

Meeting Agenda

- I. **4:00** Principal Reports
 - 1. 4:00 - Wayne High School
 - 2. 4:30 - Wayne Middle School
 - 3. 5:00 - Loa Elementary
- II. **5:30** Closed Session as permitted by Utah Code Annotated Section 52-4-205(1)(a).
- III. **6:00** Administration
 - 1. Call to Order
 - 2. Pledge of Allegiance
 - 3. Reverence
 - 4. Approval of Minutes
- IV. **6:20** Financial Review
 - 1. Accounts Payable
 - 2. Financial Review
- V. **6:25** Citizen Comments (2 minutes max per individual, 10 minutes total for all comments)
- VI. **6:35** Information Items
 - 1. Superintendent's Report (10 min)
 - a. Superintendent Calendar
 - b. On-Line Education Report
 - 2. School Lunch Report
Presenter: Coral
 - 3. Committee Reports:
 - a. District Improvement
 - b. Ad Hoc - Roles and Responsibilities, and Goals 3
 - c. Facility Committee
 - 4. Superintendent Hiring
- VII. **7:30** Business Items
 - 1. 11th Grade History Tour Request - Washington DC April 2021
 - 2. Policies
 - a. First Reading 15
 - b. Third Reading 19
 - 3. Approve New Employees (5 min)
 - 4. Employee separations (5 min)
- VIII. **8:00** Closed Session as permitted by Utah Code Annotated Section 52-4-205(1)(a).

IX. **8:30** Adjournment

Roles and Responsibilities of the School Board, Superintendent and Business Administrator

"What is the role of the Board, the Superintendent and the Business Administrator in the operation of the school district?" This is a question often asked and misunderstood by Board Members, Superintendents and Business Administrators.

The age-old statement that the Board sets policy and the Superintendent administers that policy would seem to indicate a clear dividing line between the respective roles. That distinction, however, is not always so clear nor is it one upon which everyone involved agrees.

Board Members are usually "doers"; they operate businesses, they run homes, they buy supplies. "Doers" often find it hard to look at the big picture and make decisions that cause other people to "do" the job. Many times they are tempted to get in and "do" the job themselves. Conflicts arise when the Board, the Superintendent or Business Administrator have not defined their specific roles within the district.

Because the needs of a district vary and leadership and management styles may vary, the real need in each district is for the Board, Superintendent and Business Administrator to define roles and establish proper policies and procedures that will lead to the performance of those duties.

As they make decisions and find themselves involved in the business of the district, Board Members should ask themselves: "Am I providing leadership to the superintendent and staff, and establishing policy for the district or have I stepped into the role of administrator?"

Superintendents should ask themselves: "Am I providing leadership to the board, in pointing out areas where policy is needed, or am I usurping the Board's responsibility by establishing policy? Worse yet, am I forcing the Board to make administrative decisions because I don't want to take the responsibility?"

Business Administrators should ask themselves: "Am I supporting the Board and Superintendent in their roles, or am I overstepping my primary responsibilities and assuming duties out of my scope of responsibilities?"

Keeping roles clear and communication open is the key to good Board, Superintendent and Business Administrator relationships.

Roles/Responsibilities	School Board	Superintendent	Business Admin
1. General	Governs the District	Advises the Board – Manages the District	Oversees business operations
2. Policy	Adopts	Suggests and Implements	Suggests and Advise
3. Board Meetings	In charge of	Serves as resource	Serves as board secretary and resource
4. Budget/Finance/Audits	Adopts and monitors	Oversees and Monitors	Prepares, administers, and monitors and reports
5. Instruction/Curriculum	Establishes criteria, approves, and monitors	Recommends, oversees staffs' efforts	Monitor Budget and resource allocation
6. Personnel	Establishes criteria, approves or rejects	Oversees interviews, recommends, hires, evaluates, promotes, trains and disciplinary actions	Assists in recruiting, hiring, training, supervising, and evaluating staff
7. Community Relations	Creates a positive image for district	Creates a positive image for district, directs communications	Creates a positive image for the district, advises on strategies
8. Labor Relations	Provides guidelines, ratifies contracts	Monitors process within guidelines	Reviews and Advises on DOL and Utah laws
9. Student Services	Adopts policies for care and control	Recommends, implements, directs	Monitors resources
10. Facilities/Food Service /Transportation	Develops policy on use.	Implements policy, monitors, writes procedures, makes recommendations	Supervises district implementation

1 - GENERAL AREAS

SCHOOL BOARD

1. Promote environment of learning.
2. Establishes rules and policies for the governance of the school district.
3. Invests the superintendent with those powers and duties in accordance with board policy and state and federal laws.
4. Promote positive staff morale and loyalty to the organization.
5. Participates in educational conferences and workshops when attendance is authorized and deemed by the Board to be necessary or desirable.

SUPERINTENDENT

1. As the chief executive officer of the Board the superintendent is responsible for implementing board policies and directives.
2. Recommends a comprehensive planning process for student achievement and promote environment of learning.
3. Coordinates the operation of the schools, supervision of the instructional programs, and management of district personnel.
4. Provides educational leadership to the Board, staff, students, and community.
5. Identifies needs of the district and reports them to the Board.
6. Keeps the Board aware of district, statewide and national educational developments and changes.
7. Continually upgrades his/her professional knowledge and qualifications through membership and participation in professional associations, conferences, and workshops.
8. Periodically reviews and reorganizes staff duties in the District Office to meet district needs and to take full advantage of staff members' special competencies.
9. Promote positive staff morale and loyalty to the organization.

BUSINESS ADMINISTRATOR

1. Maintains a well-organized, efficient, effective professional District Office.
2. Organizes the staff members so that appropriate decision-making may take place at various levels.
3. Coordinates and performs all functions related to annual and special elections and budget votes and other referenda.
4. Promote positive staff morale and loyalty to the organization.
5. Provides the Board with compliance information on Board policy, code and rules.
6. Perform other duties as the Board and Superintendent may require

2 - POLICY

SCHOOL BOARD

1. Regularly reviews, evaluates and adopt Board policies.
2. Clarifies for the superintendent the intent of the Board Policies.

SUPERINTENDENT

1. Advises the Board on areas needing policy development or revision.
2. Drafts written policy and provides the Board with necessary data and information for policy adoption.
3. Identifies policies to the Board for revision, rewrite, or repeal as needed.
4. Provide clarity through interpretation of policy.

BUSINESS ADMINISTRATOR

1. Maintains and provides access to current board policies.
2. Develops rules and procedures to implement the Board policy.

3 - MEETINGS

SCHOOL BOARD

1. All duties imposed upon the Board are performed at a public board meeting.
2. The Board refrains from misuse of the executive session provisions as defined in the Public Meeting Law.
3. The Board establishes, through policy, the operational guidelines or practices for meetings.
4. Board members propose agenda items.
5. The Board President, in consultation with the superintendent, develops and approves the meeting agenda.
6. The Board identifies, for the superintendent, the information needed for decision making.
7. Board members review their agenda materials before scheduled Board meetings.

SUPERINTENDENT

1. Serves as an advisor to the Board during meetings.
2. Assures compliance with all legal requirements relative to the posting of notices and maintenance of meeting records.
3. Identifies areas of business which the Board should address at meetings.
4. Prior to meetings, provides Board members with sufficient information for decision making.
5. Implements Board decisions and instructions developed at meetings.
6. Advises board members during Board meetings, including executive sessions, about the requirements of the law.

BUSINESS ADMINISTRATOR

1. Gives public notice and attends all meetings of the Board, including special and executive meetings of the Board; **attends state and regional meetings as needed.**
2. Keeps full and accurate board minutes of all meetings in accordance with the Utah open meeting act.
3. Participates in preparation and distribution of board agendas.
4. Publishes all legal notices concerning district business.
5. Reports the total appropriations and expenditures of District funds.

4 - BUDGET/FINANCE

SCHOOL BOARD

1. Approve yearly district budget.
2. Provides the superintendent with the Board's priorities for use in the development of the budget.
3. Approves the decision to ask the voters to pass a voted or capitol levy.
4. Reviews financial and compliance audit.
5. Reviews the budget on a monthly basis.
6. Reviews and approves the monthly bills.

SUPERINTENDENT

1. Serves as the budget officer for the district.
2. In conjunction with the BA, ensures Board and District goals are integrated into yearly budget.
3. **Makes a Recommendation to the Board about the need for and the amount of a board, voted or capitol levy.**

BUSINESS ADMINISTRATOR

1. Presents a yearly budget to the board for consideration and approval.
2. Administers the budget assuring that the expenditures of district funds are within the legal requirements of the budget.
3. Acts as a resource to the board within the framework of the district audits.
4. Supervises the overall activities relating to the operation of an effective insurance program.
5. Develops and maintains an efficient and timely system for the administration of the Debt Service Account of the school district.
6. Ensures that payroll requirements meet time lines and mandates.
7. Develops and maintains efficient and effective purchasing procedures in conformance with school needs and legal requirements.
8. Assists the Superintendent in the preparation of the annual budget based on Board and District priorities.
9. Prepare public and legal bids.
10. Serves as custodian of all securities; documents, title papers, books of records and other papers belonging to the Board; collect tuition fees and other monies due to the Board.
11. Works with Superintendent to determine recommendation for board, voted, or capitol levies.

5 - INSTRUCTION

SCHOOL BOARD

1. Establishes educational goals.
2. Adopts instructional standards as recommended by the superintendent.
3. Regularly reviews student achievement data.
4. Reports to the community the status of education in the district.
5. Adopts graduation requirements.
6. Periodically requests reports from professional staff relative to assessments and instructional programs.

