious penalties for failure to fulfill one's duty to report. School personnel and volunteers must comply with these provisions of Utah law and the School's Child Abuse and Neglect Reporting Policy.

Reporting by Students and Parents

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

Investigation & Follow Up

The School takes allegations of sexual abuse involving School personnel seriously. Once an allegation is reported, the School will promptly, thoroughly, and impartially begin an investigation to determine whether there is a reasonable basis to believe that sexual abuse has been committed. When it is appropriate considering the nature of the allegations, an internal team may conduct the investigation. However, when the report involves potentially criminal conduct, the School will refer the reports to law enforcement and cooperate fully with any investigation conducted by law enforcement or regulatory agencies.

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

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

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

Signs of Abuse

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

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

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

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

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

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

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

Retaliation Prohibited

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

Screening Prospective Employees

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

Training

The administration will provide School personnel every other year with training and instruction on child sexual abuse and human trafficking prevention and awareness, including (a) responding to a disclosure of child sexual abuse in a supportive, appropriate, manner; (b) identifying children who are victims or may be at risk of becoming victims of human trafficking or commercial sexual exploitation; and (c) the mandatory reporting requirements in the Schools Child Abuse and Neglect Reporting Policy and Utah Code Sections 53E-6-701 and 62A-4a-403.

The administration will provide the parents or guardians of elementary school students with training and instruction every other year on child sexual abuse and human trafficking prevention and awareness, including (a) recognizing warning signs of a child who is being sexually abused or who is a victim or may be at risk of becoming a victim of human trafficking or commercial sexual exploitation and (b) effective, age-appropriate methods for discussing the topic of child sexual exploitation.

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

NDPA Sexual Abuse & Molestation Prevention Policy
REVISION A
Board Approval Date: 8-14-19

North Davis Preparatory Academy
Staff Code of Conduct Policy

1. PURPOSE AND PHILOSOPHY

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

2. DEFINITIONS

a) "Boundary violation" means crossing verbal, physical, emotional, or social lines that staff must maintain in order to ensure structure, security, and predictability in an educational environment.

i) A "boundary violation" may include the following, depending on the circumstances:
(1) isolated, one-on-one interactions with a student out of the line of sight of others;
(2) meeting with a student in rooms with covered or blocked windows;
(3) telling risqué jokes to, or in the presence of a student;
(4) employing favoritism to a student;
(5) giving gifts to individual students;
(6) staff member initiated frontal hugging or other uninvited touching;
(7) photographing an individual student for a non-educational purpose or use;
(8) engaging in inappropriate or unprofessional contact outside of educational program activities;
(9) exchanging personal email or phone numbers with a student for a non-educational purpose or use;
(10) interacting privately with a student through social media, computer, or handheld devices; and
(11) discussing an employee's personal life or personal issues with a student.

ii) "Boundary violation" does not include:
(1) offering praise, encouragement, or acknowledgment;
(2) offering rewards available to all who achieve;
(3) asking permission to touch for necessary purposes;
(4) giving a pat on the back or a shoulder;
(5) giving a side hug;
(6) giving a handshake or high five;
(7) offering warmth and kindness;
(8) utilizing public social media alerts to groups of students and parents; or
(9) contact permitted by an IEP or 504 plan.

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b) "Grooming" means befriending and establishing an emotional connection with a child or a child's family to lower the child's inhibitions for emotional, physical, or sexual abuse.

c) "Sexual conduct" includes any sexual contact or communication between a staff member and a student including but not limited to:

   i) "Sexual abuse" means the criminal conduct described in Utah Code Ann. §76-5-404.1(2) and includes, regardless of the gender of any participant:
      (1) touching the anus, buttocks, pubic area, or genitalia of a student;
      (2) touching the breast of a female student; or
      (3) otherwise taking indecent liberties with a student;
      (4) with the intent to:
         (a) cause substantial emotional or bodily pain; or
         (b) arouse or gratify the sexual desire of any individual.

   ii) "Sexual battery" means the criminal conduct described in Utah Code Ann. §76-9-702.1 and includes intentionally touching, whether or not through clothing, the anus, buttocks, or any part of the genitals of a student, or the breast of a female student, and the actor's conduct is under circumstances the actor knows or should know will likely cause affront or alarm to the student touched; or

   iii) A staff member and student sharing any sexually explicit or lewd communication, image, or photograph.

d) "Staff member" means an employee, contractor, or volunteer with unsupervised access to students.

e) "Student" means a child under the age of 18 or over the age of 18 if still enrolled in a public secondary school.

3. POLICY

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

a) Staff members shall recognize and maintain appropriate personal boundaries in teaching, supervising and interacting with students and shall avoid boundary violations including behavior that could reasonably be considered grooming or lead to even an appearance of impropriety.

b) A staff member may not subject a student to any form of abuse including but not limited to:
   i) physical abuse;
   ii) verbal abuse;
   iii) sexual abuse; or
   iv) mental abuse.

c) A staff member shall not touch a student in a way that makes a reasonably objective student feel uncomfortable.

d) A staff member shall not engage in any sexual conduct toward or sexual relations with a student including but not limited to:
   i) viewing with a student, or allowing a student to view, pornography or any other sexually explicit or inappropriate images or content, whether video, audio, print, text, or other format;
   ii) sexual battery; or
   iii) sexual assault.

e) Staff member communications with students, whether verbal or electronic, shall be professional and avoid boundary violations.

f) A staff member shall not provide gifts, special favors, or preferential treatment to a student or group of students.

g) A staff member shall not discriminate against a student on the basis of sex, religion, national origin, gender identity, sexual orientation, or any other prohibited class.

h) Staff member use of electronic devices and social media to communicate with students must comply with School policy, be professional, pertain to school activities or classes, and comply with the Family Educational Rights and Privacy Act.

i) A staff member may not use or be under the influence of alcohol or illegal substances during work hours on school property or at school sponsored events while acting as a staff member. Additionally, a staff member may not use any form of tobacco or electronic cigarettes on school property or at school sponsored activities in an employment capacity.

j) A staff member shall cooperate in any investigation concerning allegations of actions, conduct, or communications that, if proven, would violate this policy.

k) The School recognizes that familial relationships between a staff member and a student may provide for exceptions to certain provisions of this policy.

l) Conduct prohibited by this policy is considered a violation of this policy regardless of whether the student may have consented.

4. REPORTING

a) A staff member who has reason to believe there has been a violation of this policy shall immediately report such conduct to an appropriate supervisor or school administrator. If a staff member has reason to believe that the Principal has violated this policy, the staff member shall immediately report the conduct to the president of the Board of Directors.

b) In addition to the obligation to report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services under Utah Code Ann. §62A-4a-403 and the School's Child Abuse and Neglect Reporting Policy:

   i) a staff member who has reasonable cause to believe that a student may have been physically or sexually abused by a school staff member shall immediately report the belief and all other relevant information to the Principal; and

   ii) if the staff member suspected to have abused a student holds a professional educator license issued by the Utah State Board of Education, the Principal shall immediately report that information to the Utah Professional Practices Advisory Commission;

   iii) a person who makes a report under this subsection in good faith shall be immune from civil or criminal liability that might otherwise arise by reason of that report.

c) A staff member who has knowledge of suspected incidents of bullying shall immediately notify the School's administrator in compliance with the School's Bullying and Hazing Policy.

d) Failing to report suspected misconduct as required herein is a violation of this policy, the Utah Educator Standards, and in some instances, state law, and may result in disciplinary action.

5. TRAINING

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

b) The School will annually provide training to staff regarding this policy.

c) Staff members will annually sign a statement acknowledging that the staff member has received training and has read and understands this policy.

d) Staff members employed by the School at the time of initial adoption of this policy shall receive training regarding this policy prior to the first day of the 2019-2020 school year on which students will be in attendance and shall acknowledge in writing having received training and understanding the policy.

6. VIOLATIONS

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

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NORTH DAVIS
PREPARATORY ACADEMY

CODE OF CONDUCT
Staff Member Acknowledgement

Name: ____ Position: ______________________

Date of Training: _____________________ Trained by: _______________________________

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

____
Signature of Staff Member

____
Date

NDPA Staff Code of Conduct Policy
Board Approval Date: 8-14-19

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North Davis Preparatory Academy
Staff Grievance Policy

PURPOSE

The purpose of this policy is to ensure that staff members understand how to pursue a grievance at North Davis Preparatory Academy. The following policy applies to the redress of grievances concerning the personnel of North Davis Preparatory Academy.

The following steps shall be followed:

1. Staff members of North Davis Preparatory Academy who have a complaint regarding other North Davis Preparatory Academy staff members, shall voice the complaint with the other employee(s) involved. If the issue is not resolved at this level, individuals shall file a written complaint* with the director/principal of North Davis Preparatory Academy.
2. Staff members of North Davis Preparatory Academy who have a complaint regarding the director/principal, shall voice the complaint with the director/principal and the parties may have a mutually agreed upon 3rd party to be present at that meeting. If the issue remains unresolved, a written complaint* shall be filed with the Chair of the Board of Trustees. After appropriate intervention and/or disciplinary action have been taken, termination of the director/principal may occur only after a majority vote of the Board of Trustees at North Davis Preparatory Academy.

*Written complaints shall specify the individual(s) involved, details of the incident(s) spurring the complaint, including dates and approximate times, and details of an attempt to rectify the situation.

NDPA Staff Grievance Policy
REVISION A
Board Approval Date: 8-04-21

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North Davis Preparatory Academy
Student Clubs Authorization Policy

POLICY

The purpose of this policy is to establish the process for authorization of student clubs as outlined in state law.

Clubs whose membership is determined by student body election or that are governed by an association that regulates interscholastic activities are exempt from this policy.

North Davis Preparatory Academy's (the "School") administration will review applications for authorization of curricular and noncurricular clubs on a case-by-case basis.

The School will follow Utah's Student Clubs laws in Utah Code § 53G-7-701 *et seq*.

Definitions

For purposes of this policy, "curricular club" means a club that is School sponsored and that may receive leadership, direction, and support from the School beyond providing a meeting place during noninstructional time. An elementary school curricular club means a club that is organized and directed by School sponsors for elementary school students at the School. A secondary school curricular club means a club at the School for secondary school students:

(a) whose subject matter is taught or will soon be taught in a regular course;
(b) whose subject matter concerns the body of courses as a whole;
(c) in which participation is required for a particular course; or
(d) in which participation results in academic credit.

For purposes of this policy, "noncurricular club" is a student-initiated group of secondary school students at the School that may be authorized and allowed School facilities use during noninstructional time by the School and Board of Directors (the "Board") in accordance with this policy and applicable law. A noncurricular club's meetings, ideas, and activities are not sponsored or endorsed in any way by the Board, the School, or by School employees.

Curricular Clubs

Application

Faculty members or students proposing a curricular club must submit a Board-approved "Student Club Application for Authorization Form" to the School administration.

The School administration will review each application and approve or deny it within a reasonable amount of time and consistent with state law and this policy.

The School administration shall approve a curricular club's name consistent with the club's purposes and its School sponsorship.

The School administration will strictly apply the definition of curricular club to determine curriculum relatedness.

If the School administration finds that the proposed curricular club is a noncurricular club, the School may: (a) return the application to the faculty member or students proposing the club for amendment; or (b) review the application as an application for authorization of a noncurricular club.

Only curricular clubs may be authorized for elementary school students at the School.

Faculty Oversight

School administration will ensure that all curricular clubs have faculty oversight at all times. Faculty sponsors will organize and direct the purpose and activities of a curricular club.

The approved faculty sponsor will provide oversight consistent with the Utah Student Clubs laws in Utah Code § 53G-7-701 *et seq.* and the needs of the School to ensure that the methods of expression or other conduct of the students or sponsor involved do not:

(a) unreasonably interfere with the ability of School officials to maintain order and discipline;
(b) unreasonably endanger or threaten the well-being of persons or property
(c) violate concepts of civility or propriety appropriate to a school setting; or
(d) violate applicable laws, rules, regulations, or School policies.

Noncurricular Clubs

Application

A noncurricular club shall have a minimum of three (3) members.

Students proposing a noncurricular club must submit a Board-approved "Student Club Application for Authorization Form" to the School administration.

The School administration will review each application and approve or deny it within a reasonable amount of time.

The noncurricular club name must reasonably reflect the club's purpose, goals and activities and may not result in or imply a violation of the Utah Student Clubs laws in Utah Code § 53G-7-701 *et seq*.

The School administration may approve a noncurricular club name in an action separate from that relating to authorization of the club itself.

Faculty Oversight

The School administration will approve faculty members to serve as supervisors for authorized noncurricular clubs. The faculty supervisor will provide oversight consistent with the Utah Student Clubs laws in Utah Code § 53G-7-701 *et seq.* and the needs of the School to ensure compliance with the approved club's purposes, goals, and activities and ensure that the methods of expression, religious practices, or other conduct of the students, supervisor, or monitor involved do not:

- (a) unreasonably interfere with the ability of School officials to maintain order and discipline;
- (b) unreasonably endanger or threaten the well-being of persons or property;
- (c) violate concepts of civility or propriety appropriate to a School setting; or
- (d) violate applicable laws, rules, regulations, or School policies.

Without prior approval from the School administration, persons who are not School faculty or club members shall not:

- (a) make a presentation to a noncurricular club; or
- (b) direct, conduct, control, or regularly attend noncurricular club meetings.

Club Limitations and Denials

The School administration will limit or deny authorization or School facilities use to a club or require changes prior to granting authorization or School facilities use if such limitation, denial, or changes are necessary to:

- (a) protect the physical, emotional, psychological, or moral well-being of students and faculty;
- (b) maintain order and discipline in the School;
- (c) prevent a material and substantial interference with the orderly conduct of the School's educational activities;
- (d) protect the rights of parents/guardians and students;
- (e) maintain the boundaries of socially appropriate behavior; or
- (f) ensure compliance with all applicable laws, rules, regulations, and School policies.

The School administration will limit or deny authorization or School facilities use to a club or require changes prior to granting authorization or School facilities use if the club's proposed charter and proposed activities indicate students or advisors in club-related activities would have a substantial, material, or significant part of their conduct or means of expression:

- (a) encourage criminal or delinquent conduct;
- (b) promote bigotry;
- (c) involve human sexuality; or
- (d) 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.

If the School administration limits or denies authorization to a club, they will provide in writing the factual and legal basis for the limitation or denial and an explanation of the appeals process. This response will be provided to the applicant in writing within a reasonable amount of time.

Parental Consent

Parental or guardian written consent for student participation in all curricular and noncurricular clubs at the School will be required. The consent form will include an activity disclosure statement containing, at a minimum, all the information outlined in the School activity disclosure example.

All completed parental consent forms shall be filed with the School administration or a designee and maintained until the end of the school year.

Appeals Procedure

If a club is denied, suspended, or terminated, a student or a complaining parent or guardian has ten (10) school days from the date of the denial, suspension, or termination to file a written appeal with the School's Principal. The Principal will issue an opinion in writing either upholding or overturning the denial, suspension, or termination within thirty (30) days of receiving the appeal. The Principal's decision shall be the final administrative decision.