SUPERINTENDENT

1. Provides student achievement data for the school board for review.
2. Recommends appropriate graduation standards and methods to measure their attainment.
3. Researches, develops and recommends instructional standards.
4. Assigns staff to instructional areas and informs the Board.
5. Regularly schedules presentations and reports by staff on various segments of assessments and instructional programs as requested by the Board.
6. Recommends and implements policy on selection of instructional materials and equipment.
7. **Work with principals to ensure that each school has rigor in classroom instruction.**

BUSINESS ADMINISTRATOR

1. Monitors district budget and alignment to board/district goals.

6 - PERSONNEL

SCHOOL BOARD

1. Employs certificated and classified staff members based on the recommendation of the superintendent.
2. Promotes positive working relations with staff through the district's chain of command.
3. Adopts policy on evaluation of personnel.
4. Conducts a biennial evaluation of the superintendent and business administrator.
5. Approves the employment or dismissal of all certificated and classified staff.

SUPERINTENDENT

1. Recommends to the Board the employment or dismissal of all certificated and classified staff.
2. Responsible for the supervision of all employees of the district.
3. Establishes job descriptions for all positions.
4. Serves as the Board's liaison with staff.
5. Fosters positive working relationships with staff members.
6. Delegates authority to staff members, as appropriate.
7. Allocates personnel within the district to best utilize resources.
8. With consent of the Board, allocates administrative personnel within the district to best utilize resources.
9. Conducts evaluations of administrators and district office staff under his/her supervision.
10. Develops a systematic plan for evaluating the performance of all district personnel.

BUSINESS ADMINISTRATOR

1. Works cooperatively to develop and administer an effective recruitment program, personnel placement and promotion, evaluation procedures, orientation and in-service programs for non-instructional personnel.
2. Representing the interests of the district, meets and confers with employee groups and representatives.
3. Supervises and evaluates the performance of non-instructional staff members under his/her authority.

7 - COMMUNITY RELATIONS

SCHOOL BOARD

1. Represents public education serving as a liaison between the school district and the community.
2. Maintains an awareness of community values, concerns, and interests.
3. Actively participates in programs that build good community relations.
4. Appoints advisory committees when necessary and outlines their responsibilities.
5. Directs complaints or grievances to the appropriate channels.

SUPERINTENDENT

1. Informs and interprets school programs and activities to the community.
2. Serves as the Board's liaison with appointed advisory committees.
3. Acts as district spokesman and establishes a working relationship with the news media.
4. Makes recommendations to the Board for resolution of complaints that cannot be resolved at the administrative level.

BUSINESS ADMINISTRATOR

1. Promotes constructive relationships between the school district and the community.
2. Develops and maintains a cooperative relationship with the news media after consultation with the Superintendent.
3. Responds appropriately to problems and opinions of groups and individuals.
4. Works effectively with public and private agencies.
5. Maintains a professional posture to elected officials and community members.

8 - LABOR RELATIONS

SCHOOL BOARD

1. Establishes guidelines and criteria for the salary and benefit discussions process for certified personnel.
2. Treats all personnel fairly, without favoritism or discrimination while insisting upon the performance of duties
3. Reviews offers submitted by the Association and makes counter offers.
4. Ratifies the final Master Agreement

SUPERINTENDENT

1. Provides factual data to the Board about the implications of salary and benefit increases and staffing considerations.
2. Assists with negotiations by sitting at the negotiating table.
3. Provide the Board with all offers being presented by the Association.
4. **Works to develop staff morale and loyalty to the organization**
5. Treats all personnel fairly, without favoritism or discrimination while insisting upon the performance of duties

BUSINESS ADMINISTRATOR

1. Reviews and advises on Department of Labor and Utah laws.
2. Prepares budgetary analyses for association
3. Treats all personnel fairly, without favoritism or discrimination while insisting upon the performance of duties

9 - STUDENT SERVICES

SCHOOL BOARD

1. Adopts policies for provision of student services including admission, attendance, activities, rights and responsibilities, discipline, and welfare.
2. Adopts policies necessary to assure the safety and health needs of students.

SUPERINTENDENT

1. Recommends and implements policies and rules to maintain adequate services and control of students.
2. Develops and implements procedures to deal with health and safety emergencies.
3. Provides for the direction and supervision of student activities.

BUSINESS ADMINISTRATOR

1. Monitors Title programs and monitors student services resources.

10 - FACILITIES, TRANSPORTATION, and FOOD SERVICES

SCHOOL BOARD

1. Adopts policies governing use of public buildings, grounds, and equipment.
2. Prioritizes construction and/or building renovation needs of the district.
3. Approves the decision to ask the voters for a Bond and/or Levy for facility needs.
4. Adopts policies to provide for student transportation needs.
5. Adopts policies to provide for food services.

SUPERINTENDENT

1. Provides for the upkeep of facilities and maintenance of equipment.
2. Prioritizes long-range plans for preventive maintenance of buildings, grounds, and equipment.
3. Recommends and supervises the public use of buildings, facilities, and equipment.
4. Directs the implementation of all building programs and prepares projections of future needs.
5. Directs an effective district-wide maintenance and facility program and, in cooperation with building principals, plans and directs a district custodial program.

BUSINESS ADMINISTRATOR

1. Supervises the transportation of the district.
2. Supervises the food services program.
3. Develops and administers an efficient and cost-effective program for the use of school facilities.
4. Maintains and administers an effective risk-management insurance.
5. Plans and administers effective and efficient real estate management programs.

Board Members:

Compensation and Expenses

Compensation—

Each member of the Board of Education, except any student member, shall receive an amount not to exceed \$4,080 per year (\$3,000 per year plus \$90 per month for one extra meeting per month), per year, payable monthly, as compensation for services.

Health Insurance Benefit—

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

Member Expenses—

Reimbursement to board members for travel expenses for attendance at regional, state, or national **committees**, conventions, conferences, and workshops shall be made by the District when attendance is authorized and deemed by the Board to be necessary or desirable in carrying out the educational functions of the District; each member shall submit an itemized account of necessary travel expenses for Board approval. Such activities may not exceed 12 per year **and can count as one of the extra meetings per month. Unreimbursed** travel expenses shall be reimbursed at the rates established by the State Division of Finance for members of the State Board of Education. **Note: I did not add the extra \$90 for additional meeting beyond the current 12 authorized. By doing so the compensation schedule would change which would require a public hearing. - (Board discussion on adding this section)**

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

[Utah Code § 53G-4-204\(5\) \(2019\)](#)

Travel and Per Diem—Travel and Per Diem rates and rules are set forth in Wayne School District Policy CKB.

Public Hearing for Adoption or Revising Compensation Schedules—

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

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

[Utah Code § 53G-4-204\(2\), \(3\) \(2019\)](#)

Non-Member Expenses—

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

Student Member Expenses—

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

[Utah Code § 20A-14-206\(6\)\(a\) \(2018\)](#)

Cash Receipts and Expenditures

Travel

Mileage—

Mileage reimbursements forms must be completed by employees within **60** days of return from travel. The form must include the dates and purpose of travel, destination(s), time of departure and return, and mileage. **Travel in a district vehicle is recommended for all district related travel. Reimbursement for a private vehicle will be at the state mileage rate of 38 cents per mile or 58 cents per mile if a district vehicle is not available to the employee.**

[Utah Admin Rule 25-7-10\(3\)\(b\)](#)

A travel authorization form must be completed prior to registration for conferences and events and approved by the employees' immediate supervisor. The form must include the dates and purpose of travel, destination, estimate of travel cost, lodging and per diem costs. **The traveler will work with their supervisor to determine a reasonable departure time.** Supporting documentation is required for each traveler. Each traveler must complete an authorization form. Authorizations must be approved prior to purchase or booking of any travel arrangements. **The employees' immediate supervisor must check the budget category to ensure there is sufficient funds to pay for the travel prior to authorizing the travel.** In-state travel must be approved by the employee's immediate supervisor.

Out-of-state travel must be approved by the school administrator and superintendent.

Travel Reimbursement—

A travel reimbursement form must be completed within **60** days of return from travel.

Lodging, airfare, taxi, parking, or other transportation and baggage fees paid by the employee require receipts to be reimbursed. Expenditures not supported by receipts will not be reimbursed, unless expressly approved by the supervisor in extraordinary circumstances. **When the traveler uses a district credit card, receipts must be turned in upon return from travel. When the traveler uses a personal credit card, then they will be reimbursed using a receipt, otherwise they will be reimbursed in accordance with the per diem rate.** Conference agendas, completed mileage logs, or other documentation supporting times of departure and return are required for per diem meal reimbursements (see state travel per diem schedule)

Per Diem

Per diem **reimbursement** requests must be included on the travel reimbursement form or on a completed mileage log. **and the daily allowance for in-state travel of \$45.00 (Breakfast \$11.00, Lunch \$14.00 and Dinner \$20.00).** **A request for per diem or mileage, prior to travel, must be submitted at least two weeks prior to travel for approval and disbursement of funds in a timely manner.**

Reimbursement Requests

Employees seeking reimbursement for District expenditures made with employee funds must complete a reimbursement request form, which is signed by the requestor and approved by the employee's immediate supervisor.

Supporting documentation, including detailed receipts and justification for departure from the standard purchase order process, is required. Authorization must be documented by the immediate supervisor.