A person directly affected by the Principal's decision on appeal may appeal the Principal's decision by writing to a person designated by the Board.

NDPA Student Clubs Authorization Policy
Board Approval Date: 4-07-21

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NORTH DAVIS
PREPARATORY ACADEMY

Student Club Application for Authorization Form

Applicant's Name: ____

Role Applicant will hold in proposed club: ________________________________

Recommended Club Name: ____

Faculty sponsor, monitor, or supervisor: __________________________________

Signature of faculty sponsor, monitor, or supervisor: ___________________________

Statement of the club's purpose, goals, and activities:

____

____

____

What type of club are you applying for:

☐ Curricular club

"Curricular club" means a club that is School sponsored and that may receive leadership, direction, and support from the School beyond providing a meeting place during noninstructional time. An elementary school curricular club means a club that is organized and directed by School sponsors for elementary school students at the School. A secondary school curricular club means a club at the School for secondary school students:

(a) whose subject matter is taught or will soon be taught in a regular course;
(b) whose subject matter concerns the body of courses as a whole;
(c) in which participation is required for a particular course; or
(d) in which participation results in academic credit.

☐ Noncurricular club

"Noncurricular club" is a student-initiated group of secondary school students at the School that may be authorized and allowed School facilities use during noninstructional time by the School and Board of Directors (the "Board"). A noncurricular club's meetings, ideas, and activities are not sponsored or endorsed in any way by the Board, the School, or by School employees.

What category does the club fall within? Indicate which of the following apply:

☐ athletic
☐ business/economic
☐ agriculture

☐ art/music/performance
☐ science
☐ gaming
☐ religious
☐ community service - social justice
☐ other________________ ______________________ _____________________

Proposed meeting times, dates, and places:
____
____

The Club agrees to comply with the provisions of School's Student Clubs Authorization Policy, the Utah Student Clubs laws in Utah Code § 53G-7-701 *et seq.*, and all other applicable laws, rules, or policies.

Signature of Applicant: ____

Date: __________________________

ATTACHMENTS FOR APPLICATION

☐ Attach to this form a budget showing the amount and source of any funding provided or to be provided to the club and its proposed use.

☐ If the club will require prospective members to try out, attach to this form an outline of the club's try out criteria. Try outs may not require activities that violate the provisions of the School's Student Clubs Authorization Policy, Utah Student Clubs laws in Utah Code § 53G-7-701 *et seq.*, or any other applicable laws, rules, or policies.

Return this completed form along with attachments to the School administration. The School administration will review applications for authorization of curricular clubs on a case-by-case basis. You will be notified of the status of your application in a timely manner.

Administrative Decision on Application

☐ Club Authorized
☐ Club limited or denied authorization

Signature of Administrator: ____

Date: __________________________

NDPA Student Clubs Application for Authorization Form
Board Approval Date: 4-07-21

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NORTH DAVIS
PREPARATORY ACADEMY

Student Club Membership
Activity Disclosure Statement and Parental Consent Form

Under state law, North Davis Preparatory Academy is required to obtain a student's written parental or guardian consent before the student may participate in any curricular or noncurricular club that has been authorized by the student's school.

Your student is seeking membership in ____

The club's approved purpose, goals and activities include: ______________________________

____

The club's approved categorization includes: ____

____

Beginning and ending dates the club intends to meet ____________________________________

The sponsor, supervisor, or monitor responsible for the club is __________________________

[Include a tentative schedule of the club activities with dates, times, and places specified.]

[Include personal costs associated with the club, if any.]

[Include information about transportation, if any. (Will transportation be provided by school or will parent be responsible to transport their student to activities?)]

I hereby give permission for my student to participated as a member in the __________________

____

Parent/Guardian Signature: ____

Student's Name: ____

Date: _________________________

NDPA Student Clubs Parental Consent Form
Board Approval Date: 4-07-21

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NORTH DAVIS
PREPARATORY ACADEMY

Administrative
Student Conduct and Discipline Plan

The School's goal is to create a safe, civil and productive learning environment. All School staff will work together to establish positive school and classroom cultures where teaching and learning are emphasized.

Our Vision

North Davis Preparatory Academy students develop a love of learning, experience high academic achievement, and enjoy high bi-literate proficiency. **(See Discipline Procedure Flowchart).**

Student Behavior Expectations

Students are expected to contribute to a safe learning environment by behaving respectfully and safely and reporting harmful or dangerous situations to an adult. Students should:

- Know and follow all school rules and instructions given by school staff.
- Show respect and courtesy to all students, staff and school visitors. This includes respecting property of others.

Expectations for Students **(see R.O.A.R. form)**

Respect	**Ownership**	**Achievement**	**Responsibility**
Value all people's opinions, needs and property	Know what is expected and carry it out (body, words, and materials).	Be an active learner and give your best effort.	Be responsible for your actions, school property and materials.

Before & After School	**Uniforms**	**Lockers**	**Bathrooms**	**Transitions**
• Walk inside building. • Be on time. • Only enter and exit through 5/6 door.	• Know uniform code. • Wear uniform clothing inside building and classrooms.	• Use lockers during assigned transitions. • Quickly & Quietly.	• Respect privacy. • Have a purpose (leave when you are done). • Keep Bathroom clean.	• Silent when others are in class. • Walt to the right. • Keep hands and feet to self.
Technology	**Assemblies**	**Drills/Emergency**	**Recess**	**Cafeteria**
• Use for intended purpose. • Leave settings as originally arranged. • Carry and put away properly.	• Quickly and quietly enter, sit and exit with class. • Eyes on presenter. • Appropriate applause.	• Silent/quiet voices. • Listen for instructions. • Help each other.	• Take turns and include others. • Put away what you take out. • Line up at first whistle.	• Inside voice. • Clean up after yourself. • Keep Technology in your pockets.

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These expectations are most likely to be met when the specific behaviors expected from students are clearly defined, taught to all, shaped over time, and responded to in ways that encourage students to learn and grow. The School recognizes that this requires proactive systems, practices and policies that support the development of positive behavior in every student.

When these expectations are not met, prompt and appropriate interventions will be implemented to first restore order and safety in the classroom or school environment with the ultimate goal of assisting students to make appropriate behavioral choices.

Expectations for Teachers – (See Teacher Game Plan)

Teacher Game Plan for Student Success
We must explicitly teach what is important to us, not just tell or punish.

Before & After School	Uniforms	Lockers	Bathrooms	Transitions
• Teach students procedures and practice until all students have them memorized. • Be at classroom door before and after school. • Redirect students to side doors when necessary. • Only let student in early with parent. • Notice positive behavior.	• Teach students procedures and practice until all students have them memorized. • Do a uniform check at the beginning of each class. • Remind students of uniform code (without shame). • Be aware of ALL. • Notice positive behavior.	• Teach students procedures and practice until all students have them memorized. • Be in hallway when students go to lockers. • Encourage locker use only during transitions. • Have students sign out if leaving class to go to lockers. • Notice positive behavior.	• Teach students procedures and practice until all students have them memorized. • Ensure all students use the sign in/sign out. • Keep students in classroom for the first 30 minutes. • Only allow 1 student at a time. • Notice positive behavior.	• Teach students procedures and practice until all students have them memorized. • Be with students. • Expect SILENT movement when others are in class. • Remind students to stay to the right. • Teach them to respect the property of others. • Be aware of all students and hold them accountable. • Notice positive behavior.
Technology	**Assemblies**	**Drills/Emergency**	**Recess**	**Cafeteria**
• Teach students procedures and practice until all students have them memorized. • Teach proper sign on & off and how to carry and put away. • Give clear expectations/ instructions of purpose. • Be present when students are using technology. • Monitor students are on task & using technology for	• Teach students procedures and practice until all students have them memorized. • Review appropriate behavior before attending. • Attend and stay with class. • Allow students to leave only in an emergency. • Notice positive behavior.	• Teach students procedures and practice until all students have them memorized. • Teach each procedure as specified in the emergency document. • Teach any specific expectations unique for your classroom to all of the classes. • Teach outside line up procedure. • Teach emergency procedures the first	• Teach students procedures and practice until all students have them memorized. • Walk students to recess • Send all students out. • Be in agreed upon area for pickup. • Be on time. • Notice positive behavior.	• Teach students procedures and practice until all students have them memorized. • Leave on time. • Walk students to lunchroom. • Ensure they line up correctly. • Notice Positive Behavior.

intended purpose. • Ensure all equipment is accounted for. • Check that lab is clean and chairs are pushed in before leaving. • Lock up lab and return to designated area and PLUG IN.		two weeks of class to your homeroom. • Notice positive behavior.		

School and Classroom Management

School personnel will provide continuous, positive, and active supervision and monitoring of student behavior.

Effort should be made to correct student misbehavior using intervention strategies and the least severe discipline responses possible, reserving more significant discipline, such as suspension and expulsion, for the most serious situations that warrant removal from the school environment. When staff and administration use discipline to respond to student misbehavior, it is expected that the discipline response will be paired with other strategies to provide a balanced approach to supporting behavior change in students.

All intervention strategies and discipline should be selected and implemented to help students learn from their mistakes and be supported to:

- Understand why the behavior is unacceptable and the harm it has caused
- Understand what they could have done differently in the same situation
- Take responsibility for their actions
- Learn pro-social strategies and skills to use in the future
- Understand the progression of more stringent consequences if the behavior reoccurs

Because inappropriate behavior may be symptomatic of underlying problems that students are experiencing, it is critical that all staff be sensitive to issues that may influence student behavior and respond in a progressive manner that is most supportive of student needs.

Classroom Rules and Consequences

Each teacher should establish classroom rules consistent with North Davis Preparatory Academy's Core Values:

- We prepare the child for the path, not the path for the child.
- We nurture curiosity, self-discipline, and the courage to act on our own thoughts and dreams.
- All interactions between students, teachers, staff and parents are based on honesty, trust, and respect.
- We are a community that embraces differences in our languages, cultures, religions, and abilities.

Effective Classroom Management

Foundational to supporting positive behavior in all students is the use of effective classroom management strategies. The goal of proactive and positive classroom management is to develop students who are responsible, motivated, and highly engaged in meaningful tasks. In many cases, effective classroom management practices will reduce the occurrence of behaviors that require intervention strategies and disciplinary responses.

Intervention Strategies

Intervention strategies are actions that provide opportunities for instruction, assessment and restoration. At North Davis Preparatory Academy, we use a variety of strategies. Examples of intervention strategies to be used in the School include but are not limited to:

- Behavior Contracts
  - ✓ Behavior Contracts create agreements between the student and staff about behavior expectations and how the student will be supported to meet the expectations. Monitoring of the contract can include student self-charting of behavior, staff feedback about progress after each class period, etc. and include reinforcers for success and consequences for continuing problems.
- Functional Behavior Assessment/Behavior Intervention Plans
  - ✓ Behavior Intervention Plans are developed based on an assessment of the function of the student's behavior. The assessment results are used to develop a plan for consistent instruction and intervention to support behavior change.
- Check-in Check-Out (CICO)
  - ✓ Students check in with designated CICO facilitators before the beginning and at the end of each school day to receive positive contact, pre-corrects, reminders of school-wide expectations, etc. At the end of each class period, teachers provide behavioral feedback on a Daily Progress Report Card.
- Conflict Resolution
  - ✓ Students are supported and empowered to take responsibility for peacefully resolving conflicts. Students are taught skills including anger management, active listening and effective communication.

Disciplinary Responses

Disciplinary responses are actions that are typically viewed as consequences or punishment. At North Davis Preparatory Academy, we strive to meet our core values, examples of disciplinary responses that may be used but are not limited to:

- Loss of classroom privileges
  - ✓ Students lose opportunities in the classroom such as participating in free time activities, etc.
- In-school suspension
  - ✓ Students are removed from the classroom environment and assigned to work in a designated space within the School for up to one day.

- Out of school suspension
    - ✓ Students are removed from the School environment for a designated number of days based on the severity of the infraction and other mitigating and escalating factors. Out of school suspensions will be followed by a restorative re-engagement conference to involve the student, parent and appropriate School staff.
- Expulsion
    - ✓ Students are removed from the School environment following the process established in the Student Conduct and Discipline Policy.

Discipline Procedure Flowchart

The Discipline Procedure Flowchart (attached) is provided to guide staff and administrator decisions about how to respond to student misbehavior. It is critical that the following factors be considered prior to determining the appropriate intervention strategy or disciplinary response:

- The student's age, maturity and understanding of the impact of their behavior
- The student's willingness to repair the harm cause by the behavior
- The student's disciplinary record including the nature of prior misconduct, the number of prior instances of misconduct, the interventions and consequences applied, etc.)
- The nature, severity and scope of the behavior
- The circumstances and context in which the misconduct occurred
- The student's IEP, BIP or 504 Plan, if applicable

(**see attached Discipline Procedure Flowchart**)

Adequate Adult Supervision

In order to help ensure that behavior expectations are consistently monitored and enforced, the School will ensure that adequate adult supervision is maintained in classrooms, on the playground, in the cafeteria, other areas of the School building, during field trips, and during other school-sponsored activities.

Effective Instructional Practices for Teaching Student Expectations

The School will implement a variety of teaching strategies to establish expectations and instruct students regarding self-discipline, citizenship, civic skills, and social skills.

School staff will communicate and teach behavior expectations as well as self-discipline, citizenship, civic skills, and social skills to all students. School staff will continue reminding, re-teaching, and recognizing expected behavior throughout the school year. Data will be used to determine when specific behavior issues need to be addressed at an individual, class, or School-wide level throughout the year.

Behavior expectations in classrooms, hallways, cafeteria, restrooms, and playground will be communicated to students by explaining what such behavior looks like and sounds like.

Systematic Reinforcement of Expected Behaviors

The School will provide regular, frequent, and positive acknowledgements and reinforcement for student displays of academic and social behavior success.

Annual Data-Based Evaluations of Efficiency and Effectiveness

Staff members will document and communicate to the approved personnel incidences for data gathering purposes. **(See Behavioral Assessment Referral Form).**

Data will be analyzed regularly by the Behavior Assessment Team. The results will be shared with all staff members and will be used to plan adjustments and areas of emphasis in addressing behavior issues.

Staff Development Program and Training of Appropriate School Personnel

The School expects all staff members to model the same positive social behaviors and values that are expected of students.

Policies Relating to the Use and Abuse of Alcohol and Controlled Substances By Students

As provided in the Student Conduct and Discipline Policy, the use, control, possession, distribution, sale, or arranging for the sale of alcohol or an illegal drug or controlled substance is ground for suspension of expulsion.

Procedures Related to Bullying Activities (including bullying, cyber-bullying, hazing, retaliation, abusive conduct)

North Davis Preparatory Academy Bullying Policy fosters a safe and trusting community that enhances learning, is safe from physical and emotional harm, and nurtures the development of personal and social responsibility.

North Davis Preparatory Academy's administrative policy and procedures meets the following criteria:

- Meet all statutory and regulatory requirements of the State of Utah and USOE
- Are consistent with the NDPA Core Values and End Statements
- Promote effective conflict management skills and build trust
- Provide training to students and staff members to ensure a safe school environment
- Provide supervision to monitor interpersonal interactions and correct those which are inconsistent with this policy

NDPA school administrators will report to the Board of Directors:

- Data showing the progress of improvement of personal and social responsibility including the number and description of serious infractions annually.

- Data collected from student/parent surveys assessing the effectiveness of the policy and procedures every three years.

Notice to Employees

The administration will distribute this Plan to employees by e-mail at the beginning of each school year and to each new employee upon hire.

Gang Prevention and Intervention

School employees will be aware of potential gang activities, as defined in the Student Conduct and Discipline Policy, and such activities will be subject to discipline as set forth in that policy.

Reports Received Through the School Safety and Crisis Line

The School may receive a report through the School Safety and Crisis Line established under Utah Code § 53A-11-1503(3), regarding (i) unsafe, violent, or criminal activities, or the threat of such activities at or near a public school; (ii) incidents of bullying, cyber-bullying, harassment, or hazing; and (iii) incidents of physical or sexual abuse committed by a school employee or school volunteer; or involving situations where there is a need for crisis intervention, including suicide prevention, to individuals experiencing emotional distress or psychiatric crisis. In the event the School receives such a report, North Davis Preparatory Academy will investigate, contact and notify appropriate parties.

Protections for Students with a Disability

Nothing in this Plan diminishes any student rights as under or in connection with the Individual with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act, or state law. Students with a disability will always be entitled to the rights and protections afforded to them by state and federal law and shall not be removed from the learning environment except as such actions are undertaken in accordance with applicable legal requirements.

NDPA Student Conduct & Discipline Plan
Last Updated: 9-14-17

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North Davis Preparatory Academy
Student Conduct and Discipline Policy

PURPOSE

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

ENVIRONMENT

It is the policy of the School to promote a safe and orderly school environment for all students and employees. Accordingly, the School holds all students, employees, and other adults to the highest standards of behavior on school grounds 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 school disciplinary action, prosecution, or both.

It is the policy of the School to provide equal educational and employment opportunity for all individuals. Therefore, the School prohibits all discrimination on the basis of race, color, religion, sex, age, national origin, disability, or veteran status. Complaints of discrimination or unfair application of this policy should be filed promptly with the Principal or the Board.

NDPA Student Conduct and Discipline Policy
Board Approval Date: 6-07-17

NORTH DAVIS
PREPARATORY ACADEMY

Student Conduct & Discipline
Administrative Procedures

These administrative procedures are adopted in accordance with the Student Conduct and Discipline Policy adopted by the North Davis Preparatory Academy Board of Directors.

Definitions:
"The School" means North Davis Preparatory Academy
"The Board" means North Davis Preparatory Academy Board of Directors
"CMT" means Case Management Team: The CMT shall consist of the Principal, the counselor, and a teacher selected by the Principal.

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

The School will promote and require:
- student responsibility for learning and behavior in all grades;
- student conduct that produces a proper learning environment and respect for the personal, civil, and property rights of all members of the school community;
- parents and guardians of all students to assume proper legal responsibility for their students' behavior, and to cooperate with school authorities in encouraging student self-discipline and discouraging behavior that is disruptive to the School's educational program.

The School will comply with:
- state and federal laws requiring suspension or expulsion for certain types of student behavior.

1. BELIEFS AND PHILOSOPHY

1.1 Beliefs and Expectations

The School's beliefs and expectations set a positive and inviting school culture for dealing with safe school issues.

Beliefs:
- Punishment, alone, will not change behavior
- Much aggressive behavior is a relationship problem, not a behavior problem
- Adults must model the behaviors they expect from the students
- We expect conflicts, but we expect conflicts to be resolved and relationships mended

Expectations:
- Students will show respect for other students
- Students will show respect for adults
- Students will show respect for the building
- Adults will show respect for students
- Students will develop self-discipline

1.2 Procedural Philosophy

The School recognizes that establishing a procedural philosophy consistent with the desired positive school environment is as important as following legal and due process procedures. The School's policy sets forth appropriate legal and due process procedures and will be followed within the context of the procedural philosophy outlined below:

Procedures:

When students are involved in conflicts with other students, they will, when appropriate:
- Work together to resolve the conflict
- Work to repair the relationship and build trust
- Be subject to additional consequences if they exhibit unsafe behaviors during the conflict

When students are involved in a conflict with or feel they have been treated unfairly by a member of the staff or a volunteer they will:
- Report their feelings to their parents who will set up a conference with the student, the parent, and the adult/s involved to resolve the conflict and mend the relationship
- Report the feelings to the administrator or counselor who will set up a conference with the student, the parent, administrator/counselor, and/or the adult involved to resolve the conflict and mend the relationship

When students flagrantly disregard the safety of others, show blatant disrespect to or for others, or consistently behave in a disrespectful or unsafe way:
- The student will be subjected to consequences and positive behavior support to ensure that student will make better choices in the future. Consequences might include:
    - In-School Suspension
    - Out-of-School Suspension
    - Expulsion
    - Restitution
    - Repayment for damages
- The student will work to earn back the trust of the school community

Genuine apology to injured or affected parties

Demonstration of appropriate behaviors following the incident to "walk the talk"
- Repair or replace any damaged items

Due process to protect the rights of students will include:

- All students will be treated with dignity and respect as they go through correction procedures. The administration will see to it that their rights are protected through the process. If parents feel their student has not been treated fairly, they may address those concerns in accordance with these procedures or NDPA's Parent Grievance Policy, as applicable.
- Parents will be notified when students are involved in situations that are deemed to be serious including out of school suspension, expulsion, restitution, or repayment of damages.
- Parents and students will be notified of the expectations, possible consequences and the procedures involved in the policy at the beginning of each school year.

2. DEFINITIONS

2.1 Suspension

For purposes of the policy and these procedures, suspension means: (a) an in-school suspension that is a temporary removal of a student from the student's regular classroom for disciplinary reasons for at least half a school day but remains under the direct supervision of School personnel; or (b) an out-of-school suspension that is the removal of a student from School grounds for disciplinary reasons unless the student removed is: (i) served solely under a Section 504 plan, where an out-of-school suspension is the excluding of the student from school for disciplinary purposes for one day or longer; or (ii) a student with disabilities under the Individuals with Disabilities Education Act, where an out-of-school suspension is the temporary removal of the student from the student's regular school for disciplinary reasons to another setting.

A student who is suspended for ten (10) or fewer school days may, at the Principal's discretion, have access to homework, tests, and other schoolwork through a home study program but will not be allowed to attend classes or participate in any School activities during the period of suspension.

A student who is suspended for more than ten (10) school days shall be provided, or at least offered, alternative education services by the School, but such students will not be allowed to attend classes or participate in any School activities during the period of suspension.

2.2 Expulsion for Regular Education and 504 Students

For purposes of the policy and these procedures, expulsion means a disciplinary removal from the School for more than ten (10) school days without an offer of alternative education services. An expulsion may be for a fixed or indefinite period of time. If a student is expelled from the School, that student's status as an enrolled student of the School is terminated. Expelled students are excluded from all School programs and activities for the period of expulsion. In cases of expulsion from the School, the legal obligation of complying with state compulsory education laws becomes the sole responsibility of the student's parents.

2.3 Change of Placement for Students with Disabilities under IDEA and Section 504

For purposes of removals of a student with a disability from the student's current educational placement, a change in placement occurs if the removal is for more than ten (10) consecutive school days; or, the student is subjected to a series of removals that constitute a pattern because they cumulate to more than ten (10) school days in a school year, and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another. Any "Change of Placement" requires compliance with the procedures referenced in Section 7 of these procedures.

2.4 Disruptive Student Behavior

For purposes of the policy and these procedures, “disruptive student behavior” means the behavior identified as grounds for suspension or expulsion described in Section 3.1 below.

2.5 Parent

For purposes of the policy and these procedures, “parent” means (i) a custodial parent of a school-age child; (ii) a legally appointed guardian of a school-age child; or (iii) any other person purporting to exercise any authority over the child which could be exercised by a person described above.

2.6 Qualifying Minor

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

2.7 School Year

For purposes of the policy and these procedures, “school year” means the period of time designated as the school year by the Board in the calendar adopted each year.

2.8 School-age Child

For purposes of the policy and these procedures, “school-age child” means a minor who: (i) is at least six years old but younger than 18 years old; and (ii) is not emancipated.

3. GROUNDS FOR SUSPENSION, EXPULSION, OR CHANGE OF PLACEMENT

3.1 Suspension

3.1.1 A student **may** be suspended from school for the following reasons:

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

(b) willful damage to or defacement of school property;

(c) behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or School personnel or to the operation of the school;

(d) possession, distribution, control, use, sale, or arranging for the sale of an alcoholic beverage as defined in Utah Code Ann. § 32B-1-102;

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

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

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

(h) criminal activity;

(i) any other serious violation involving weapons, drugs, or the use of force, including those actions prohibited in Section 3.1.2 below, which threatens harm or causes harm to the school or school property, to a person associated with the school, or property associated with any such person, regardless of where it occurs; or

(j) bullying or hazing as defined in Utah Code Ann. § 53G-9-601.

3.1.2 A student **<u>shall</u>** be suspended or expelled from School for the following reasons:

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

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

ii. the actual use of violence or sexual misconduct, including but not limited to such violence or sexual misconduct related to hazing;

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

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

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

(b) the commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor; or

(c) making a false report of an emergency at the School or another school under Utah Code Ann. § 76-9-202(2)(d).

3.2 Expulsion

A student may be expelled from school for any violation listed under Section 3.1 of these procedures if the violation is serious or persistent.

3.3 Weapons - Mandatory Expulsion for One Year, Utah Code Ann. § 53G-8-205(2)(b); 20 U.S.C.A. § 7151

3.3.1 Any student who commits an act for which mandatory suspension or expulsion is provided under Section 3.1.2, above, involving a real or lookalike weapon, explosive, or noxious or flammable material shall be expelled from School and all School programs and activities for a period of not less than one year, subject to the provisions in Utah Code Ann. § 53G-8-205(2)(b).

3.3.2 Students with Disabilities under IDEA and Section 504

Whenever a student receiving special education and related services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act is determined to have carried a weapon to school or a school function the procedures referenced in Section 7 of these procedures must be followed.

3.5 Drugs and Controlled Substances - Mandatory Suspension or Expulsion Utah Code Ann. § 53G-8-205(2)(a)

3.5.1 A student shall be suspended or expelled from the School for any of the following reasons:

(a) use, control, possession, distribution, sale, or arranging for the sale of an illegal drug or controlled substance (which includes alcohol), an imitation controlled substance, or drug paraphernalia in a school building, in a school vehicle, on School property, or in conjunction with any school activity;

(b) misuse or abuse, distribution, sale or arranging for the sale of prescription medication at school or a school function; or

(c) misuse or abuse of over-the-counter remedies, or sharing, distribution, sale, or arranging for the sale of over-the-counter remedies. A student may possess and use over-the-counter remedies at school only in amounts not to exceed the recommended daily dose including, but not limited to: aspirin, ibuprofen, Tylenol (acetaminophen), cough drops, allergy medication, cough syrup and mouthwash.

3.5.2 Students with Disabilities under Section 504

Any student identified as being disabled under either Section 504 of the Rehabilitation Act or the Americans with Disabilities Act who currently is engaging in the illegal use of drugs or alcohol shall be suspended or expelled to the same extent as non-disabled students for the possession, use, control, distribution, sale, or arrangement of the sale of illegal drugs, alcohol, or controlled substances on School property or in conjunction with any school activity.

3.5.3 Drug Testing

(a) Any student who is reasonably suspected of violating Section 3.5 may be subject to a drug test for cause, arranged and paid for by the School.

(b) Any student who has been suspended or expelled for a violation of Section 3.5 may be required to provide a clean drug test and evidence of drug assessment and drug counseling programs as a condition of readmission to school. Testing and counseling required as a condition of readmission rather than for the purpose of providing justification for the initial suspension or expulsion shall be arranged and paid for by the student's parent.

(c) Students who refuse to submit to required drug testing and counseling programs, or to cooperate with School officials with respect to the sharing of appropriate information, may be expelled from the School.

(d) Any student who is suspended or expelled for violation of Section 3.5 may be subject to random drug testing, at any time and for any reason, for a period of one year from the date of offense. If the student tests positive, he/she may be expelled from all School programs or activities. Any student who refuses consent for random drug testing under these conditions shall be expelled from all School programs or activities.

3.5.4 Students with Disabilities under IDEA

Whenever a student receiving special education and related services under IDEA knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function, the procedures referenced in Section 7 of these procedures must be followed.

3.6 Gangs

A "gang" as defined in these procedures means any ongoing organization, association or group of three or more persons, whether formal or informal, having as one its primary activities the commission of criminal acts, which has a unique name or identifiable signs, symbols, or marks, and whose members individually or collectively engage in criminal or violent behavior to persons or property, or who create an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of a school.

3.6.1 Gang Activity and Apparel Prohibited

Students who engage in any form of gang activity on or about school property, or at any school activity may be suspended or expelled under the terms of these procedures. For the purposes of these procedures, "gang activities" include, but are not limited to any of the following.

(a) Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, apparel, emblems, badges, tattoos or manner of grooming, accessories, symbols, signs, or other thing which is evidence of membership in or affiliation with any gang;

(b) Committing any act or omission or using any speech, either verbal or nonverbal, (flashing signs, gestures, handshakes, etc.) that demonstrates membership in or a affiliation with a gang;

(c) Soliciting others for membership in a gang;

(d) Requesting any person to pay for "protection", claiming "turf", or otherwise intimidating, bullying, retaliating against, threatening, abusing, or harassing any person;

(e) Possessing a weapon, controlled substances, drug paraphernalia, or other contraband;

(f) Committing any illegal act; or

(g) Encouraging or inciting another person to act with physical violence upon any other person or cause damage to property.

3.6.2 Confiscation of Gang Items

Subject to the search and seizure provisions of these procedures, gang paraphernalia, apparel, or weapons may be confiscated by school officials at any time.

3.6.3 Consultation with Law Enforcement Authorities

School officials shall consult with local law enforcement authorities and gang detectives whenever they have questions regarding gang-related clothing, apparel, or other gang activity.

3.7 Bullying, Cyber-Bullying, Harassment, Hazing, and Abusive Conduct

Bullying, cyber-bullying, harassment, hazing, and abusive conduct of students and employees are against federal law, state law, and School policy, and are not tolerated by the School. It is the School's intent to respond to school-related incidents by implementing prevention efforts where victims can be identified and assessed, and perpetrators educated, in order to create a safer school that provide a positive learning environment.

School administration has the authority to discipline students and employees for off-campus speech that causes or threatens a substantial disruption on campus, at School activities, or causes or threatens a significant interference with a student's educational performance or involvement in School activities.