Reporting of Student Prohibited Acts

Reporting of Student Prohibited Acts—

School employees shall immediately report to the school principal or District superintendent any reasonable belief that a violation of Policy FF has occurred, wherein any student participating in student government and/or extracurricular activities, if occurring while the student is in the classroom, on school property, or during school-sponsored activities, regardless of location or circumstances:

1. Uses foul, abusive, or profane language while engaged in school-related activities;
2. Illicitly uses, possesses, or distributes a controlled substances or drug paraphernalia, and/or uses, possesses, or distributes tobacco, [an](#) electronic cigarettes [product](#), or alcoholic beverages contrary to law; or
3. Hazes, demeans, or engages in assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law.

Principals who receive a report of a violation of Policy FF shall submit a report of the alleged incident, and actions taken in response, to the District superintendent or the superintendent's designee within ten working days after receipt of the report.

Failure of a person holding a professional certificate to report these prohibited acts as required under this policy constitutes an unprofessional practice.

[Utah Code §53G-8-209 \(2019\)](#)

Duty to Report Student Use or Possession of Illegal Drugs or Alcohol—

A school employee with reasonable cause to believe that a student has used or possessed alcohol or illegal drugs, counterfeit substances, or any associated paraphernalia at a school District location shall immediately report that fact to the school's designated Administrator.

[Utah Code § 53G-8-501 \(2018\)](#)

[Utah Code § 53G-8-502 \(2018\)](#)

[Utah Code § 58-37-8 \(2019\)](#)

School District Location Defined—

“School district location” means in any school building or on any school premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school

district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.

Notice to Parent or Legal Guardian—

Upon receiving a report from a school employee of student use or possession of illegal drugs or alcohol, counterfeit substances, or any associated paraphernalia at a school District location, the designated Administrator shall immediately report the information to the student's parent or legal guardian. If the violation involves illegal drugs or counterfeit substances or drug paraphernalia, the Administrator may also report the information to law enforcement agencies or officials if that is permitted under [Utah Code § 53G-8-211](#). The identity of the school Administrator who reported the prohibited act shall not be disclosed to the student or the parent or legal guardian.

[Utah Code § 53G-8-502 \(2018\)](#)

Immunity for Good Faith Reporting—

A school employee who in good faith reports student use or possession of illegal drugs or alcohol, counterfeit substances, or any associated paraphernalia at a school District location in accordance with these provisions is immune from any civil or criminal liability resulting from that action.

[Utah Code § 53G-8-504 \(2018\)](#)

Student Activities

Extracurricular Activities—

There is no constitutional right to participate in extracurricular activities and student government, and this policy does not create such a right.

Students who participate in student government and extracurricular activities become role models for others in the school and community. These individuals often play major roles in establishing standards of acceptable behavior in the school and community and establishing and maintaining the reputation of the school and the level of community confidence and support afforded the school. It is of the utmost importance that those involved in student government, whether as officers or advisors, and those involved in competitive athletics and related activities, whether students or staff, comply with all applicable laws and standards of behavior and conduct themselves at all times in a manner befitting their positions and responsibilities.

[Utah Code § 53G-8-209 \(2019\)](#)

Participation Eligibility—

A student in grades 7-12 may participate in extracurricular activities on or off campus at the beginning of the school year.

In order to be eligible to participate in an extracurricular activity event for a grade report period following the initial grade report period of a school year, a student shall not have a ~~recorded~~ grade **point** average lower than **2.0** on a scale of **0-4.0** in **all** course(s) for the preceding grade report period or have ~~more than~~ **any** failed or incomplete courses for the preceding grade report period.

Prohibited Conduct—

The following prohibited conduct may render a student ineligible for and/or unable to continue participation in student government and/or extracurricular activities, if occurring while the student is in the classroom, on school property, or during school-sponsored activities, regardless of location or circumstances:

1. Use of foul, abusive, or profane language while engaged in school-related activities;
2. Illicit use, possession, or distribution of controlled substances or drug paraphernalia, and the use, possession, or distribution of an electronic cigarette **product**, tobacco or alcoholic beverages contrary to law; or
3. Hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law.

[Utah Code § 53G-8-209 \(2019\)](#)

Suspension from Extracurricular Activities—

A student whose recorded report period grade average in any course is lower than 2.0 at the end of a grade report period shall be suspended from participation in any extracurricular activity event during succeeding grade report periods until the end of a grade report period during which the student achieves a course grade point average for that grade report period of at least 2.0 in each course. This suspension shall become effective ~~seven days after the last day~~ the day the grades are posted for of the grade report period during which the grade lower than 2.0 was earned.

Students with Disabilities—

Suspension of a student with disabilities whose disability significantly interferes with the student's ability to meet regular academic standards shall be based on the student's failure to meet the requirements of the student's Individual Education Plan, as determined by the Special Education Committee.

Out-of-School Practice—

A student who has been suspended from extracurricular activity events shall also be suspended from out-of-school practice in extracurricular activities until suspension from participation has been lifted.

Limit on Suspension—

A student may not be suspended under this provision during the period in which school is recessed for the summer or during the initial grade reporting period of a regular school term on the basis of grades received in the final grade report period of the preceding regular school term.

Reinstatement to Extracurricular Activities—

At the end of any grade report period in which a student attains a course grade point average for that period of 2.0 or more in each course taken, any suspension from participation in extracurricular activities and/or suspension from out-of-school practice for extracurricular activities shall be removed.

Practice and Performance—

Schools shall comply with the rules and regulations of the Utah High School Activities Association in scheduling and conducting practices and performances of competitive play.

Classes—

Schools shall not schedule full-year physical education or athletic fitness and movement classes for specific school teams. In schools where in-season fitness and movement classes are scheduled, the classes shall not be used to violate the starting and stopping dates for practice and competitive play as prescribed by the UHSAA. High school competitive sports programs shall be supplementary to the high school curriculum.

[Utah Admin. Rules R277-605-2 \(December 8, 2016\)](#)

Athletic classes conducted for specific school teams shall not be scheduled throughout the regular school day. First and last period athletic assignments may not preclude a coach from teaching a full load of classes during the school day.

Off-Season Clinics—

Required or voluntary participation in summer or other off-season sports clinics, workshops, and leagues may not be used as criteria for team membership or for the opportunity to try out for team membership. School personnel, activity leaders, coaches, advisory and other personnel shall not require students to attend out-of-school camps, clinics or workshops for which the personnel, activity leaders, coaches or advisory personnel receive remuneration from a source other than the school or district in which they are employed.

A summer workshop or clinic conducted by a school for any sport or activity shall be scheduled and held consistent with UHSAA bylaws and policies.

[Utah Admin. Rules R277-605-4 \(December 8, 2016\)](#)

Supervision—

Coaches and other designated school leaders shall diligently supervise players at all times while on school-sponsored activities, including during the activity itself, in locker rooms, seating areas, eating establishments, lodging facilities and during travel. Coaches and school leaders accompanying school players and teams shall at no time leave them unsupervised. Coaches, assistants, and advisers shall not permit hazing, demeaning, or assaultive behavior (whether consensual or not), including behavior involving physical violence, restraint, improper touching, inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law.

[Utah Admin. Rules R277-605-3\(1\), \(3\) \(December 8, 2016\)](#)

Example—

A coach or other designated school leader shall not participate in the use of alcoholic beverages, tobacco (including electronic cigarettes), controlled substances, or promiscuous sexual relationships while on school-sponsored activities.

[Utah Admin. Rules R277-605-3\(2\) \(December 8, 2016\)](#)

[Utah Code § 53G-8-209\(2\) \(2019\)](#)

“20-day Rule”—

The District shall not schedule, nor permit students to participate in, any school-related or school-sanctioned activities on or off campus that would require, permit, or allow a student to be absent from class in any course more than twenty (20) times during the 180-day school year.

Exceptions—

The Board may allow specific exceptions to the twenty (20) absences per class limitation stated above. Such exceptions shall be made only on behalf of individual students who are competing in post-district competitions sponsored by organizations approved by the Board. The exception shall be based on circumstances that are unforeseen and that result from the student's earning the right to compete at post-district levels. Exceptions shall not exceed a total of five additional absences per year. Exceptions shall not be granted to allow students who have not earned the right to compete at the post-district level to participate in more district-level activities than permitted under the twenty (20) absences per class limitation.

Definitions—

Definitions of curricular, co-curricular, and extracurricular activities shall be as follows:

1. Curricular activities occur within the regular school day and constitute the delivery of instruction to students in the District.
2. Co-curricular activities are an extension of classroom instruction in which participation is by the entire class or a significant portion thereof. They relate directly to, and enhance student learning of, essential elements through participation, demonstration, illustration, and observation. Co-curricular activities are included in the teacher's instructional plan and are conducted by or supervised by a classroom teacher or other educational professional such as a librarian, school nurse, counselor, or administrator. Students suspended from extracurricular activities because of a grade(s) below **2.0** or ~~more than~~ **any** failed courses shall not be prevented from participating in after-school co-curricular activities. Absences for participation in co-curricular activities that require a student to miss a class other than the sponsoring class or course shall be counted under the 20-day rule.
3. Extracurricular activities are school-sponsored activities that are not directly related to instruction of the essential elements, but that may have an indirect relation to some areas of the curriculum. They offer worthwhile and significant contributions to a student's personal, physical, and social development. Participation in extracurricular activities is a privilege and not a right, and students must meet specific requirements in order to participate. Activities may include, but are not limited to, performances, contests, demonstrations, displays, and club activities.