Additional information regarding these issues are contained in the School's Bullying and Hazing Policy, which is available on the School's website.

3.8 Possession or Use of Electronic Cigarette Products

3.8.1 Students are prohibited from possessing or using electronic cigarette products, as defined by Utah Code Ann. § 76-10-101, on School property.

3.8.2 The Principal or his/her designee shall request the surrender of or confiscate electronic cigarette products as provided in Section 11 of these procedures.

3.8.3 The Principal will ensure that any surrendered or confiscated electronic cigarette product is destroyed or disposed of. However, the Principal may allow the release of any surrendered or confiscated electronic cigarette product to local law enforcement if School personnel have a reasonable suspicion that the electronic cigarette product contains an illegal substance and local law enforcement requests that the School release it to them as part of an investigation or action.

4. AUTHORITY TO SUSPEND OR EXPEL

4.1 Authority to Suspend and Duration of Suspension for Regular Education Students

The Principal has the authority to suspend a regular education student for up to ten (10) school days per incident. In considering whether to suspend a student, the Principal shall consider all relevant factors, including but not limited to, the severity of the offense, the student's age, disability, academic status and disciplinary record, parental capabilities, and community resources. The Principal, alone, is prohibited from suspending for longer than ten (10) school days, expelling, or otherwise changing student placement. Whenever such action is contemplated or desired, the Principal shall make a referral to the School's CMT.

4.2 Authority to Suspend and Duration of Suspension for Students with Disabilities

The Principal has the authority to suspend a student with disabilities (504 or IDEA) for not more than ten (10) consecutive school days for any violation of school rules, and additional removals of not more than ten (10) consecutive 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. A school need not provide services during periods of removal of ten (10) days cumulative or less if services are not provided to a student without disabilities who has been similarly removed.

4.3 Authority to Suspend for Longer than Ten (10) School Days or Expel

Subject to the requirements for due process set forth in Section 6, the CMT may, by a majority vote, suspend a student for longer than ten (10) school days and up to one (1) year or expel a student for violations under the policy or these procedures. The CMT shall report its disciplinary actions to the Board at least once each year.

4.3.1 Parental Responsibility

If a student is suspended for a period longer than ten (10) school days or expelled, the student's parent is responsible for undertaking an alternative education plan which will ensure that the student's education continues during the period of expulsion.

4.3.2 The parent and designated school officials may enlist the cooperation of the Division of Child and Family Services, the juvenile court, law enforcement, or other appropriate government agencies in determining how to meet the educational needs of the student.

4.3.3 Readmission of Expelled Students

Any student who is expelled from the School will be dropped from the School's rolls in accordance with state law. A student who is expelled must follow the School's lottery procedures in order to be readmitted to the School.

Pursuant to state law, a student may be denied admission to the School if he or she was expelled from that or any other school, during the preceding 12 months.

4.4 Authority to Institute Change of Placement for Student with Disabilities

Where the student is receiving special education services or accommodations on the basis of disability under IDEA, 504, or ADA, procedures outlined in the State of Utah Special Education Rules shall be followed, including prior written notice to parents regarding their procedural due process rights, before any long-term disciplinary action or change of placement takes place.

4.5 Reinstatement of Students who Have Been Suspended

In accordance with Utah Code Ann. § 53G-8-206, a suspended student may not be readmitted to the School until (a) the student and the parent have met with a designated School official to review the suspension and agreed upon a plan to avoid the recurrence of the problem; or (b) in the discretion of the Principal, the parent of the suspended student and the student have agreed to participate in such a meeting. This provision is subject to the requirements in Section 4.2 and 4.3.

5. PROCEDURES FOR ADDRESSING DISRUPTIVE STUDENT BEHAVIOR - Utah Code Ann. § 53G-8-210, Utah Code Ann. § 53G-8-211, and Rule R277-609.

The School will follow procedures consistent with state law in addressing disruptive student behavior. The Principal or his/her designee is authorized to issue notices of disruptive student behavior, including habitual disruptive student behavior notices, to qualifying minors in accordance with Utah Code Ann. § 53G-8-210. A qualifying minor's parent may contest a notice of disruptive student behavior in accordance with the School's Parent Grievance Policy. Notices of disruptive student behavior described are issued at the discretion of the Principal or his/her designee and are not required to be issued prior to suspending or expelling a qualifying minor.

6. DUE PROCESS FOR SUSPENSIONS AND EXPULSIONS

The School will provide students with appropriate due process in connection with any decision to suspend or expel under the policy or these procedures.

7. DUE PROCESS FOR CHANGE OF PLACEMENT OF STUDENTS WITH DISABILITIES

The School will provide appropriate due process and will comply with applicable state and federal statutes and regulations in connection with any change of placement of a student with a disability under IDEA, 504, or ADA.

8. ADMINISTRATIVE STUDENT CONDUCT AND DISCIPLINE PLAN(S)

8.1 Elements of Plan

The Principal will develop, with input from administration, instruction and support staff, students, parents, and other community members, a Student Conduct and Discipline Plan(s). The plan(s) shall be comprehensive, clearly written, consistently enforced, and include the following elements:

8.1.1 written standards for student behavior expectations, including schoolwide and classroom management;

8.1.2 effective instructional practices for teaching student expectations;

8.1.3 systematic methods for reinforcing expected behaviors;

8.1.4 uniform and equitable methods for correcting student behavior;

8.1.5 procedures for re-teaching behavior expectations followed by effective, evidence-based interventions matched to student needs before suspension or court referral;

8.1.6 direction to determine the range of behaviors and establish the continuum of administrative procedures that may be used by School personnel to address student behavior; and

8.1.7 procedures for responding to reports received through the SafeUT Crisis Line under Subsection 53H-4-210.

8.2 Plan(s) Consistent with the Policy and These Procedures

The administrative Student Conduct and Discipline Plan(s) shall be consistent with the policy and these procedures, including without limitation the emergency safety intervention policies and procedures set forth in Section 10. It shall also be consistent with the School's Plan for Harassment and Discrimination Free Learning, which shall be developed by the School in accordance with § 53G-8-802 and R277-609.

9. EXTRACURRICULAR ACTIVITIES

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

10. EMERGENCY SAFETY INTERVENTIONS

A School employee may not use physical restraint on a student or place a student in seclusion except as a necessary emergency safety intervention in compliance with this Section.

10.1 Definitions

10.1.1 "Comprehensive emergency safety intervention training" means a training required for key identified school employees that has the components described in R277-608-4(4).

10.1.2 "Chemical restraint" means the use of medication administered to a student, including medications prescribed by the student's physician or other qualified health professional, on an as-needed basis for the sole purpose of involuntarily limiting the student's freedom of movement.

10.1.3 "Emergency safety intervention" ("ESI") means the use of seclusion or physical restraint when a student presents an immediate danger to self or others. An ESI may not be used for disciplinary purposes.

10.1.4 "Immediate danger" or "immediate and significant threat" means the imminent risk of physical violence toward self or others, or other physical behaviors which are likely to cause imminent risk of substantial bodily injury or serious bodily injury.

10.1.5 "Key Identified School Employee" means a School employee who has completed foundational behavior support training and comprehensive emergency safety intervention training and has been authorized by the Principal to utilize an ESI at the School when necessary.

10.1.6 "Mechanical restraint" means the use of any device or equipment to restrict a student's freedom of movement.

10.1.7 "Foundational behavior support training" means a training required for all School employees who supervise students or may be asked to assist in managing a student's behavior that has the components described in R277-608-4(1).

10.1.8 "Physical restraint" means a personal restriction that immobilizes or significantly reduces the ability of a student to move the student's arms, legs, body, or head freely.

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

10.1.10 "Seclusion" means seclusionary time out that is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving, including: (i) placing a student in a locked room; or (ii) placing a student in a room where the door is blocked by furniture or held closed by staff.

10.1.11 "Serious bodily injury" means bodily injury that creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ, or creates a substantial risk of death.

10.1.12 "Substantial bodily injury" means bodily injury, not amounting to serious bodily injury, that creates or causes protracted physical pain, temporary disfigurement, or temporary loss or impairment of the function of any bodily member or organ.

10.2 General Procedures

10.2.1 All School employees who supervise students, or who may be asked to assist in managing a student's behavior, shall receive foundational behavior support training. This training must be completed within two months, or within 30 days if working directly with a student with disabilities, of employment at the School and bi-annually thereafter.

10.2.2 Key Identified School Employees shall receive comprehensive ESI training in addition to foundational behavior support training. Comprehensive ESI training shall be completed before a Key Identified School Employee may use an ESI with a student and annually thereafter.

10.2.3 An ESI shall:

(a) be applied for the minimum time necessary to ensure safety, as reasonably understood by the Key Identified School Employee using the ESI;

(b) be released under the following circumstances (release criteria):

(i) as soon as the student is no longer an immediate danger of physical harm to self or others (e.g., student is no longer hitting, kicking, biting, throwing objects, self-harming, or making other movements that create imminent risk of physical violence; student is able to respond to staff verbally or nonverbally in a regulated way; and/or the student exhibits signs of de-escalation, such as having a relaxed body, no longer attempting to break free, or breathing slowly); or

(ii) f the student is in severe distress (e.g., student is having difficulty breathing or is vomiting, gagging, experiencing chest pain, or turning pale or blue in the face);

(c) never be used as punishment or discipline;

(d) in no instance be imposed for more than 30 minutes, per occurrence; and

(e) be documented and reported, as required.

10.2.4 The School prohibits dangerous practices as defined by the School, including dangerous practices outlined in the Least Restrictive Behavioral Interventions (LRBI) Technical Assistance manual.

10.2.5 The School shall take prompt and appropriate action, including in-service training and other administrative action, upon confirming a violation related to the use of an ESI on a student. Violations of any standards for seclusion or physical restraint established by the Utah State Board of Education shall also result in a referral to local law enforcement and the Utah Professional Practices Advisory Commission.

10.3 Students with Disabilities Receiving Special Education Services

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

10.3.2 Additionally, ESIs written into a student's IEP as a planned intervention are prohibited unless school personnel, the family, and the IEP team agree less restrictive means have been attempted; a Functional Behavioral Assessment has been conducted; and a positive behavior intervention plan based on data analysis has been written into the plan and implemented.

10.4 Physical Restraint

10.4.1 Key Identified School Employees may, in accordance with Section 10.2.3 and when acting within the scope of employment, use physical restraint on a student when the student presents an immediate danger to self or others and when no other safe or effective intervention is available.

10.4.2 Key Identified School Employees may use reasonable and necessary physical restraint only:

(a) in self-defense;

(b) to protect a student or another person from physical injury;

(c) to remove from a situation a student who is violent;

(d) to take possession of a weapon or other dangerous object in the possession or under the control of a student; or

(e) to protect property from being damaged, when physical safety is at risk.

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

(a) prone, or face-down;

(b) supine, or face-up;

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

(d) mechanical restraint, except for restraints required by law, including seatbelts or any other safety equipment used to secure students during transportation, protective or stabilizing restraints as prescribed by an appropriate medical or related services professional, and devices used by a law enforcement officer in carrying out law enforcement duties; or

(e) chemical restraint.

10.4.4 A Key Identified School Employee may not use physical restraint on a student for more than the shortest of the following before stopping, releasing, and reassessing the intervention used:

(a) the amount of time described in the School's ESI training program;

(b) 30 minutes; or

(c) when law enforcement intervenes.

10.4.5 Despite the foregoing, a Key Identified School Employee shall first use the least restrictive intervention available to the employee, including a physical escort, to address circumstances described in Section 10.4.1. In addition, nothing in this Section prohibits a Key Identified School Employee from subsequently using less restrictive interventions to address circumstances described in Section 10.4.1.

10.4.6 A student who has been physically restrained and then released shall, in addition to being promptly reassessed by the Key Identified School Employee, be monitored for a reasonable period of time to help ensure the continued safety and well-being of the student and others. Monitoring should include observation for signs of such things as injury, respiratory distress, or continued escalation, and the Principal and medical personnel shall be notified when warranted.

10.5 Seclusion

10.5.1 A Key Identified School employee may, in accordance with Section 10.2.3 and when acting within the scope of employment, place a student who is in grade 1 or higher in seclusion as an ESI when the student presents an immediate danger to self or others and when no other safe or effective intervention is available. Students in kindergarten shall not be placed in seclusion.

10.5.2 Key Identified School Employees may use seclusion only when:

(a) other less restrictive interventions have failed;

(b) a staff member who is familiar to the student is actively supervising the student for the duration of the seclusion;

(c) the student is observed at all times during the seclusion by School personnel who have received the comprehensive ESI training;

(d) any door remains unlocked consistent with applicable fire and public safety requirements described in R392-200 and R710-4; and

(e) the seclusion is time-limited to a maximum time of 30 minutes, per occurrence, and monitored.

10.5.3 A School employee may not place a student in seclusion:

(a) as a behavioral intervention;

(b) as a disciplinary practice;

(c) for coercion, retaliation, or humiliation;

(d) due to inadequate staffing; or

(e) for the School employee's convenience.

10.5.4 A student who has been placed in seclusion and then released shall be promptly reassessed by the Key Identified School Employee and also monitored for a reasonable period of time to help ensure the continued safety and well-being of the student and others. Monitoring should include observation for signs of such things as injury, severe distress, or continued escalation, and the Principal and medical personnel shall be notified when warranted.

10.5.5 The Principal shall ensure that all the following individuals are debriefed at an appropriate time after a student seclusion has taken place:

(a) all witnesses;

(b) all School staff who were involved;

(c) the student who was secluded; and

(d) the parent of the student who was secluded.

10.5.6 The Principal shall also ensure that a proper review of the decision to use seclusion is performed as soon as reasonably possible after a student seclusion has taken place.

10.5.7 The School does not allow the designation of any enclosed area in its building for the sole purpose of seclusion.

10.6 Notification of the Use of an ESI

10.6.1 If an ESI is used on a student, the School or the employee who used the ESI shall immediately notify the following:

(a) the student's parent; and

(b) School administration.

This notice shall be provided no later than 15 minutes after the use of an ESI.

10.6.2 Parent notifications made under this Section shall be documented in the School's student information system.

10.7 Documentation of the Use of an ESI

10.7.1 If an ESI is used on a student, the School or the employee who used the ESI shall document the use of the ESI. This shall include a written description of the type of ESI used, the date and time the ESI was used, the location where the ESI was used, the length of time the ESI was used, the reason the ESI was used, the alternative interventions or strategies attempted before the ESI was used, and demographic information on the student (sex, gender, age, grade in school, and disability status, if any). This documentation shall be provided to the School's Emergency Safety Intervention Committee and the student's parents.

10.7.2 In addition, upon request of a student's parent, the School shall provide the parent with a copy of any notes or additional documentation taken during the use of the ESI, including a description of the physical space in which a seclusion occurred or the type of physical restrained that was used.