Student Rights and Responsibilities Interrogations and Searches

[Note that [Utah Admin. Rules R277-615-4\(2\)](#) requires that schools develop a policy for searching students for controlled substances, ~~and~~ weapons, and [electronic cigarettes](#) and requires the school to include parents, school employees, and licensed school employees in that process. This policy is meant to provide a general framework for that process. The State Board of Education has developed a model search and seizure policy which should also be consulted in developing a school or District policy (see the policy [here](#)).]

Search and Seizure—

Students shall be free from unreasonable search and seizure by school officials. School officials may search a student or a student's property with reasonable suspicion or with the student's consent. A search must be reasonable both in the reason for the search and the scope of the search.

New Jersey v. T.L.O., 469 U.S. 325 (1985)
Jones v. Latexo, 499 F. Supp. 223 (E.D. Tex. 1980)
Bellnier v. Lund, 438 F. Supp. 47 (N.D.N.Y. 1977)

Reasonable Suspicion—

"Reasonable suspicion" is a particularized and objective basis, supported by specific articulable facts, for suspecting a person of violating law or policy.

Searches of Places—

Students have a limited expectation of privacy of areas such as lockers, which are owned and jointly controlled by the school. While students may lock or otherwise secure lockers from access by other students, this does not give the student an expectation of privacy with regard to school access, nor may a student lock or secure a locker with means that are not approved by the school. These areas may be searched on a school-wide or individual basis when the school determines there is cause to conduct such a search. In addition, the school district has a reasonable and valid interest in insuring that the lockers are properly maintained. For this reason, periodic inspection of lockers is permissible to check for cleanliness and vandalism. Any illegal items or contraband discovered during such searches ([including electronic cigarette products](#)) shall be confiscated by school officials and may be turned over to law enforcement officials. Student privacy regarding contents of the locker which are not contraband or in violation of law or policy will be respected.

Zamora v. Pomeroy, 639 F. 662 (10th Cir. 1981)
Singleton v. Board of Educ. USD 500, 894 F. Supp. 386 (D. Kan. 1995)

Searches of Students—

Searches of students' outer clothing and pockets may be conducted if reasonable cause exists.

Created:
Modified: ~~14 May 2018~~ 12 December 2019

FGD

Singleton v. Board of Educ., USD 500, 894 F. Supp. 386 (D. Kan. 1995)
Doe v. Renfrow, 475 F. Supp. 1012 (N.D. Ind. 1979)

Highly intrusive invasions of a student's privacy, such as searches of the student's person or strip searches, shall be conducted only if individualized reasonable cause exists to believe that there is a legitimate safety concern due to a student's possession of weapons ~~or drugs~~. These searches must be designed to be minimally intrusive, taking into account the item for which the search is conducted. Strip searches are seldom warranted and shall not be conducted without prior consultation with District administration and if possible legal counsel.

Singleton v. Board of Educ., USD 500, 894 F. Supp. 386 (D. Kan. 1995)
Doe v. Renfrow, 631 F.2d 91 (7th Cir. 1980)
Konop v. Northwestern School Dist., 26 F. Supp. 2d 1189 (D. S.D. 1998)

Electronic Cigarette Products—

Based on reasonable suspicion, a student may be searched for electronic cigarette products (as those are defined under Policy FHAG). Electronic cigarette products are contraband and shall be confiscated and disposed of as provided for in Policy FHAG.

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Police Involvement—

Where school officials initiate a search and police involvement is minimal, the reasonableness standard is applicable. The ordinary warrant requirement and probable cause standard will apply where "outside" police officers initiate, or are predominantly involved in, a school search of a student or student property for police investigative purposes.

Myers v. State, 839 N.E.2d 1154 (Ind. 2005)
F.S.E. v. State, 993 P.2d 771 (Ok. Crim. App. 1999)
In Re Josue T., 989 P.2d 431 (N.M. Ct. App. 1999)

Student Consent—

If the District does not have reasonable cause to search a student or his property, the District may search with the student's free and voluntary consent. However, coercion, whether express or implied, invalidates the apparent consent.

Jones v. Latexo, 499 F. Supp. 223 (E.D. Tex. 1980)

Distribution of Policy—

A copy of this policy in electronic and printed form shall be made available to parents and students upon enrollment.

[Utah Admin. Rules R277-615-4\(4\) \(May 10, 2017\)](#)

Safe Schools

The following definitions shall apply under this policy—

1. “Suspension” means removal of a student from the student’s regular classroom assignment for a definite period of time.
2. “In-school suspension” means temporary reassignment, for a specific period of time, to a designated suspension classroom within the school.
3. “Short-term suspension” means exclusion of the student from the school, school grounds, and school activities and functions for a specific period of time that is equal to or less than 10 school days.
4. “Long-term suspension” means exclusion of the student from the school, school grounds, and school activities and functions for a specific period of time that is greater than 10 school days.
5. “Expulsion” means termination of the student’s status as a student enrolled in the school. Expulsion may be for an indefinite or fixed period of time.
6. “Involuntary transfer” means reassignment of a student from one school, campus, or academic program, to a different school, campus, or academic program within the District. Involuntary transfer may be for an indefinite period of time or for a fixed period of time.
7. “School district location” means in any school building or on any school premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district.
8. “Disruptive behavior” means conduct which unreasonably interferes with the educational process or instruction of students in the classroom or elsewhere, including foul, profane, vulgar or abusive language.
9. “Bullying” means intentionally committing a written, physical, or verbal act that a reasonable person under the circumstances should know or reasonably foresee will have one of the following effects:
 - a. causing physical or emotional harm to the school employee or student;
 - b. causing damage to the school employee or student’s property;
 - c. placing the school employee or student in reasonable fear of:
 - i. harm to the school employee’s or student’s physical or emotional well-being; or
 - ii. damage to the school employee’s or student’s property.

- d. creating a hostile, threatening, humiliating, or abusive educational environment due to:
 - i. the pervasiveness, persistence, or severity of the actions; or
 - ii. a power differential between the bully and the target; or
- e. substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

[Utah Code § 53G-9-601\(2\) \(2019\)](#)

10. "Communication" means the conveyance of a message, whether verbal, written, or electronic.

[Utah Code § 53G-9-601\(3\) \(2019\)](#)

11. "Cyber-Bullying" means:

- a. Using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.
- b. In addition, any communication of this form that is generated off-campus but causes or threatens to cause a material and substantial disruption at school or interference with the rights of students to be secure may also be considered cyber-bullying.

[Utah Code § 53G-9-601\(4\) \(2019\)](#)

12. "Hazing" means a school employee or student intentionally, knowingly, or recklessly committing an act that:

- a. meets one of the following:
 - i. endangers the mental or physical health or safety of a school employee or student; or
 - ii. involves any brutality of a physical nature, including whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
 - iii. involves consumption of any food, alcoholic product, drug, or other substance or other physical activity that endangers the mental or physical health and safety of a school employee or student; or
 - iv. involves any activity that would subject a school employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects a school employee or student to extreme embarrassment, shame, or humiliation; and either;

- b. is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for membership in any school or school sponsored team, organization, program, club, or event; or
- c. 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.

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

[Utah Code § 76-5-107.5 \(2011\)](#)
[Utah Code § 53G-9-601\(5\) \(2019\)](#)

13. "Retaliate" means an act or communication intended:

- a. as retribution against a person for reporting bullying, cyber-bullying, abusive conduct, or hazing; or
- b. to improperly influence the investigation of, or the response to, a report of bullying, cyber-bullying, abusive conduct, or hazing.

14. "Weapon" means "dangerous weapon," which includes any firearm or any object that is used for, or is readily capable of, causing death or serious bodily injury. "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle or short barreled rifle, or any device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive. The following factors are used in determining whether an object other than a firearm is a dangerous weapon:

- a. the location and circumstances in which the object was used or possessed;
- b. the primary purpose for which the object was made;
- c. the character of the wound, if any, produced by the object's unlawful or improper use;
- d. the manner in which the object was unlawfully or improperly used;
- e. whether the manner in which the object is used or possessed constitutes a potential imminent threat to public safety; and
- f. the lawful purposes for which the object may be used.

Possession of a weapon shall not violate this policy if possession is approved in writing by the responsible school administrator or if the item or material is present or to be used in connection with a lawful activity approved in writing by the responsible school administrator before the material in question is brought on school premises.

[Utah Code § 76-10-501 \(2015\)](#)
[Utah Code § 76-10-505.5 \(2013\)](#)

15. "Unlawful conduct" means any conduct by a student which violates any local, state, or federal law or regulation, or violates any District or school policy, or violates the legal rights of another person, and includes, but is not limited to, the following:

a. Harassment: the crime of harassment occurs when a student, with intent to frighten or harass another, communicates in writing a written or recorded threat to commit any violent felony.

[Utah Code § 76-5-106 \(1995\)](#)

b. Burglary: burglary means entering or remaining in a building or any portion of a building with the intent to commit an additional crime.

[Utah Code § 76-6-202 \(2012\)](#)

c. Theft: theft means obtaining or exercising unauthorized control over the property of another with the purpose to deprive him or her thereof.

[Utah Code § 76-6-404 \(1973\)](#)

d. Criminal mischief: criminal mischief means intentionally damaging, defacing, or destroying the property of another; or recklessly or willfully shooting or propelling a missile or other object at or against a motor vehicle, bus, airplane, locomotive, train, railway car, or caboose, whether moving or standing, or intentionally and unlawfully tampering with the property of another so as to recklessly endanger human life, health, or safety or recklessly causes or threatens a substantial interruption or impairment of critical infrastructure.

[Utah Code § 76-6-106 \(2012\)](#)

e. Assault: assault means an attempt, with unlawful force or violence, to do bodily injury to another.

[Utah Code § 76-5-102 \(2015\)](#)

f. Gang activity.

[Utah Code § 76-9-801 to 804](#)
[Utah Code § 76-9-901 to 907](#)

g. Willfully defaces or otherwise damages school property.

[Utah Code § 53G-8-212 \(2019\)](#)

16. Making a false alarm: a student makes a false alarm if he or she initiates or circulates a report or warning of any fire, impending bombing, or other crime or catastrophe, knowing that the report or warning is false or baseless and is likely to cause the evacuation of any building or public transport; improper activation of school alarms or safety systems.

[Utah Code § 76-9-105 \(2017\)](#)

17. Disrupting the operation of a school: Disrupting the operation of a school occurs when a person, after being asked to leave by a school official, remains on school property for the purpose of encouraging or creating an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of the school.

[Utah Code § 76-9-106 \(1992\)](#)

18. Terroristic Threats: A student commits a terroristic threat if the student threatens to commit any offense involving bodily injury, death, or substantial property damage, and:

- a. Threatens to use a weapon of mass destruction or hoax weapon of mass destruction; or
- b. The student acts with intent to:
 - i. Influence or affect a government or unit of government or intimidate or coerce a civilian population; or
 - ii. Cause action of any nature by an official or volunteer agency organized to deal with emergencies; or
 - iii. Prevent or interrupt the occupation of a building or a portion of a building, a place to which the public has access, or a facility or vehicle of public transportation operated by a common carrier.

[Utah Code § 76-5-107.3 \(2013\)](#)

19. "Sexual Harassment" means unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct or communications of a sexual nature, and any other gender-based harassment, when:

- a. Submission to or rejection of the conduct affects the student's academic performance, participation in school-sponsored activities, or any other aspect of the student's education; or
- b. The conduct has the purpose or effect of unreasonably interfering with a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive education environment.

See Policy FHAB.

Publication of Safe Schools Policy—

A copy of this policy shall be given to each student in school upon enrollment in the school. Each student transferring to a school in the district who was not attending a school in the district just prior to the transfer shall receive a copy of this policy. When a copy of this policy is provided to a student, a copy shall also be provided to the student's parent.

[Utah Code § 53G-8-204\(2\)\(a\) \(2019\)](#)

A copy of this policy shall be posted in a prominent place in each school in the district. Any significant change in this policy shall be posted in each school in the district, and a copy of the revised policy shall be distributed to the students in each school.

[Utah Code § 53G-8-204\(2\)\(b\), \(c\) \(2019\)](#)

Conduct Warranting Discipline—

A student may be disciplined for the conduct described below. The type of the discipline imposed will depend on the nature of the particular conduct.

1. Conduct Which May Warrant, But Does Not Require, Suspension or Expulsion:
 - a. A student may be disciplined for any of the following prohibited conduct when it occurs in a school building, or on or in proximity to school property; in conjunction with any school sponsored activity; in or on a school vehicle; is directed at or against another student or a district employee; or when it threatens harm or does harm to the school, school property, a person associated with the school, or property of a person associated with the school.
 - i. Any unlawful conduct, as that is defined above.
 - ii. Frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language.
 - iii. Willful destruction, defacing, or damaging of school property.
 - iv. Behavior, or threatened behavior, which poses an immediate and significant threat to the welfare, safety or morals of other students or school personnel or to the operation of the school.
 - v. Disruptive behavior, as that is defined above.
 - vi. Possession or use of pornographic material on school property that would constitute a misdemeanor offense under [Utah Code § 76-10-1235](#). (This includes accessing such material through the District computer network or by using any District-owned device.)
 - vii. Bullying, abusive conduct, cyberbullying, retaliation, and making false allegations of bullying, bullying or retaliation. See Policy FGAD.
 - viii. Any use of an electronic device or camera to record sounds or images or otherwise capture material in an unauthorized setting or at an unauthorized time shall subject the user of the device to increased discipline based on the circumstances and whether the student has been involved in prior violations of this policy.
 1. The use of any device or any electronic device or camera to threaten, intimidate or embarrass another or to capture and transmit test

information or any other information in a manner constituting fraud, theft or academic dishonesty will result in an immediate suspension of not less than three (3) days nor more than ten (10) days.

- ix. The use of any device in a manner which may be physically harmful to another person, such as shining a laser in the eyes of another student, will result in an immediate suspension of not less than three (3) days nor more than ten (10) days. When a student repeatedly engages in such behavior, the punishment may be increased as is appropriate.
- b. Selling, giving, delivering, transferring, possessing, controlling, or distributing an alcoholic beverage on or in proximity to school property or at or in proximity to any school sponsored event. See FHAA.
- c. Selling, giving, delivering, transferring, possessing, controlling, or distributing tobacco products on or in proximity to school property or at or in proximity to any school sponsored event. Students shall not smoke or use tobacco products on school property or at any school-related or school-sanctioned activity on or off school property. "Tobacco products" includes an electronic cigarette [or electronic cigarette product](#) as that has been defined by state law ([Utah Code § 76-10-101](#)). [See FHAG.](#)
- d. Being under the influence of an alcoholic beverage or controlled substance on or in proximity to school property or at or in proximity to any school sponsored event. See FHAA.
- e. Engaging in, assisting, permitting, or otherwise being involved in hazing, as provided by the District's policy prohibiting hazing, Policy FHAC.
[Utah Code § 53G-8-205\(1\) \(2019\)](#)
[Utah Code § 53G-8-602 \(2018\)](#)
[Utah Code § 53G-8-209 \(2019\)](#)
- f. Engaging in conduct that contains the elements of the offense of arson or aggravated arson under the Utah Criminal Code.
[Utah Code § 76-6-102 \(2013\)](#)
[Utah Code § 76-6-103 \(1986\)](#)
- g. Engaging in conduct that contains the elements of any felony.
- h. Sexual Harassment.
- i. Gang-related activity: A "gang" as defined in this policy means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity. Gang-related activity includes but is not limited to:

- i. Wearing, possessing, using or distributing, displaying or selling any clothing, jewelry, emblem, badge, symbol, sign or other things which evidence membership in a gang.
- ii. Use of a name associated with or attributable to a gang;
- iii. Designating "turf" or an area for gang activity or occupation.

Be aware that there are challenging constitutional issues related to policies dealing with gang-related attire as the policy impacts students' First Amendment speech rights. A school should be able to document evidence of real and substantial problems caused by, or at least reasonably likely to be caused by, gang clothing. In designing a dress code, school authorities should focus on problems if they exist. A school may choose to develop a specific list of clothing and accessories that "evidence membership in a gang." Such lists must be flexible to adapt to shifts in fashion styles. Students must be given ample notice of the list and any amendments. The policy should also include an appeals process that allows students to dispute that particular clothing deemed gang related is actually not gang regalia.

2. Conduct Which Requires Suspension or Expulsion

- a. A student shall be suspended or expelled from school for participation in any serious violation affecting another student or a staff member, or any serious violation when it occurs in a school building, in or on school property; or in conjunction with any school sponsored activity including:
 - i. The sale, control, delivery, transfer or distribution of a drug or controlled substance, as defined in [Utah Code § 58-37-2](#), an imitation controlled substance, as defined in [Utah Code § 58-37b-2](#), or drug paraphernalia as defined in [Utah Code § 58-37a-3](#) (See Policy FHAA);
 - ii. Commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor.

[Utah Code § 53G-8-205\(2\) \(2019\)](#)

[Utah Code § 76-5-102 \(2015\)](#)

[Utah Code § 76-5-102.3 \(2017\)](#)

3. Conduct Which Requires 1-year Expulsion

- a. A student shall be expelled from school for not less than one year, subject to the 45-day review process for mandatory year expulsions set forth below, if the student participates in any serious violation affecting another student or a staff member, or any serious violation when it occurs in a school building, in or on school property; or in conjunction with any school sponsored activity including one of the following violations:

- i. possession, control or actual or threatened use of a real weapon, explosive, or flammable device or material;
- ii. the actual or threatened use of a look-alike or pretend weapon with intent to intimidate another person or to disrupt normal school activities.

[Utah Code § 53G-8-205\(2\)\(b\) \(2019\)](#)

4. Discipline Rules for Students With Disabilities

- a. Federal and state laws impose particular requirements regarding discipline of students identified as having a disability. Discipline of such students must comport with the requirements set forth below for students with disabilities.

Remedial Measures and Disciplinary Sanctions—

Following a determination that a student has committed a violation, the student may be subject to one of the following remedial measures or disciplinary sanctions, as is determined to be appropriate for the violation or as is required by the terms of this policy or other District policies.

1. Remedial Measures

- a. Continued school attendance subject to the terms of a remedial discipline plan prepared to correct the violation. This remedial measure is available only where the violation is for willful disobedience, defiance of authority, or disruptive behavior when such conduct is not of such a violent or extreme nature that immediate removal from school is required.
- b. Continued school and class attendance accompanied by the student's parent or guardian for a designated period of time. This remedial measure is available only with the consent of the student's teacher or teachers and the agreement of the student's parent or guardian. The parent or guardian must agree to attend all of the student's classes for each day of the suspension. If the parent or guardian fails to attend class with the student, the student shall then be subject to suspension or other discipline in accordance with this policy.
- c. In-school suspension. Attendance in a designated in-school suspension program. Students shall be instructed in the essential elements of the courses in which they are enrolled at the time of removal.
- d. Home-based instruction. Instruction at home, provided that combined days of suspension and assignment to home-based instruction shall not exceed ten (10) school days in a semester.
- e. Voluntary transfer. Voluntary transfer to another school, campus, community-based alternative school or other special program within the district, subject to the admission criteria of such alternative programs.