10.7.3 Within 48 hours of using an ESI on a student, the School shall notify the parent that the parent may request a copy of any notes or additional documentation taken during the use of the ESI.

10.7.4 A parent may request a time to meet with School staff and administration to discuss the use of an ESI.

10.7.5 The documentation of an ESI described in this Section shall be documented in the School's student information system.

10.8 Emergency Safety Intervention (ESI) Committee

10.8.1 The School shall establish an ESI committee that includes:

[a] at least one administrator;

[b] at least one parent of a student enrolled in the School, appointed by the School's Principal;

[c] at least one licensed educational professional with behavior support training and knowledge in both state law and the School's conduct and discipline policies related to ESIs; and

[d] at least one other licensed educator.

10.8.2 The ESI committee shall:

(a) meet often enough to monitor the use of ESIs within the School;

(b) determine and recommend professional learning needs;

(c) develop policies for processes to resolve concerns regarding the use of ESIs; and

(d) ensure that each emergency incident where a School employee uses an ESI is documented in the School's student information system and reported annually to the State Superintendent of Schools through UTREx.

10.9 ESI Records and Reporting

10.9.1 The School shall collect, maintain, and periodically review the documentation or records regarding the use of ESIs in the School.

10.9.2 The School shall annually provide documentation of any School use of an ESI to the State Superintendent of Schools in accordance with Utah Code Ann. § 53G-8-301(11). This includes documentation described in Section 10.7.

10.10 Corporal Punishment

"Corporal punishment" means the intentional infliction of physical pain upon the body of a student as a disciplinary measure. Corporal punishment at the School is prohibited. School employees may not inflict or cause the infliction of corporal punishment upon a student. School personnel who inflict corporal punishment on a student will be subject to discipline up to and including termination. School personnel who have been disciplined for the infliction of corporal punishment upon a student may appeal the disciplinary action in accordance with the School's Staff Grievance Policy.

11. SEARCHES OF PERSON OR PROPERTY

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

11.1 General Guidelines for Searches of Person or Property

11.1.1 Student Lockers

Students have no right or expectation of privacy in School lockers. While lockers are under the joint control of students and the School, lockers are solely School property and may be searched at any time by School officials with or without cause. Once a locker is opened for search, any search of student belongings contained within the locker must comply with the guidelines for searches of personal belongings in Section 11.2 of these procedures.

11.1.2 Searches of Students and Student Property

Searches of a student's person, personal property (coats, hats, backpacks, bookbags, purses, wallets, notebooks, gym bags, etc.) may be conducted whenever the student's conduct creates a reasonable suspicion that a particular School rule or law has been violated and that the search is reasonably related to the suspicion and not excessively intrusive in light of the age and sex of the student and nature of the infraction. Circumstances warranting a search include those in which School officials have a reasonable suspicion that the student or student property is concealing items including but not limited to weapons, drugs, controlled substances, electronic cigarettes, alcohol, tobacco, unsafe contraband, pornography, electronic devices, or lost/stolen/misplaced items.

11.2 Searches of Personal Belongings

11.2.1 Personal belongings may be searched by School officials whenever School officials have a reasonable suspicion to believe a student is concealing evidence of a policy violation or criminal activity and the items being searched are capable of concealing such evidence. The student may be asked to open personal belongings and to turn over personal property for search by a School official. All searches of student property by School officials shall be witnessed by an objective third party (such as another teacher, or police officer) to observe that the search is not excessively intrusive.

11.2.2 All contraband discovered in a search by School officials shall be immediately confiscated and turned over to law enforcement officers if School officials have reason to believe the contraband is related to the commission of a criminal act.

11.3 Searches of Person

11.3.1 School officials shall make sure the search meets the following guidelines:

(a) The search shall be conducted in a private area of the School by a School official.

(b) The search shall be observed by an objective third party adult (i.e., Principal, teacher, police officer).

(c) School officials may ask the student to remove his/her hat, coat, shoes and socks, turn pockets inside out, and roll up sleeves to see if the student is hiding contraband. Under no circumstances may School officials require students to remove any other items of clothing or touch students in any way during the search.

(d) If this limited search does not turn up suspected contraband and School officials have reasonable suspicion that the student is concealing contraband in his/her inner clothing (i.e., hiding drugs, weapons or other contraband underneath shirts, pants or underwear), law enforcement officers shall be summoned immediately to conduct further search and investigation.

(e) In general, all questioning and searching of students conducted by law enforcement officers shall proceed according to proper law enforcement investigation guidelines.

11.4 Documentation of Searches

School officials shall thoroughly document the details of any search conducted of a student's property or person. Documentation shall be made at the time of the search, or as soon as possible thereafter, and shall include the following:

11.4.1 The time, place and date of the search;

11.4.2 The reasonable suspicion giving rise to the search (what did School officials suspect to find during the search);

11.4.3 The name and title of individuals conducting and observing the search;

11.4.4 A statement about evidence that was found or not found as a result of the search;

11.4.5 A statement about who took possession of contraband (i.e., police, school, etc.);

11.4.6 Information regarding the attempts of School officials to notify parents about the search.

12. RECORDS—INTERAGENCY COLLABORATION – 20 U.S.C. § 1232g(h)(i)-(2); Utah Code Ann. § 53G-8-402-405

12.1 Requirements After Receiving Notification From Juvenile Court and/or Law Enforcement Agencies of a Student's Serious Offense or Sexual Crime.

12.1.1 If the President of the Board is notified by the juvenile court that a current or former student of the School has been adjudicated for a serious offense or sexual crime or is notified by a law enforcement agency that a current or former student of the School has been taken into custody or detention for a serious offense or sexual crime, the President of the Board shall notify the Principal within three (3) days of receiving the notification

"Serious offense" is defined in Utah Code Ann. § 80-6-103 and means the following: a violent felony as defined in § 76-3-203.5; an offense that is a violation of Title 76, Chapter 6, Part 4, Theft, and the property stolen is a firearm; or an offense in violation of Title 76, Chapter 10, Part 5 Weapons.

"Sexual crime" or "sexual misconduct" means any conduct described in Title 76, Chapter 5, Part 4, Sexual Offenses; Title 76 Chapter 5b, Sexual Exploitation Act; § 76-7-102, incest; § 76-9-702, lewdness; and § 76-9-702.1, sexual battery.

12.1.2 Upon receipt of the information about a student's serious offense (whether from the President of the Board or directly from the juvenile court or law enforcement agency), the Principal shall make a notation in a secure file other than the student's permanent file. Beginning no later than July 1, 2025, the School shall digitally maintain the secure file or, if available, the student's related reintegration plan described below, for one year from the day the notice is received and ensure the secure file follows the student if the student transfers to a different school.

12.1.3 Upon receipt of the information about a student's serious offense or sexual crime (whether from the President of the Board or directly from the juvenile court or law enforcement agency), the Principal shall, if the student is still enrolled in the School, notify staff members who, in the Principal's opinion, should know of the adjudication, arrest, or detention. Staff members receiving information about a juvenile student's adjudication, arrest or detention may only disclose the information to other persons having both a right and a current need to know.

12.2 Multidisciplinary Team and Reintegration Plan

12.2.1 In addition to complying with the requirements above, the School shall, within five (5) days after receiving a notification described in Section 12.1.1 about a student, or within a reasonable time after otherwise being notified of a student committing a serious offense or sexual crime, develop a reintegration plan for the student with a multidisciplinary team, the student, and the student's parent. The multidisciplinary team should include the School, the juvenile court, the Division of Juvenile Justice and Youth Services, the School's Safety and Security Specialist, the School's Safety and Security Director, the School's Resource Officer (if any), and any other relevant party that should be involved in a reintegration plan.

12.2.2 The reintegration plan shall address:

(a) a behavioral intervention for the student;

(b) a short-term mental health or counseling service for the student;

(c) an academic intervention for the student; and

(d) if the serious offense or sexual crime was directed at a School employee or another student within the School, notification of the reintegration plan to that School employee or student and the student's parent.

12.2.3 The School may deny admission to the student until the School completes the reintegration plan.

12.2.4 The School's Resource Officer (if any) shall provide input for the School to consider regarding the safety risks a student may pose upon integration. The School shall also notify its Resource Officer (if any) of any student who is on probation.

12.2.5 The School shall not reintegrate a student when:

(a) a student or staff member of the School has a protective order against the student being reintegrated; or

(b) a student or staff member of the School is a victim of the serious offense or sexual crime or forcible felony (as defined in Utah Code Ann. § 76-2-402) committed by the student being reintegrated.

12.2.6 The School may elect to not integrate a student into the School if the student has committed, or allegedly committed, a forcible felony. If the School elects to not integrate such a student, the School shall provide alternative education options for the student.

12.2.7 A reintegration plan under this Section is classified as a protected record under Utah Code Ann. § 63G-2-305. All other records of disclosures under this Section are governed by the Government Records Access and Management Act and the Family Educational Rights and Privacy Act.

12.3 Students Committing a Serious Offense or Sexual Crime are Subject to Suspension or Expulsion

Students who commit a serious offense or sexual crime, whether on or off School property, are subject to the suspension and expulsion provisions of these procedures.

13. REFERRAL OF STUDENTS

13.1 The school shall follow Utah Code Ann. § 53G-8-211 with respect to referring a minor who is alleged to be a habitual truant or who is alleged to have committed an offense on School property when School is in session or during a School-sponsored activity. Depending on the alleged offense, the referral shall be to an evidence-based alternative intervention, prevention and early intervention youth services, a law enforcement officer or agency, a prosecuting attorney, or a court.

13.2 If a minor commits an offense on School grounds when School is in session or at a School-sponsored activity and that information is reported to, or known by, a School employee, the School employee shall notify the Principal. After receiving such a notification, the Principal shall notify a law enforcement officer or agency if the Principal may refer the offense to a law enforcement officer or agency as provided in Utah Code Ann. § 53G-8-211. The Principal shall also notify other school personnel if the Principal determines that other School personnel should be informed.

13.3 The School shall provide the juvenile court documentation of an alleged class B misdemeanor or a nonperson class A misdemeanor before referring a student with an alleged class B misdemeanor or a nonperson class A misdemeanor to the juvenile court.

13.4 Referral of Students for Firearm Offense

If a student brings a firearm or weapon to the School, the student shall be referred directly to a law enforcement officer or agency, a prosecuting attorney, or a court.

14. TRAINING

14.1 All new employees shall receive information about these procedures and the administrative Student Conduct and Discipline Plan(s) at new employee orientation. All other employees shall be provided information on a regular basis regarding these procedures, the Student Conduct and Discipline Plan(s), and the School's commitment to a safe and orderly school environment.

14.2 Employees who have specific responsibilities for investigating, addressing, and resolving issues addressed in these procedures shall receive annual training on these procedures and related legal developments.

14.3 The Principal of the school shall be responsible for informing students, parents, and staff of the terms of these procedures and the Student Conduct and Discipline Plan, including the procedures outlined for investigation and resolution of violations.

15. REPORTING ON SUSPENSIONS AND EXPULSIONS

15.1 The School shall develop a consistent process to collect incident, infraction, and discipline data, including the number of days of student suspensions and expulsions.

15.2 The School shall submit all required incident, infraction, and discipline data, including suspensions and expulsions consistent with R277-484. The School shall submit any yearly and comprehensive updates no later than June 30th of each year.

15.3 The School shall compile an annual report of all out-of-school suspensions and expulsions and submit it to the Utah State Board of Education as described in Utah Code Ann. § 53G-8-205(5).

16. POLICY DISSEMINATION AND REVIEW

16.1 The policy and these procedures shall be posted in a prominent place in the School and posted on the School’s website. The policy and these procedures shall also be published in student registration materials, student and employee handbooks, and other appropriate school publications as directed by the Board.

16.2 The policy and these procedures shall be reviewed as necessary with appropriate revisions recommended to the Board. The data described in Section 15 may be used by the School to evaluate the efficiency and effectiveness of the policy and these procedures.

REFERENCES

Gun Free Schools Act; 20 U.S.C. § 7151

Requires schools that receive federal financial assistance to have a policy requiring the expulsion from school for a period of not less than one year of any student who brings a weapon firearm, explosive or flammable material to school.

Individuals with Disabilities Education Act; 20 U.S.C. § 1415(K); 34 C.F.R. § 300.520-529.

A student with a disability who carries a weapon to school or to a school function, or who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function may be placed by school officials in an interim alternative educational setting, in accordance with State law, for not more than 45 school days. A hearing officer may order a change in placement for a student with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that there is substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

Family Educational and Privacy Rights Act; 20 U.S.C. § 1232g (h)(1)-(2), 34 C.F.R.§ 99.36

Allows schools to include appropriate information in the education record of any student concerning disciplinary action taken against such student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. Also allows schools to disclose such information to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1485.

Assures all children with eligible disabilities a free appropriate public education and related services designed to meet their unique needs.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794. Prohibits discrimination on the basis of disability.

Rehabilitation Act of 1973, 29 U.S.C. § 705 (2)(C)(iv).

Stipulates that schools may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student who is an individual with a disability and who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against students who are not disabled.

Americans with Disabilities Act (ADA), Title II, 42 U.S.C. § 12132. Prohibits public entities from discriminating on the basis of disability.

U. S. Department of Education, Office of Special Education Programs (OSEP) Memorandum (April 26, 1995). Questions and answers on disciplining students with disabilities.

U. S. Department of Education, Office for Civil Rights (OCR) Memorandum (January 28, 1991) ADA Amendments to Section 504 - Discipline of Students Using Drugs or Alcohol.

Utah Code Ann. § 53E-6-701 and § 80-2-602 - Mandatory reporting of physical or sexual abuse of students.

Utah Code Ann. § 53G-8-301 - Use of reasonable and necessary physical restraint and seclusion.

Utah Code Ann. §§ 53G-8-201 to 53G-8-213 - School Discipline and Conduct Plans.

Utah Code Ann.§§ 53G-8-401 to -405 - Notification by juvenile court and law enforcement agencies.

Utah Code Ann. § 80-2-610 - Immunity from liability.

NDPA Student Conduct & Discipline
ADMIN Procedures
Last Updated: 02-02-26

NORTH DAVIS
PREPARATORY ACADEMY

Student Data Collection Notice

North Davis Preparatory Academy (the "School") collects student data for two main purposes: to comply with law and to improve students' educational experience. Student data enables the School to participate in education programs and to qualify for education funds. Student data also helps the School to better plan and personalize classroom instruction, increase student and teacher performance, and make informed decisions.

Student data collected by the School includes data defined as "necessary student data" and "optional student data" in Utah Code § 53E-9-301. A list of the data the School collects under these categories is included on the second page of this Notice. The School collects student data primarily through registration, but it also collects additional student data during the school year. The School does not collect student social security numbers or, except as required in Utah Code § 80-6-103, criminal records.

The School strives to not share personally identifiable student data ("PII") unless the sharing is in accordance with Utah's student privacy and data protection laws and the Family Educational Rights and Privacy Act ("FERPA"). Except as allowed by law, the School will not share PII externally without written consent. Some examples of where the School is allowed by law to share PII without written consent include sharing such data with an authorized caseworker or other representative of the Department of Health and Human Services, in response to a valid subpoena, or to persons or entities qualifying as school officials under FERPA.

The School takes many measures to protect student data. Student data stored digitally is stored on computers and systems that are secured, maintained, and supported by qualified IT service providers. Confidential PII in print form is stored in secured, locked areas in the School.

A student's rights under Utah Code § 53E-9-301 through -310 include:

- Each student owns his or her PII. A student and his or her parent must be allowed to access such student data maintained by the School;
- A student's parent or guardian, or an adult student, has the right to be notified by the School if a significant data breach occurs at the School;
- A prior student or parent of a prior student is entitled to have certain of the prior student's student data that is stored by the School expunged in accordance with the law and State Board of Education rules; and
- A student is entitled to receive a student data collection notice from the School prior to the School collecting necessary or optional student data of the student.

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.

Necessary Student Data

- Name (first, middle, and last);
- Date of birth;
- Sex;
- Parent contact information (including full name, relationship to student, home address, phone number(s), and email address);
- Custodial parent information (including contact information, whether living with student, and existence of any legal documents regarding custody of student);
- Contact information (including phone number, home/mailing address, and/or email address);
- A student identification number;
- Local, state, and national assessment results or an exception from taking a local, state, or national assessment;
- Courses taken and completed, credits earned, and other transcript information;
- Course grades and grade point average;
- Grade level and expected graduation date or graduation cohort;
- Degree, diploma, credential attainment, and other school exit information;
- Attendance and mobility;
- Drop-out data;
- Immunization record or an exception from an immunization record;
- Race;
- Ethnicity;
- Tribal affiliation;
- Remediation efforts;
- An exception from a vision screening required under Utah Code § 53G-9-404 or information collected from a vision screening required under Utah Code § 53G-9-404;
- Information related to the Utah Registry of Autism and Developmental Disabilities;
- Student injury information;
- A disciplinary record created and maintained as described in Utah Code § 53E-9-306;
- Juvenile delinquency records;
- English language learner status (including whether child speaks a language other than English);
- Child find and special education evaluation data related to initiation of an IEP; and
- Information related to School's Fee Waiver Application, including household income verification, whether student receives SSI benefits, whether family receives TANF, and whether student is in foster care or in state custody.

Optional Student Data

- Information that is not "necessary student data" described above but is related to a student's IEP, needed to provide special needs services or that is required for a student to participate in a federal or other program;
- A student's preferred first, middle, and last name (but only if different than student's legal names);
- A student's homelessness status;
- A student's birthplace, including whether a student was born outside of the United States;

- A student's disciplinary history, including whether a student has ever been suspended or expelled from school and if the student has any disciplinary action pending from the student's previous school of enrollment;
- A student's emergency contact information (including name, relationship to student, and phone number(s));
- Information needed for School to facilitate transfer of a student's student records from previous school, including:
  - ✓ Whether student currently resides in Utah;
  - ✓ District boundaries in which student lives;
  - ✓ School boundaries in which student lives;
  - ✓ Whether student has pre-registered with a school other than the school located in the school boundaries in which student lives;
  - ✓ Name and contact information (address and phone number) of the school in which the student has pre-registered;
- A student's health or disability data (health data collected includes vision and hearing impairment, medical conditions, medications taken during school hours, allergies, special dietary needs, and other); and
- Information requested in Household Application for Free and Reduced Price School Meals, including data related to household members, whether any household members participate in assistance programs (such as SNAP, TANF, or FDPIR), and household income.

NDPA Student Data Collection Notice
Last Updated: 3-07-25

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North Davis Preparatory Academy
Student Data Privacy & Security Policy

PURPOSE

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

POLICY

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

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

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

<u>Student Data Manager</u>

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

<u>Data Governance Plan</u>

The Principal shall establish an administrative Data Governance Plan that complies with the requirements of Utah Code Ann. § 53E-9-301 *et seq.* and rules adopted by the Utah State Board of Education. The Data Governance Plan shall encompass the full life cycle of student data, from acquisition, to use, to disposal, and shall, among other things:

(1) Incorporate reasonable data industry best practices to maintain and protect student data and other education-related data;

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

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

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

Metadata Dictionary

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

Training

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

NDPA Student Data Privacy & Security Policy
REVISION A
Board Approval Date: 10-03-18

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North Davis Preparatory Academy
Student Education Plan Policy

POLICY

North Davis Preparatory Academy (the "School") understands the importance of personal education planning for each of its students. Personal education planning is a cooperative effort involving students, parents/guardians, and educators. It focuses on the individual needs of the student and is essential at the elementary and secondary school levels.

The School shall implement an individual learning plan (also known as an SEP) for its K-6 students and a plan for college and career readiness (also known as an SEOP) for its students in grades 7-9 in accordance with Utah law.

The School's Principal shall establish administrative procedures to help the School implement individual learning plans and plans for college and career readiness consistent with Utah Code § 53E-2-304(2)(b) and, if the School receives Comprehensive Counseling and Guidance Program funds, Utah Administrative Code Rule R277-462.

NDPA Student Education Plan Policy
Board Approved Date: 6-24-20

North Davis Preparatory Academy
Student Transportation Policy

PURPOSE

The purpose of this policy is to address how student transportation is handled at North Davis Preparatory Academy (the "School"). It is also to establish rules and requirements related to student transportation to help ensure student safety.

The School intends for this policy to satisfy the policy requirements of Utah Administrative Code Rule R277-601.

POLICY

No School Buses

The state does not provide the School (or any other Utah charter school) with any state transportation funding. As a result of this, and as a result of having a student population that often resides throughout multiple cities and/or counties in the state, the School does not own or operate school buses and does not provide transportation for students to or from School, except where required by law. Parents or guardians are responsible for the transportation of their students to and from the School each day.

Student Transportation for School Activities

The School may provide transportation for students in charter buses or through public transportation in connection with field trips, extracurricular activities, or other School-sponsored activities. Any charter bus company selected by the School to transport students shall meet or exceed industry safety requirements and provide reliable and professional transportation services.

The School may also provide student transportation for School activities through private or rental vehicles driven by School employees or volunteers who have been approved by the School's Principal. The School's Principal shall establish the necessary qualifications for such drivers and other requirements that must be met prior to using private or rental vehicles to transport students. See Student Passenger in a Private or Rental Vehicle form.

The School shall inform parents and guardians when it intends to provide student transportation in connection with School activities and shall give parents the opportunity to consent to such transportation. A student's parent or guardian must provide consent in order for their student to be transported to and/or from School activities as described in this section.

Charter bus operators and, to the extent practicable, other vehicle drivers approved by the School to transport students to and/or from School activities, shall adhere to the applicable standards in R277-601-3. The School shall enforce the applicable standards as required by the rule.

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NORTH DAVIS
PREPARATORY ACADEMY

Student Passenger in a Private or Rental Vehicle Form

With prior approval of the Principal of North Davis Preparatory Academy (the "School"), a private or rental vehicle driven by a School employee or volunteer may be used to transport a student to and/or from a School activity. The following requirements apply for authorized use of such private or rental vehicles:

1. Drivers must be a School volunteer or employee who is at least twenty-one years of age.
2. Drivers must have a valid Utah driver license.
3. Drivers may not transport students if they have had a conviction in the past ten years for an alcohol/drug related driving violation or have had more than two moving violations in the last twelve months.
4. Drivers must have successfully completed a criminal background check if they will be transporting students without another School employee in the vehicle.
5. Drivers must have liability insurance coverage for the vehicle.
6. Drivers must ensure that the vehicle has passed state-required safety inspections.
7. Drivers must confirm they will not be using a 12 or 15 passenger van or a vehicle with 11 or more seats.
8. REMEMBER – the driver and all passengers must wear seat belts. It's the law.
9. Parent/guardian must give prior consent for his/her student to be transported by a School employee or volunteer in a private or rental vehicle to a School activity.

DATE(S)	SCHOOL ACTIVITY	DESTINATION	MILES

PARENT/GUARDIAN: I give my permission for my student ______________________________ to be transported by a School employee or volunteer to and/or from an approved School activity as outlined above.

____ ___________________

Parent/Guardian Signature Date

This form must be kept on file in the school until the end of the school year

NDPA Student Transportation Policy
Student Passenger Permission Form
Last Updated: 5-31-23

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North Davis Preparatory Academy
Supervision of Students at School-Sponsored Activities Policy

PURPOSE

The purpose of this policy is to outline the supervisory responsibilities of North Davis Preparatory Academy (the "School") coaches and other designated School leaders (e.g., advisors, assistants, activity leaders, etc.) in connection with School-sponsored activities. Another purpose is to provide standards of behavior and conduct that such School coaches and designated leaders must follow.

POLICY

The School, School coaches, and other designated School leaders shall comply with Utah Administrative Code Rule R277-605.

Supervision of Students

School coaches and other designated School leaders shall diligently supervise the students under their care or control at all times while on School-sponsored activities, including but not limited to supervising such students:

(a) on the field or court, or at other competition or performance or activity sites;
(b) in locker rooms (as appropriate), seating areas, eating establishments, and lodging facilities; and
(c) while traveling.

School coaches and other designated School leaders are responsible for a student who is under their care or control for as long as a student remains on School grounds following a School-sponsored activity, subject to the following:

(a) After a School-sponsored activity on School grounds is over, parents/guardians are responsible to pick up their child promptly after the activity or make arrangements for someone else to pick up their child promptly after the activity; and
(b) If a child has not been picked up within [15] minutes of the School-sponsored activity ending, School coaches or other designated School leaders will contact the student's parent/guardian by telephone. If the student's parent/guardian cannot be reached by telephone, School coaches or other designated School leaders will contact, by telephone, the emergency contact(s), if any, designated by the student's parents/guardians. If neither the parent/guardian nor an emergency contact can be reached or are able to pick up the student in a timely manner, School coaches or other designated School leaders may contact the police or the Division of Child and Family Services (DCFS) to report the situation.

If parents/guardians experience an emergency that causes them to run late or to be unable to have their child picked up within [15] minutes of a School-sponsored activity ending, they should notify the School coach or other designated School leader as soon as possible.

Behavior and Conduct

School coaches and other designated School leaders shall be exemplary role models to students and shall not use alcoholic beverages, tobacco, controlled substances, or participate in promiscuous sexual relationships while on School-sponsored activities. School coaches and other designated School leaders shall act in a manner consistent with Utah Code § 53G-8-209 and shall not:

(a) use foul, abusive, or profane language while engaged in School-related activities; or

(b) permit hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order Utah law.

School coaches and other designated School leaders shall abide by the rules pertaining to athletic and activity clinics set forth in R277-605-5. School coaches shall satisfy all of the training requirements listed in R277-605-6, and the School shall maintain verification of the coaches' compliance with the training requirements.

NDPA Supervision of Students at School-Sponsored Activities Policy
Board Approval Date: 3-29-23

North Davis Preparatory Academy
Time & Effort Documentation Policy

PURPOSE

Because North Davis Preparatory Academy (the "School") receives restricted funds, the School is obligated to properly spend and account for the expenditures of such funds. The School adopts this policy in order to ensure that charges to federal awards or other state restricted programs, as required, for salaries and wages are based on records that accurately reflect the work performed.

DEFINITIONS

"Accurate" means that salaries and wages are based on records that provide an actual representation of the work performed.

"Allocable" means, in accordance with 2 CFR § 200.405, a cost is allocable to a Federal award or other cost objective if the cost is assignable to that Federal award or other cost objective in accordance with the relative benefits received.

"Allowable" means that a cost meets the criteria (factors affecting allowability of costs) outlined in 2 CFR § 200.403, unless otherwise authorized by statute.

"Internal Control" means, as described in 2 CFR § 200.1, processes designed and implemented by a non-federal entity to provide reasonable assurance regarding the achievement of objectives in the following categories:

a. Effectiveness and efficiency of operations;
b. Reliability of reporting for internal and external use; and
c. Compliance with applicable laws and regulations.

"Cost Objective" means, as described in 2 CFR § 200.1, a program, function, activity, award, organizational subdivision, contract, or work unit for which cost data are desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, and capital projects (*i.e.*, implementation of program accounting).

POLICY

Time and Effort Standards

The School will recognize and follow the *Uniform Administrative Requirements* pertaining to the *Standards for Documentation of Personnel Expenses* as contained in 2 CFR § 200.430(g). Accordingly, all School employees who are paid in full or in part with federal funds shall keep specific documents to demonstrate the amount of time they spent working on the federal program (2 CFR § 200.430(g)(1)). In addition, all School employees who are paid with state and local funds, but whose salaries and wages are used for cost sharing or matching in a federal program, shall also keep time and effort documentation (2 CFR § 200.430(g)(4)). Moreover, all School employees who are paid in full or in part with state restricted funds shall keep specific documents to demonstrate the amount of time they spent working on the state restricted program.

Charges to restricted funds for salaries and wages must be based on records that accurately reflect the work performed. In accordance with 2 CFR § 200.430(g)(1), these records must:

1. Be supported by a system of **internal control** that provides reasonable assurance that charges are **accurate, allowable,** and **allocable**.
2. Be incorporated into the School's official records.
3. Reasonably reflect the total activity for which the employee is compensated by the School, not exceeding 100% of the compensated activities.
4. Encompass federally-assisted and all other activities compensated by the School on an integrated basis.
5. Comply with the established accounting policies and practices of the School.
6. Support the distribution of the employee's salary or wages among specific activities or **cost objectives**.

Semi-Annual Certifications and Personnel Activity Reports

To meet the above requirements, all School employees who are required to keep time and effort documentation must submit either a Semi-Annual Certification or a Personnel Activity Report ("PAR") as described below. Whether an employee must submit a Semi-Annual Certification or a PAR depends on the number of cost objectives that an employee works on.

The School's administration shall ensure that employees who work solely on a single cost objective complete a Semi-Annual Certification consistent with 2 C.F.R. § 200.430 and applicable state law and rule.

The School's administration shall ensure that employees who work on multiple cost objectives document their time and effort on a PAR consistent with 2 C.F.R. § 200.430 and applicable state law and rule.

PROCEDURES

The School's administration will adopt additional administrative procedures to ensure compliance with this policy and applicable law.

NDPA Time & Effort Documentation Policy
REVISION A
Board Approval Date: 12-04-24

NORTH DAVIS
PREPARATORY ACADEMY

Time & Effort Documentation
Administrative Procedures

These procedures are established in accordance with the Time & Effort Documentation Policy adopted by the School's Board of Directors.