- f. Withholding grade reports, diplomas and transcripts. If a school determines that school or district property has been lost or willfully cut, defaced or otherwise damaged by a student, the school may withhold the issuance of an official written grade report, diploma, or transcript of the student responsible for the damage or loss until the student or student's parent has paid for the damages.
 - i. If the student and the student's parent are unable to pay for the damages or if it is determined by the school in consultation with the student's parent that the student's interests would not be served if the parent were to pay for the damages, then the school shall provide a program of work the student may complete in lieu of the payment. In that case, the school shall release the official grade report, diploma, or transcript of the student upon completion of the work.
 - ii. If the Department of Human Services or a licensed child-placing agency has been granted custody of the student, that student's records, if requested by the Department or agency, may not be withheld from the Department or agency for non-payment of damages under this section.
 - iii. No penalty may be assessed for damages which may be reasonably attributed to normal wear and tear.

[Utah Code § 53G-8-212 \(2019\)](#)

2. Disciplinary Sanctions

- a. Detention. Students in grades kindergarten through six may be detained in school after regular school hours in the event the responsible school administrator determines that such action is justified in disciplining the student. No student may be detained after regular school hours until his or her parent has received prior notice of the detention to take place on a particular school day.
 - i. The notice provided for under this policy need not be completed prior to detention of the student if detention is necessary for the student's health or safety.
- [Utah Code § 53G-8-203\(2\) \(2019\)](#)
- b. Suspension.
 - c. Involuntary transfer. Involuntary transfer to another school, campus, community-based alternative school or other special program within the District.
 - d. Expulsion.

Authority to Impose Discipline—

The Board of Education hereby delegates to each school principal within the District the authority to suspend a student in the principal's school for up to ten (10) school days, in accordance with this policy.

The Board of Education hereby delegates to the superintendent the authority to suspend a student for up to one (1) school year.

The Board of Education has the authority to expel a student for a fixed or indefinite period.

[Utah Code § 53G-8-206 \(2019\)](#)

Procedure for Imposing Discipline—

Remedial measures or disciplinary sanctions may be imposed on a student only after it has been determined, following appropriate due process, that the student has committed a violation. The nature of the due process required depends in part on the magnitude of the penalty to be imposed.

1. Short-term Suspension

- a. Informal due process hearing. A school principal may suspend a student for up to ten (10) school days for a violation. Prior to imposing such a suspension, the school principal shall meet with the student, if possible, to discuss the incident(s) and to provide the student an opportunity to respond. The principal shall then determine whether a violation has occurred and whether suspension or other discipline is appropriate. In appropriate cases, the principal shall consider and offer the student alternatives to suspension, including in-school suspension and parental attendance with the student (where appropriate consent from teachers is obtained).
- b. Short-term suspension pending due process hearing. If the school principal makes an initial determination that the violation warrants long-term suspension or expulsion, the school principal may recommend those sanctions and may impose a short-term suspension pending a hearing on whether those sanctions should be imposed.
- c. Departure from school grounds. A suspended student shall immediately leave the school building and grounds following a determination by the school of the best way to transfer custody of the student to the parent or other person authorized by the parent or applicable law to accept custody of the student.

[Utah Code § 53G-8-206\(5\)\(a\) \(2019\)](#)

- d. Notice of short-term suspension. If a short-term suspension is imposed, the principal or assistant principal shall immediately provide notice to the student's parent. Notice shall, if possible, be given by telephone. If reasonable efforts to contact the parent by telephone are unsuccessful,

then written notice shall be sent to the parent. The notice, whether verbal or written, shall include the following:

- i. That the student has been suspended.
- ii. The grounds for the suspension.
- iii. The period of time for which the student is suspended.
- iv. The date, time and place for the parent and student to meet with the principal or assistant principal to review the suspension. This meeting shall be scheduled to occur as soon as is practicable, but in all cases prior to the end of the tenth day of the suspension.

Goss v. Lopez, 410 U.S. 565 (1975)
[Utah Code § 53G-8-206\(4\) \(2019\)](#)

- e. Notice of recommended expulsion or long-term suspension. If the principal or assistant principal has recommended that the superintendent expel the student or suspend the student for a period longer than ten days, that fact shall be included in the notice to the parent or guardian.
- f. Meeting to review suspension. At this meeting, the principal or assistant principal shall review with the parent and student the charges and evidence against the student and shall provide the student and parent with an opportunity to respond. During this meeting, the principal or assistant principal may determine whether the suspension previously imposed should be maintained, whether to adopt an alternative remedial measure, or whether the suspension should be terminated. The principal or assistant principal should also discuss with the parent a plan to avoid recurrence of the problem.

[Utah Code § 53G-8-206\(5\)\(b\), \(c\) \(2019\)](#)

2. Long-term Suspension or Expulsion

- a. Due process hearing. If the principal or assistant principal recommends long-term suspension or expulsion, he or she shall notify the superintendent of that recommendation. The superintendent shall then schedule a hearing to be held with the student's parent or guardian, the student, and the superintendent or the superintendent's designee. The hearing shall be scheduled to take place prior to the tenth day of the student's suspension where possible.
- b. Notice of hearing. The superintendent shall provide written notice of the date, time and place of the hearing to the student and his or her parent or guardian so as to afford a reasonable opportunity for preparation. The notice shall include a statement of the charges against the student, that a recommendation has been made for suspension for more than 10 days or for expulsion and the period of time for which suspension or expulsion has been recommended. The statement of the charges against the student

shall include the nature of the evidence and the names of any witnesses whose testimony may be used against the student unless confidentiality is required due to the necessity to protect student witnesses.

Wagner v. Ft. Wayne Community Schools, 255 F. Supp. 2d 915 (N.D. Ind. 2003)

- c. Conduct of hearing. The superintendent or the superintendent's designee shall preside at and conduct the hearing at the appointed time and place. The district and the student may each be represented by a person of their choice. Each side may present testimony of witnesses or other evidence, may cross-examine witnesses and may make legal arguments relevant to the issues. However, the district may present hearsay evidence if confidentiality is required due to the necessity to protect witnesses.

Wagner v. Ft. Wayne Community Schools, 255 F. Supp. 2d 915 (N.D. Ind. 2003)

- d. Decision. At the conclusion of the hearing, the superintendent or designee shall make a final determination of the matter and shall state his or her determination to those attending the hearing. The determination shall then be placed in writing and mailed to the student and his or her parent. Upon a finding that the student has engaged in conduct warranting discipline, the superintendent may determine what discipline or remedial measures are appropriate for the conduct. If the superintendent determines that the appropriate sanction is expulsion, then that sanction must be authorized by the Board of Education as set out below. Apart from expulsion, the superintendent may impose any of the available remedial measures or sanctions as are found to be appropriate. In determining the appropriate sanction, the superintendent shall consider whether alternatives to suspension are appropriate or available.

[Utah Code § 53G-8-206 \(2019\)](#)

[Utah Code § 53G-8-207 \(2019\)](#)

- e. Appeal. A student may appeal the determination of the superintendent to the Board of Education by filing a written notice of appeal with the superintendent within ten (10) days of the date the decision of the superintendent is mailed to the student. No further hearing will be held. The Board will review the evidence submitted to the superintendent and the written determination of the superintendent. The Board may affirm the superintendent's decision or modify the Superintendent's decision. The Board's written decision will be issued within thirty (30) days of receipt of the student's written notice of appeal.
- f. Board evaluation of expulsion recommendation. If the superintendent recommends expulsion for an indefinite or definite period of time, then the superintendent will transmit that recommendation to the Board of Education along with the record of evidence submitted to the superintendent. The Board may review the recommendation based on this record or may at its sole discretion accept further evidence. Following its

review, the Board may accept, modify, or reject the recommendation, or impose other disciplinary sanctions. This decision is final.

[Utah Code § 53G-8-206\(3\) \(2019\)](#)

- g. 45-day review of mandatory one-year expulsions. Where a student has been expelled for one year because of a violation involving a weapon, explosive, or flammable material, a hearing shall be held within 45 days of the imposition of the expulsion. This hearing shall be held before the superintendent or the superintendent's designee and shall be attended by the student and a parent of the student. At this hearing, the superintendent shall determine
 - i. what conditions must be met by the student and the student's parent for the student to return to school;
 - ii. whether the student should be placed on probation in a regular or alternative school setting, and if so what conditions must be met by the student to assure the safety of students and staff at the school the student is placed in; and
 - iii. if it would be in the best interest of both the school district and the student to modify the expulsion term to less than a year, giving highest priority to providing a safe school environment for all students.
 - iv. If the superintendent or his or her designee determines that the student should return to school prior to the expiration of the one-year expulsion term conditioned on compliance with the conditions established by the superintendent, then the superintendent shall submit that recommendation to the Board of Education. If the Board of Education approves the return, the student may return to school pursuant to the conditions established.

[Utah Code § 53G-8-205\(2\)\(b\) \(2019\)](#)

- h. A student may be denied admission to a public school on the basis of having been expelled from that or any other school during the preceding 12 months.

[Utah Code § 53G-8-205\(3\) \(2019\)](#)

Evidence in Student Hearings—

All student disciplinary hearings shall be conducted by the Board or its designee in an executive session. All evidence presented in such hearings shall constitute student educational records and shall be treated as "confidential". The District hereby designates all student records as "protected" under the Government Records Access Management Act. The names of students giving statements used in a student hearing involving other students may be protected and redacted where necessary to protect the students from threats of harm or interference with the educational process.

Notification of Weapons on School Property—

Whenever a student is found on school property during school hours or a school sponsored activity in possession of a dangerous weapon and that information is reported to or known by the principal, the principal shall notify appropriate law enforcement personnel as well as school and district personnel who, in the good faith opinion of the principal should be informed.

[Utah Code § 53G-8-510 \(2018\)](#)

Education of Students Subject to Discipline—

The educational services that will be provided to students subject to discipline will depend upon the nature of the discipline.

1. Students subject to remedial measures. Students subject to remedial measures such as a remedial discipline plan, class attendance with a parent, or in-school suspension will continue to receive educational services from the district according to the remedial measure. A student transferred to another school or program within the district will receive educational services through that school or program.
2. Parental responsibility for education. When a student is expelled or is suspended for more than 10 days, it is the responsibility of the parent's student to undertake an alternative education plan which will ensure that the student's education continues during the period of the suspension or expulsion. The parent shall work with designated school officials to determine how that responsibility might best be met through private education, alternative programs offered by the district, or other alternatives which will reasonably meet the student's educational needs. Costs for educational services not provided by the district are the responsibility of the student's parent.

[Utah Code § 53G-8-208 \(2019\)](#)

3. Review of student progress. The district shall contact the parent of each suspended or expelled student under the age of 16 at least once per month to determine the student's progress.

[Utah Code § 53G-8-208\(4\)\(b\) \(2019\)](#)

4. Record of disciplined students. The district shall maintain a record of all suspended or expelled students and a notation of the recorded suspension or expulsion shall be attached to the student's transcript.

[Utah Code § 53G-8-208\(4\)\(a\) \(2019\)](#)

Readmission of Suspended or Expelled Students—

1. Suspended students. A suspended student may not be readmitted to a public school until the student and the student's parent or guardian have met with a designated school official to review the suspension and have agreed with the school official upon a plan to avoid recurrence of the violation resulting in

- suspension. At the discretion of the principal, the student may be readmitted if the student and the student's parent or guardian have agreed to participate in such a meeting. However, a suspension may not extend beyond ten (10) days unless the student and the student's parent or guardian have been given a reasonable opportunity to meet with a designated school official to respond to the allegations and proposed disciplinary action.
2. Expelled students. The superintendent or his or her designee shall review the expulsion sanction of each expelled student at least once per year and shall report the conclusions of such review to the Board of Education. The superintendent or his or her designee may make recommendations regarding whether such sanction should be modified or removed, and what conditions, if any, should be imposed on the student's readmission. If the Board has expelled a student for a set period of time and has not otherwise specified, at the expiration of that expulsion term a student may enroll at his or her area school on the same terms as a new student.

Information Regarding SafeUT Crisis Line—

The SafeUT Crisis line established by the State through the University Neuropsychiatric Institute provides crisis intervention, including suicide prevention, to individuals experiencing emotional distress or psychiatric crisis. It also provides means for an individual to anonymously report (1) unsafe, violent, or criminal activities, or the threat of such activities at or near a public school, (2) incidents of bullying, cyberbullying, harassment, or hazing, and (3) incidents of physical or sexual abuse committed by a school employee or school volunteer. The Board shall inform students, parents, and school personnel about the SafeUT Crisis Line.

[Utah Code § 53B-17-1202\(1\) \(2019\)](#)

[Utah Code § 53B-17-1204\(4\) \(2019\)](#)

Response to SafeUT Crisis Line Reports—

The District shall respond to reports received through the SafeUT Crisis Line in accordance with models developed by the State Board of Education.

[Utah Code § 53G-8-203\(1\)\(i\) \(2019\)](#)

Safe Schools

Disruptive Student Behavior

Disruptive Student Behavior—

It is a violation of District policy for a student to engage in disruptive student behavior. Disruptive student behavior includes:

1. Frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;
2. Willful destruction or defacing of school property;
3. Behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or to the operation of the school;
4. Possession, control, or use of an electronic cigarette [or electronic cigarette product](#) as defined by [Utah Code § 76-10-101](#), tobacco or an alcoholic beverage contrary to law;
5. The commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor.
6. Behavior listed below which threatens harm or does harm to the school or school property, or to a person associated with the school, or property associated with that person, regardless of where it occurs; as well as violation listed below that affect another student or staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity, including:
 - a. the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;
 - b. the actual or threatened use of a look-alike weapon with intent to intimidate another person or to disrupt normal school activities; or
 - c. the sale, control, or distribution of a drug or controlled substance as defined in [Utah Code § 58-37-2](#), an imitation controlled substance defined in [Utah Code § 58-37b-2](#), or drug paraphernalia as defined in [Utah Code § 58-37a-3](#).
7. Hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law.

[Utah Code § 53G-8-210 \(2019\)](#)

[Utah Code § 53G-8-209 \(2019\)](#)

Notice of Disruptive Student Behavior—

A school principal or the principal's designee shall issue a Notice of Disruptive Student Behavior to a student, nine years of age or older, who:

1. Engages in disruptive student behavior, which does not result in suspension or expulsion, three times during the school year; or
2. Engages in disruptive student behavior, which results in suspension or expulsion, once during the school year.

The Notice of Disruptive Student Behavior shall:

1. Include a list of available resources, including a school counselor or other school representative designated to work with the student, to assist the parent in resolving the student's disruptive behavior problem before the student becomes subject to the jurisdiction of the juvenile court as discussed below;
2. Require the student and a parent of the student to meet with school authorities to discuss the student's disruptive behavior and cooperate in correcting the disruptive student behavior;
3. Outline the procedure the parent can follow to contest the notice of disruptive student behavior; and
4. Shall be mailed by certified mail to, or served on, the parent of the student.

[Utah Code § 53G-8-210 \(2019\)](#)

[Utah Admin. Rules R277-609-10 \(May 8, 2018\)](#)

A copy of the Notice of Disruptive Student Behavior and any related documentation shall be retained by the school as documentation regarding the notice.

Habitual Disruptive Student Behavior Notice—

A habitual disruptive student behavior notice may only be issued by the school principal, a designee of the school principal, or a truancy specialist, to a student, nine years of age or older, who:

1. Engages in disruptive student behavior, that does not result in suspension or expulsion, at least six times during the school year;
2. Engages in disruptive student behavior, that (A) does not result in suspension or expulsion, at least three times during the school year; and (B) that results in suspension or expulsion, at least once during the school year; or
3. Engages in disruptive student behavior that results in suspension or expulsion at least twice during the school year.

Within five days after the day on which a habitual disruptive student behavior notice is issued, a representative of the school district shall provide documentation,

to a parent of the student who receives the notice, of the efforts to attempt to resolve the minor's disruptive student behavior problems made by the designated school counselor or representative identified in the notice of disruptive student behavior.

[Utah Code § 53G-8-210 \(2019\)](#)

Safe Schools

Tobacco and Electronic Cigarettes

Definitions—

1. “E-cigarette” means any electronic oral device that provides an aerosol or a vapor of nicotine or other substance and which simulates smoking through its use or through inhalation of the device, including but not limited to an oral device that is composed of a heating element, battery, or electronic circuit and marketed, manufactured, distributed as an e-cigarette, e-cigar, e-pipe, or any other name or description if the function of the product meets this definition.

[Utah Code § 26-38-2\(1\) \(2018\)](#)

2. “Electronic cigarette” includes:
 - a. An E-cigarette; or
 - b. An electronic device used to deliver or capable of delivering vapor containing nicotine to an individual’s respiratory system, or a component of such a device or an accessory sold in the same package as such a device.

[Utah Code § 59-14-802\(2\) \(2019\)](#)

[Utah Code § 76-10-101\(3\) \(2015\)](#)

Utah Admin. Rules R277-624-2(1)(a) (January 8, 2020)

3. “Electronic cigarette substance” means any substance, including liquid containing nicotine, used or intended for use in an electronic cigarette.

[Utah Code § 59-14-802\(4\) \(2019\)](#)

Utah Admin. Rules R277-624-2(3) (January 8, 2020)

4. “Electronic cigarette product” means an electronic cigarette, an electronic cigarette substance, or a prefilled electronic cigarette.

[Utah Code § 59-14-802\(3\) \(2019\)](#)

Utah Admin. Rules R277-624-2(2) (January 8, 2020)

Tobacco—

Students may not possess, use, or distribute tobacco or tobacco products on school property or during any school activity (whether or not it takes place on school property).

[Utah Code § 53G-8-209\(2\) \(2019\)](#)

[Utah Code § 53G-8-210\(1\)\(a\)\(ii\) \(2019\)](#)

Electronic Cigarette Products—

Students may not possess, use, or distribute any electronic cigarette product on school property or during any school activity (whether or not the activity takes place on school property). Students violating this prohibition are subject to discipline

under Policy FHA and to action under Policy FF Student Activities and under Policy FHAE Safe Schools: Disruptive Student Behavior.

[Utah Code § 53G-8-209\(2\) \(2019\)](#)

[Utah Code § 53G-8-210\(1\)\(a\)\(ii\) \(2019\)](#)

Utah Admin. Rules R277-624-3 (January 8, 2020)

Confiscation and Disposal of Electronic Cigarette Products—

Any electronic cigarette product found in the possession or control of a student on school property or at a school activity (including such products found in student lockers, desks, or similar locations) shall be confiscated by staff and shall be destroyed or otherwise disposed of. However, if the electronic cigarette product is suspected to contain illegal controlled substances or to be used to consume illegal controlled substances, a school administrator may release the product to law enforcement as part of an investigation or action rather than destroying or destroying the confiscated product. (For purposes of this exception, nicotine or other tobacco derivatives are not considered illegal controlled substances.)