1. All employees paid in whole or in part with federal funds, employees whose salaries are used to meet a matching/cost sharing requirement, and employees who are paid in whole or in part with state restricted funds are required to provide time and effort documentation that accurately and reasonably represents the work that has been performed during the period being reported on.
    a. **Semi-Annual Certification** – This certification must be submitted by/for employees who work solely on a single cost objective during the six-month period being reported on.
        i. Semi-Annual Certifications must:
            1. Be completed at least twice a year. For example, they could be submitted for the periods July 1 through December 31, and January 1 through June 30;
            2. Be submitted after the last day of the period being reported (*i.e.*, after the fact – the certification must reflect an after-the-fact distribution of the actual activity);
            3. Account for the total activity for which the employee is compensated;
            4. Be signed by the employee or a supervisor with direct knowledge of the work performed; and
            5. Be submitted on an approved form.
        ii. Semi-Annual Certification forms will include the following:
            1. Name and title of the employee;
            2. Name and title of the employee's supervisor;
            3. Name of the cost objective the employee worked on;
            4. Period being reported on;
            5. A certification statement certifying the employee has spent 100% of their time on the stated cost objective;
            6. Whether time, effort, and salary are being used for cost sharing or matching purposes, and if so, for which program(s);
            7. Signature of the employee or the employee's supervisor who has direct knowledge of the work performed; and
            8. Date Signed by the employee or the employee's supervisor (Note: Cannot be dated prior to the end of the period covered by the certification).
    b. **Personnel Activity Report (PAR)** – This report must be submitted by/for employees who work on multiple cost objectives. PARs must support the

distribution of employees' salaries and wages that meet the standards outlined below.

i. A PAR must:
   1. Provide a written record of the employee's work activities used to document that employee's time to a cost objective;
   2. Be completed at least monthly and be supported by the employee's work activities (should be submitted after the last day of the month being reported on, that is, after the fact – the PAR must reflect an after-the-fact distribution of the actual activity, not a budget estimate);
   3. Account for the total work activity for which the employee is compensated;
   4. Coincide with one or more pay periods;
   5. Be signed by the employee; and
   6. Be submitted on an approved form.

ii. PAR forms will include the following:
   1. Name and title of the employee;
   2. Name and title of the employee's supervisor;
   3. Name of the cost objectives the employee worked on;
   4. Period being reported on (*e.g.*, January 1 through January 31);
   5. A certification statement stating that the distribution of the employee's time is an accurate representation of the work performed;
   6. Whether time, effort, and salary are being used for cost sharing or matching purposes, and if so, for which cost objective;
   7. Distribution of time (by percentage, *e.g.*, 70% Title I, 30% Special Education) by account, function, program, location;
   8. Time being reported must represent but cannot exceed 100%;
   9. Signature of the employee;
   10. Date signed by the employee (Note: Cannot be dated prior to the end of the period covered by the PAR); and
   11. Sick time, vacation time, etc. (if applicable) must be coded proportionally to the different programs.

2. Payroll records must reconcile with the time and effort documentation.
3. A reconciliation of payroll records and time and effort documents will be done on a regular basis. Adjustments will be made and discussed, as necessary.
4. If an employee's salary is being used for cost sharing/matching purposes, then this needs to be identified on the employee's time and effort form. Once a salary has been used for matching purposes or a portion of the salary, then the salary, or portion thereof, that has been used may not be used as matching/cost sharing funds for another program.
5. If assignments change, it is the School's responsibility to inform the School's accounting and payroll staff so that payroll records, budgets, etc. can be updated.
6. Upon termination of employment, an employee must submit their final time and effort documentation prior to receiving their final payment.

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7. Time and effort procedures will be periodically reviewed by School administration and the accounting and payroll staff. Updates due to changes in rules or regulations will be made in a timely manner, as necessary.
8. Employees will receive appropriate training on time and effort documentation, as necessary.
9. The School will keep a copy of all time and effort documentation (Semi-Annual Certifications, PARs, payroll reports, etc.) in accordance with the School's record retention practices or 3 years from the date of submission, whichever is greater, as required by 2 CFR § 200.334.
10. The signatures required herein may be either handwritten or electronic signatures.

NDPA Time & Effort Documentation
ADMIN Procedures
Last Updated: 12-20-24

North Davis Preparatory Academy
Toilet Training Policy

PURPOSE

The purpose of this policy is to establish the toilet training requirements for students at North Davis Preparatory Academy (the "School").

DEFINITIONS

"Toilet trained" means that a student can:

(a) communicate the need to use the bathroom to an adult;

(b) sit down on a toilet;

(c) use the toilet without assistance;

(d) undress and dress as necessary; and

(e) tend to personal hygienic needs after toileting.

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

A student is not "toilet trained" if the student does not meet the criteria above or has accidents with sufficient frequency to impact the educational experience of the student or the student's peers, as determined by the School.

POLICY

General Rule

As required by Utah Code § 53G-7-203 and R277-631, the School shall not enroll a student unless the student is toilet trained.

Exceptions

The School may enroll a student who is not able to be toilet trained because of a suspected disability that:

(a) is subject to federal child find requirements; or
(b) is described in an IEP or Section 504 plan.

Assurance

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

Administrative Procedures

The Principal shall establish administrative procedures regarding steps that School shall take in the event a student is not toilet trained.

NDPA Toilet Training Policy
REVISION A
Board Approval Date: 8-06-25

NORTH DAVIS PREPARATORY ACADEMY

Toilet Training
Administrative Procedures

These procedures are established in accordance with the Toilet Training Policy established by the School's Board of Directors.

Students Who are not Toilet Trained

In the event a student seeking to enroll in the School is not toilet trained, or if a student who is already enrolled in the School is found to not be toilet trained, the School shall:

(a) consider whether the student's lack of toilet toileting may be a sign of a disability that could impact the student's education, including by conducting an initial evaluation consistent with the School's child find obligations, if appropriate; and

(b) determine whether the student is not able to be toilet trained because of a disability that is described in the student's IEP or Section 504 plan.

The School may, consistent with its lottery and enrollment policies, enroll a new student or maintain the enrollment of an existing student who is found to not be toilet trained if the School determines that the student is not able to be toilet trained because of a suspected disability that is subject to federal child find requirements or that is described in an IEP or Section 504 plan.

However, if the School determines that neither of these exceptions apply with respect to the student, the School shall:

(a) in the case of a student seeking to enroll in the School, not enroll the student in the School; and

(b) in the case of a student who is already enrolled in the School, unenroll the student from the School.

NDPA Toilet Training
ADMIN Procedures
Last Updated: 10-02-25

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North Davis Preparatory Academy
Travel Policy

PURPOSE

The purpose of this policy is to establish procedures for authorization of, and payment for, travel by employees or Board members of North Davis Preparatory Academy (the "School") who may be required to travel to fulfill their official duties or to attend seminars, conferences, conventions, or other professional or educational events or meetings benefiting the School ("School-related business").

POLICY

1. This policy applies to all approved travel by employees and Board members on School-related business. For purposes of this policy, School-related business does not include an employee's regular daily travel to and from work or a Board member's travel to and from a regular Board meeting.

2. Travel for School-related business by employees must be approved in advance by the Principal in order for the School to pay for the travel expenses as set forth in this policy. Travel for School-related business by the Principal or a Board member must be communicated to the Board in advance of the travel, where possible. Payment for all travel-related expenses is subject to, and must be approved in accordance with, the School's Purchasing and Disbursement Policy.

3. Employees must submit their travel requests to the Principal, and the Principal and Board members must communicate their travel requests to the Board, at least three (3) weeks prior to departure date and prior to making or paying for any travel arrangements, where possible. Such travel requests submitted to the Principal and communications to the Board must explain the purpose of the travel and, where applicable, include the nature of the School-related business, proposed lodging accommodations, and approximate airfare or mileage, as applicable.

4. Per diem for meals and incidental expenses shall be paid for all approved travel events that are more than 100 miles from the School. The School shall pay per diem for meals and incidental expenses in accordance with the federal per diem meals and incidental expenses rates established by the U.S. General Services Administration ("GSA"). Where possible, the per diem shall be paid to the traveler by check no fewer than 48 hours prior to departure date.

5. Reasonable and necessary flight reservations for approved travel events shall:
    a. Be personally made and paid for by the traveler and then reimbursed by the School based on receipts submitted by the traveler for such expenses. The traveler must provide receipts for all flight reservations for which reimbursement is sought; or
    b. Be made and paid for by the School.

Absent extraordinary circumstances, first class flight reservations are not considered reasonable and necessary under this policy.

6. Reasonable and necessary ground transfer expenses (e.g., taxi, public transportation, ride share, parking, etc.) for approved travel events shall be personally paid for by the traveler and then reimbursed by the School based on receipts submitted by the traveler for such expenses. The traveler must provide receipts for all ground transfer expenses for which reimbursement is sought.

7. Reasonable and necessary mileage incurred by the traveler for approved travel events shall be reimbursed by the School at the standard IRS mileage reimbursement rates in effect at the time.

8. Reasonable and necessary lodging accommodations for approved travel events shall be made and paid for by the School in accordance with the daily lodging rates established by the GSA. However, under extenuating circumstances and only after receiving approval from the Principal or the Board, travelers may personally make and pay for reasonable and necessary lodging accommodations for approved travel events. A traveler in this situation shall be reimbursed by the School based on receipts submitted by the traveler for such expenses. Such reimbursements by the School shall not exceed the lodging rates established by the GSA plus any associated required taxes and fees for the lodging.

9. Lodging accommodations shall be approved for the number of days an approved travel event is in session, less one. However, this is subject to the following exceptions:
   a. One additional night of lodging accommodations shall be approved when an additional travel day is required prior to an approved travel event;
   b. A second additional night of lodging accommodations shall be approved when an additional travel day is required after the approved travel event concludes; and
   c. Other additional nights of lodging accommodations shall be allowed only when approved in advance of the approved travel event by the Principal or the Board President, as applicable.

10. School employees who have been issued a School credit card may use their School credit card to pay for approved flight reservations, ground transfer expenses, and lodging accommodations in accordance with this policy only after receiving approval from the Principal. Such School employees may also use their School credit card to pay for other reasonable travel-related expenses only after receiving approval from the Principal. The Principal may also use his/her School credit card to pay for the same travel expenses listed above in this paragraph in accordance with the School's Credit Card Policy and Purchasing and Disbursement Policy. However, School credit cards shall not be used for per diem for meals and incidental expenses, as per diem will be paid to travelers by check in advance of approved travel as explained earlier in this policy.

11. School employees and Board members shall submit an expense report related to an approved travel event to the Principal within sixty (60) days from the end of the trip.

12. The School shall not fund travel expenses that are unrelated to the approved travel purpose. Similarly, the School shall not reimburse travelers for travel expenses that are unrelated to the approved travel purpose or which are determined by the School to be excessive.

13. Either the Principal or the Board may authorize individual exceptions to this policy if they, in their sole discretion, feel an exception is appropriate under the circumstances.

NDPA Travel Policy
REVISION A
Board Approval Date: 3-26-25

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North Davis Preparatory Academy
Vending Machines Policy

PURPOSE

The purpose of this policy is to ensure that vending machines accessible to students in grades 7,8, and 9 at North Davis Preparatory Academy offer healthy choices of snacks with nutritional value.

POLICY

No vending machines will be placed in the school for student access without the prior written consent of the Board.

All revenue generated from school vending machines will be used for school activities. The accounting procedures for vending machine revenues will follow those outlined in North Davis Preparatory Academy's Purchasing and Disbursement Policy.

No more than 25% of the items in school vending machines may be foods of minimal nutritional value (as defined by the USDA). Foods of minimal nutritional value may include, but are not limited to: carbonated beverages, popsicles (unless they contain fruit or fruit juice), gum, and candies whose primary ingredient is sugar and/or corn syrup.

Product pricing may not discourage the purchase of nutritious foods. Nutritious foods will be priced the same or less than comparable less nutritious foods. The most nutritious foods will be placed in the more prominent position in vending machines, as machine capabilities permit. Less nutritious foods will be less visible.

School may not advertise or promote foods of minimal nutritional value anywhere on school premises, except on the machines themselves and on scoreboards.

Students will be educated on the potential health risks associated with foods of minimal nutritional value.

The school administration will develop procedures for the use of the vending machines that are consistent with this policy. The Community Council will meet annually to consider revising the Vending Machine Policy.

NDPA Vending Machines Policy
Board Approval Date: 04-02-08

North Davis Preparatory Academy
Wellness Policy

Preamble

North Davis Preparatory Academy (the "School") is committed to the optimal development of every student. The School believes that for students to have the opportunity to achieve personal, academic, developmental and social success, it needs to create positive, safe and health-promoting learning environments at every level, in every setting, throughout the school year.

Research shows that two components, good nutrition and physical activity before, during and after the school day, are strongly correlated with positive student outcomes. For example, student participation in the U.S. Department of Agriculture's (USDA) School Breakfast Program is associated with higher grades and standardized test scores, lower absenteeism and better performance on cognitive tasks. Conversely, less-than-adequate consumption of specific foods including fruits, vegetables and dairy products, is associated with lower grades among students. In addition, students who are physically active through active transport to and from school, recess, physical activity breaks, high-quality physical education and extracurricular activities do better academically. Finally, there is evidence that adequate hydration is associated with better cognitive performance.

This policy ("wellness policy") outlines the School's approach to ensuring environments and opportunities for all students to practice healthy eating and physical activity behaviors throughout the school day while minimizing commercial distractions. Specifically, this wellness policy establishes goals and procedures to ensure that:

- Students in the School have access to healthy foods throughout the school day in accordance with Federal and state nutrition standards;
- Students receive quality nutrition education that helps them develop lifelong healthy eating behaviors;
- The School engages in nutrition and physical activity promotion and other activities that promote student wellness;
- School staff are encouraged and supported to practice healthy nutrition and physical activity behaviors in and out of school;
- The community is engaged in supporting the work of the School in creating continuity between school and other settings for students and staff to practice lifelong healthy habits; and
- The School establishes and maintains an infrastructure for management, oversight, implementation, communication about and monitoring of the policy and its established goals and objectives.

This wellness policy applies to all School students and staff. Specific measurable goals and outcomes are identified within each section below.

School Wellness Committee

Committee Role and Membership

The School will convene a wellness committee (the "Committee") as frequently as identified needs arise to establish goals for and oversee school health and safety policies and programs.

The Committee will oversee wellness efforts, review wellness goals and, as necessary, review and recommend changes to the wellness policy. The Committee may consist of but is not limited to parents, students, a member of the Administration, teachers and members of the community, and for the purpose of also acting as the Nutrition and Fitness Advisory Committee, may also include health professionals, food service staff, and health/PE teachers as required. The Administration will be responsible for convening the Committee and ensuring compliance with this wellness policy.

Wellness Policy Implementation, Monitoring, Accountability and Community Engagement

Implementation Plan

The School will develop and maintain a plan for implementation to manage and coordinate the execution of this wellness policy. The plan delineates roles, responsibilities, actions and timelines; and includes information about who will be responsible to make what change, by how much, where and when; as well as specific goals and objectives for nutrition standards for all foods and beverages available on the School campus(es), food and beverage marketing, nutrition promotion and education, physical activity, physical education and other school-based activities that promote student wellness.

This wellness policy and the progress reports will be provided on the School's website.

Recordkeeping

The School will retain records to document compliance with the requirements of the wellness policy at the School's main office and/or on the School's central computer network. Documentation maintained in this location(s) will include but will not be limited to:

- The written wellness policy;
- Documentation demonstrating that the wellness policy has been made available to the public;
- Documentation of efforts to review and update the wellness policy; including an indication of who is involved in the update and methods the School uses to make stakeholders aware of their ability to participate on the Committee;
- Documentation demonstrating the most recent assessment on the implementation of the wellness policy has been made available to the public.

Annual Notification of Policy

The most current version of the wellness policy will be made maintained on the School's website and will be provided to parents on an annual basis during registration. Matters related to the School's implementation of this policy will also be posted on the School's website.

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Triennial Progress Assessments

At least once every three years, the School will evaluate compliance with the wellness policy to assess the implementation of the policy and include:

- The extent to which the School is in compliance with the wellness policy;
- The extent to which the wellness policy compares to the Alliance for a Healthier Generation's model wellness policy; and
- A description of the progress made in attaining the goals of the School's wellness policy.

The Administration is responsible for managing the triennial assessment.

The School will notify households/families of the availability of the triennial progress report by using the School's newsletter and/or website.

Revisions and Updating the Policy

The Committee will update or modify the wellness policy based on the results of the triennial assessments and/or as School priorities change; community needs change; wellness goals are met; new health science, information, and technology emerges; and new Federal or state guidance or standards are issued. **The wellness policy will be assessed and updated as indicated at least every three years, following the triennial assessment.**

Community Involvement, Outreach and Communications

The School is committed to being responsive to community input, which begins with awareness of the wellness policy. The School will actively communicate ways in which representatives of Committee and others can participate in the development, implementation and periodic review and update of the wellness policy through a variety of means, including School's newsletter and/or website.

The School will actively notify the public about the content of or any updates to the wellness policy annually, at a minimum. The School will also use these mechanisms to inform the community about the availability of the annual and triennial reports.

Nutrition

School Meals

The School is committed to serving healthy meals to children, with plenty of fruits, vegetables, whole grains, and fat-free and low-fat milk; that are moderate in sodium, low in saturated fat, and have zero grams *trans* fat per serving (nutrition label or manufacturer's specification); and to meeting the nutrition needs of school children within their calorie requirements. The school meal programs aim to improve the diet and health of school children, help mitigate childhood obesity, model healthy eating to support the development of lifelong healthy eating patterns and support healthy choices while accommodating cultural food preferences and special dietary needs.

The School participates in USDA child nutrition programs, including the National School Lunch Program (NSLP) and the School Breakfast Program (SBP). The School is committed to offering school meals through the NSLP program that:

- Are accessible to all students;
- Are appealing and attractive to children;
- Are served in clean and pleasant settings;
- Meet or exceed current nutrition requirements established by local, state, and Federal statutes and regulations. (The School offers reimbursable school meals that meet USDA nutrition standards (https://www.fns.usda.gov/school-meals/nutrition-standards-school-meals).)

Water

To promote hydration, free, safe, unflavored drinking water will be available to all students throughout the school day. The School will make drinking water available where school meals are served during mealtimes. Students will be allowed to bring and carry water bottles filled with only water with them throughout the school day.

Competitive Foods and Beverages

The School is committed to ensuring that all foods and beverages available to students on School property during the school day support healthy eating. If any foods and beverages are sold and served outside of the school meal programs (e.g., "competitive" foods and beverages) during the school day, they will meet the USDA Smart Snacks in School nutrition standards, at a minimum. Smart Snacks aim to improve student health and well-being, increase consumption of healthful foods during the school day and create an environment that reinforces the development of healthy eating habits. A summary of the standards and information, as well as a Guide to Smart Snacks in Schools are available at: http://www.fns.usda.gov/healthierschoolday/tools-schools-smart-snacks. The Alliance for a Healthier Generation provides a set of tools to assist with implementation of Smart Snacks available at www.foodplanner.healthiergeneration.org.

These standards will apply in all locations and through all services where foods and beverages are sold during the school day, which may include, but are not limited to, à la carte options in cafeterias, vending machines, in-school fundraisers, School stores and snack or food carts.

Celebrations and Rewards

All foods offered, but not sold, on School property will meet or exceed the following requirements:

- NDPA's Food and Candy policy states that food will not be used as punishment, rewards or motivators. In addition, nutritional education will be provided, and nutritional incentive program will be encouraged.

Nutrition Promotion

Nutrition promotion and education positively influence lifelong eating behaviors by using evidence-based techniques and nutrition messages, and by creating food environments that encourage healthy nutrition choices and encourage participation in school meal programs. Students and staff will receive consistent nutrition messages throughout School buildings, classrooms, gymnasiums, and cafeterias. Nutrition promotion also includes marketing and advertising nutritious foods and beverages to students and is most effective when implemented consistently through a comprehensive and multi-channel approach by School staff, teachers, parents, students and the community.

The School will promote healthy food and beverage choices for all students, as well as encourage participation in school meal programs.

Nutrition Education

The School will teach, model, encourage and support healthy eating by all students.

The primary purpose of nutritional education is to build knowledge and skills that will help children make healthy eating and physical activity choices now and lifelong. The will be supported by the following:

- Healthy eating habits will be taught and supported for students and staff by encouraging teachers, whenever possible, to use healthy nutrition facts in learning skills such as reading, writing and math.
- NDPA's Food and Candy policy states that food will not be used as punishment, rewards or motivators. In addition, nutrition education will be provided and nutrition incentive program will be encouraged.
- Promote nutritional and physical awareness and healthy lifestyles through assemblies.
- Increase awareness of healthy lifestyles such as regular medical and dental checks ups.
- Encourage and educate parents in ways to provide healthy and affordable sack lunches.

Food and Beverage Marketing in the School

The School is committed to providing a school environment that ensures opportunities for all students to practice healthy eating and physical activity behaviors throughout the school day while minimizing commercial distractions. The School strives to teach students how to make informed choices about nutrition, health and physical activity. These efforts will be weakened if students are subjected to advertising on School property that contains messages inconsistent with the health information the School is imparting through nutrition education and health promotion efforts. It is the intent of the School to protect and promote students' health by permitting advertising and marketing for only those foods and beverages that are permitted to be sold on the School campus(es), consistent with the School's wellness policy.

Any foods and beverages marketed or promoted to students on School property during the school day will meet or exceed the USDA Smart Snacks in School nutrition standards.

Food and beverage marketing is defined as advertising and other promotions. Food and beverage marketing often includes oral, written, or graphic statements made for the purpose of promoting the sale of a food or beverage product made by the producer, manufacturer, seller or any other entity with a commercial interest in the product. This term includes, but is not limited to the following:

- Brand names, trademarks, logos or tags, except when placed on a physically present food or beverage product or its container.
- Displays, such as on vending machine exteriors.
- Corporate brand, logo, name or trademark on School equipment, such as marquees, message boards, scoreboards or backboards (Note: immediate replacement of these items are not required; however, the School will replace or update scoreboards or other durable equipment when existing contracts are up for renewal or to the extent that is in financially possible over time so that items are in compliance with the marketing policy.)
- Corporate brand, logo, name or trademark on cups used for beverage dispensing, menu boards, coolers, trash cans and other food service equipment; as well as on posters, book covers, pupil assignment books or school supplies displayed, distributed, offered or sold by the School.
- Advertisements in School publications or School mailings.
- Free product samples, taste tests or coupons of a product, or free samples displaying advertising of a product.

Physical Activity

The Community Council recognizes the importance of physical activity for student health and academic achievement. The Community Council encourages the director to implement programs to ensure that students engage in healthful levels of vigorous physical activity to promote and develop the student's physical, mental, emotional and social well-being. The following goals are some of the ways NDPA hopes to achieve this:

- Provide a wide variety of physical activities and introduce students to many different sports and ways of getting physically active. This may be done through PE, assemblies, after school activities or in the classroom.
- Provide daily recess for all elementary students for at least 20 minutes per day and a minimum of 30 minutes of fitness education per week, schedule permitting.
- Use a variety of subjects and innovative lesson plans to increase physical movement in the classroom.
- When activities such as mandatory testing or inclement weather make it necessary for students to stay indoors for long periods of time, students will be given periodic breaks during which they are encouraged to participate in some activity or movement.
- Physical education activities should teach students cooperation and teamwork, good sportsmanship, positive self-image, and personal achievement.
- Appropriate alternative activities should be provided for students with physical disabilities.
- Exemptions from physical activities should be provided where appropriate for ill or injured students.
- Parent volunteers will be encouraged to form after school sports teams or clubs for students.
- Air quality will be monitored during periods of inversion. On yellow or orange days, students who are at risk of breathing issues will be allowed to remain inside for recess, and on red days, all students will be allowed to stay inside.

Physical Education

The School will provide students with physical education, using an age-appropriate, sequential physical education curriculum consistent with national and state standards for physical education. The physical education curriculum will promote the benefits of a physically active lifestyle and will help students develop skills to engage in lifelong healthy habits, as well as incorporate essential health education concepts. The curriculum will support the essential components of physical education.

All students will be provided equal opportunity to participate in physical education classes. The School will make appropriate accommodations to allow for equitable participation for all students and will adapt physical education classes and equipment as necessary.

Elementary students will receive physical education for at least 60-89 minutes per week throughout the school year.

Secondary students are required to take the equivalent of one academic year of physical education.

The School physical education program will promote student physical fitness through individualized fitness and activity assessments (via the Presidential Youth Fitness Program (http://www.pyfp.org) or other appropriate assessment tool) and will use criterion-based reporting for each student.

Recess (Elementary)

The School's elementary campus(es) will offer at least **20 minutes of recess** on all days during the school year. If recess is offered before lunch, the campus(es) will have appropriate hand-washing facilities and/or hand-sanitizing mechanisms located just inside/outside the cafeteria to ensure proper hygiene prior to eating and students are required to use these mechanisms before eating. Hand-washing time, as well as time to put away coats/hats/gloves, will be built in to the recess transition period/timeframe before students enter the cafeteria.

Outdoor recess will be offered when weather is feasible for outdoor play. In the event that the School must conduct **indoor recess,** teachers and staff will follow the indoor recess guidelines established by the administration that promote physical activity for students, to the extent practicable.

Recess will complement, not substitute, physical education class. Recess monitors or teachers will encourage students to be active, and will serve as role models by being physically active alongside the students whenever feasible.

Active Academics

Teachers will incorporate movement and kinesthetic learning approaches into "core" subject instruction when possible (e.g., science, math, language arts, social studies and others) and do their part to limit sedentary behavior during the school day.

The School will support classroom teachers incorporating physical activity and employing kinesthetic learning approaches into core subjects by providing annual professional development opportunities and resources, including information on leading activities, activity options, as well as making available background material on the connections between learning and movement.

Teachers will serve as role models by being physically active alongside the students whenever feasible.

Community Partnerships

The School recognizes the benefit of community partner relationships (e.g., hospitals, universities/colleges, local businesses, SNAP-Ed providers and coordinators, etc.) and pursues and builds partnerships as needed in support of this wellness policy's implementation. Existing and new community partnerships and sponsorships will be evaluated to ensure that they are consistent with the wellness policy and its goals.

NDPA School Health Goals

Nutrition Education and Preparation

The NDPA CNP will help students gain a healthy perspective of different foods through a deliberate nutrition education plan that also promotes healthy lifestyle choices.

At least 3 times a year the lunch program will create a healthy choice activity that is eye-pleasing, informative and delicious. Some examples are our "Try Something New" display and International Menu days.

Our school's measure of performance will be the total number of times during the year the activity is conducted. With a baseline goal of three or more.

The school year affords four separate terms within an academic year to accomplish our goal.

Addressing the increasing concern of child obesity and health issues by empowering students with the knowledge and skills needed to make informed decisions about their nutrition.

Each school year between August – May we will complete a cycle of nutrition, with the goal of providing all healthy choice activities prior to the end of the school year.

Physical Activity

NDPA is committed to student health and wellbeing, through nutrition, activities and awareness. With that commitment we have incorporated physical activity into our school schedule in the form of scheduled recess breaks.

Each day students in the elementary are given morning and afternoon recess time, along with a recess break during the lunch hour. Students in Jr. High have a break at recess and move between the classes throughout the day. These programmed breaks total more than an hour daily of unstructured activity time.

Providing recess time is achievable due to our schedule programming and master school calendar that is built on 990 instructional hours and 180 days per year.
Providing time throughout the day is key to helping students take ownership of their physical activity.

Students receive designated time daily and through the entire year for recess and physical activity.

Other School Based Activities Promoting Wellness

The NDPA approach to student wellness is multifaceted, focusing on emotional, physical and social wellness.

To support students, we have a well-organized and established counseling department, PE program, school athletics and a curriculum dedicated to Social Emotional Learning. This triad of wellness attends to the different domains of health and wellness of each student.

Our measure of success in this area is the assurance of having programmed PE classes, counselors on staff and an updated SEL curriculum.

Achievement is through our commitment to maintaining all of three wellness activities fully funded and functional. Our athletic department provides opportunities for student engagement throughout the entire school year.

We have determined that the relevancy of focusing on holistic wellness is critical, helping students with nutrition, activity and positive mental viewpoints as a part of their daily focus at school.

Each year we establish sports seasons and PE class schedules.

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North Davis Preparatory Academy
Child Nutrition Program Plan
Notifying Stakeholders of Their Ability to Participate on the Wellness Committee

In accordance with the School's Wellness Policy, the School will convene a Wellness Committee that may consist of, but is not limited to, parents, students, a member of the Administration, teachers, members of the community, health professionals, food service staff, and health/PE teachers (collectively known as "stakeholders"). In August of each school year, School Administration will notify all such stakeholders of their ability to participate in the Wellness Committee by including a notice to that effect in the School's newsletter and/or on the School's website. The notice will contain instructions as to how stakeholders may sign up to participate in the Wellness Committee.

Any documentation related to providing this notice will be maintained by the School in its main office and/or on the School's central computer network.

North Davis Preparatory Academy
Child Nutrition Program Plan
Notifying Stakeholders of the Most Recent Assessment of the School's Wellness Policy

In accordance with the School's Wellness Policy, the School's Wellness Committee will periodically (i.e., as frequently as identified needs arise) assess the School's Wellness Policy. Assessing the School's Wellness Policy includes reviewing the School's wellness goals, reviewing the policy itself, and recommending changes to the policy as needed. At a minimum, the Wellness Committee will assess the School's Wellness Policy at least once every three years as part of the Triennial Progress Assessment. The Wellness Committee will make updates or modifications to the policy based on the results of the Triennial Progress Assessment.

The School will share its assessments of the Wellness Policy by including information on the assessment in the School's newsletter and/or on the School's website. The School will also notify stakeholders of any changes made to the Wellness Policy via the School's newsletter or website. The Wellness Policy will also be included in the School's annual registration documents.

NDPA Wellness Policy
REVISION C
Board Approval Date: 3-27-24