Utah Admin. Rules R277-624-3(2) (January 8, 2020)

Student Fees, Fines, and Charges

Definitions—

As used in this policy, the following definitions apply.

1. “Fee” means (a) something of monetary value (b) requested or required as a condition to a student’s participation (c) in an activity, class, or program which is provided, sponsored, or supported by a school. It includes money or something of monetary value raised by a student or the student’s family through fundraising.

Utah Admin. Rules R277-407-2(3) (April-October 8, 2019)

- a. “Something of monetary value” means a charge, expense, deposit, rental, fine, or payment (regardless of how it is described) in the form of money, goods, or services, whether it is directly or indirectly requested or required.

Utah Admin. Rules R277-407-2-185(a) (October-April 8, 2019)

For example, it includes:

- i. Charges or expenditures for a school field trip or activity trip, including related transportation, food, lodging, and admission charges;
- ii. Payments to a third party providing a part of a school activity, class, or program;
- iii. Supplies (classroom or student) or materials;
- iv. A fine, unless that fine is within the scope of the definition in Non-Fee Charges, below.

Utah Admin. Rules R277-407-2(158)(b) (October-April 8, 2019)

- b. “Requested or required as a condition of a student’s participation” means impliedly or explicitly mandated or necessary for a student, parent, or family to provide so that a student may:
 - i. Fully participate in school or in a school activity, class, or program;
 - ii. Successfully complete a school class for the highest grade; or
 - iii. Avoid a direct or indirect limitation on full participation in a school activity, class, or program, including limitations created by:
 1. Peer pressure, shaming, stigmatizing, bullying, or the like; or
 2. Withholding or curtailing any privilege that is otherwise provided to any other student.

Utah Admin. Rules R277-407-2(145) (October-April 8, 2019)

- c. “Provided, sponsored or supported by a school” means an activity, class, program, fundraiser, club, camp, clinic, or other event that:

- i. Is authorized by the District or a District school, according to Board policy; or
- ii. Satisfies at least one of the following conditions:
 - 1. It is managed or supervised by the District, a District school, or a District employee;
 - 2. It uses, more than inconsequentially, District or a District school's facilities, equipment, or other resources; or
 - 3. It is supported or subsidized, more than inconsequentially, by public funds, including school activity funds or minimum school program dollars.
- iii. Is not a noncurricular club as defined by Policy FG.

Utah Admin. Rules R277-407-2(142) (October April 8, 2019)

This definition applies regardless of the time or season of the activity, class, or program (for example, summer camps or clinics are sponsored by a school if the foregoing requirements are met).

Utah Admin. Rules R277-407-4(4) (October April 8, 2019)

- 2. "Student supplies" means items which are the personal property of a student which, although used in the instructional process, are also commonly purchased and used by persons not enrolled in the class or activity in question and have a high probability of regular use in other than school-sponsored activities.
 - i. It includes pencils, paper, notebooks, crayons, scissors, basic clothing for healthy lifestyle classes, and similar personal or consumable items over which a student retains ownership.
 - ii. It excludes any such items if, to create a uniform appearance not related to basic function, the school imposes specific requirements such as brand, color, or a special imprint.

Utah Admin. Rules R277-407-2(169) (October April 8, 2019)

- 3. "Textbook" means instructional material necessary for participation in a course or program, regardless of the format of the material. It excludes instructional equipment and instructional supplies. It includes:
 - a. hardcopy book or printed pages of instructional material, including a consumable workbook;
 - b. computer hardware, software, or digital content;
 - c. the cost of wifi to access school required digital content; and
 - ~~3-d.~~ the maintenance costs of school equipment.

Utah Admin. Rules R277-407-2(1923) (October April 8, 2019)

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4. “Instructional equipment” means an activity, course, or program-related tool or instrument that is equipment or supplies required for a student to use as part of a secondary course activity, course, or program, typically that becomes the property of the student upon exiting the activity, course, or program, and is subject to fee waiver. This excludes school equipment. This includes course related tools or instruments:
- a. Shears or styling tools;
 - b. A band instrument;
 - c. A camera;
 - d. a stethoscope; and
 - a-e. sports equipment, including a bat, mitt, or tennis racquet.
- Utah Admin. Rules R277-407-2(7) (April-October 8, 2019)*
5. “Instructional supply” means a consumable or non-reusable supply that is necessary to a student to use as part of a secondary activity, course, or program, including:
- a. Prescriptive footwear;
 - b. Brushes or other art supplies, including clay, paint, or art canvas;
 - c. Wood for wood shop;
 - d. Legos for Lego robotics;
 - e. Film; and
 - f. Filament used for 3D printing.
- Utah Admin. Rules R277-407-2(8) (October 8, 2019)*
6. “School equipment” means a durable school-owned machine, equipment, or tool used by a student as part of a secondary activity, course, or program, including for example a saw, machine, and 3D printer.
- Utah Admin. Rules R277-407-2(17) (October 8, 2019)*
7. “School day” or “regular school day” means the same as “school day” is defined in Utah Administrative Code R277-419-2.
- Utah Admin. Rules R277-407-2(14), (16) (October 8, 2019)*
Utah Admin. Rules R277-419-2 (October 16, 2018)
- 4-8. “Co-curricular activity” means an activity, course, or program, outside of school hours, that also includes a required regular school day program or curriculum.
- Utah Admin. Rules R277-407-2(1) (October-April 8, 2019)*
- 5-9. “Extracurricular activity” means an activity or program for students, outside of the regular school day, that both:

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- a. Is sponsored, recognized, or sanctioned by the District or a District school; and
- b. Supplements or complements, but is not part of, the District's required program or regular curriculum.

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Utah Admin. Rules R277-407-2(2) (October April 8, 2019)

Non-Fee Charges—

Certain items of monetary value provided in connection with students and schools are not considered fees.

Student Fines

A student fine is not a fee if it is specifically approved by the District and is imposed for one of the following:

1. Failing to return school property;
2. Losing, wasting, or damaging private or school property through intentional, careless, or irresponsible behavior; or
3. Improper use of school property (including a parking violation).

Utah Code § 53G-8-212 (2019)

Utah Admin. Rules R277-407-2(158)(b)(iv) (October April 8, 2019)

When fines have been assessed to a student for damaging or losing school property, the school shall not exclude the student from school for nonpayment but may withhold a transcript or diploma to obtain payment of such charges pursuant to the Board policy regarding defacing or damaging school property. However, a school may not withhold student records which are required for student enrollment or placement in a subsequent school. In addition, if the Department of Human Services or a licensed child-placing agency has been granted custody of the student, that student's records, if requested by the department or agency, may not be withheld from the department or agency for nonpayment of damages.

Utah Code § 53G-8-212 (2019)

Utah Admin. Rules R277-4067-128(11), (12) (April-October 8, 2019)

Student Records

A school may impose a reasonable charge to cover the cost of duplicating, mailing, or transmitting transcripts and other school records. However, no charge may be imposed for duplicating, mailing, or transmitting copies of school records to an elementary or secondary school in which a former student is enrolled or intends to enroll.

Utah Admin. Rules R277-407-6(910)(b), (c) (October April 8, 2019)

Non-Waivable Charges

A cost, payment, or expenditure that falls into one of the following categories is not a fee.

1. A personal discretionary charge or purchase, including:
 - a. A charge for insurance, unless the insurance is required for a student to participate in a school activity, class, or program;
 - b. A charge for college credit relating to successful completion of a concurrent enrollment class or an advanced placement examination; or
 - c. A charge for a personal consumable item such as a yearbook, class ring, letterman jacket or sweater, or other similar item (unless requested or required by the school or District).
2. A charge which is subject to sales tax.
3. Payment for a school uniform unless the uniform policy requires clothing that is expensive or prescriptive. (See Policy FK.)
4. A charge for school lunch or breakfast.
5. A deposit that is a pledge securing the return of school property which is refunded upon return of the property.
6. A charge for a replacement for damaged or lost school equipment or supplies.

[Utah Admin. Rules R277-407-2\(101\) \(October April 8, 2019\)](#)

[Utah Admin. Rules R277-407-3\(9\) \(October April 8, 2019\)](#)

[Utah Code § 53G-7-501\(6\)\(c\), \(9\) \(2019\)](#)

Additional Discretionary Projects

[In project-related courses, projects required for course completion shall be included in the course fee. However, a](#) student may be required to provide materials or to pay for an additional discretionary project if the student chooses a project in lieu of or in addition to a required classroom project. This requirement is not considered a fee. However, the school may not require such an additional project as a condition for enrolling, completing, or receiving the highest possible grade for a course. (Such requirements would result in the project being a fee.) Schools shall avoid allowing high cost additional projects, particularly where authorization of an additional discretionary project results in pressure on a student by teachers or peers to also complete a similar high cost project.

[Utah Admin. Rules R277-407-3\(5\) \(October April 8, 2019\)](#)

Donations of Supplies to an Elementary School

An elementary school or elementary school teacher may compile and provide to a student's parent a suggested list of student supplies for use during the regular school day so that a parent may furnish, on a voluntary basis, those supplies for student use. Such a list must include and be preceded by the following language:

“NOTICE: THE ITEMS ON THIS LIST WILL BE USED DURING THE REGULAR SCHOOL DAY. THEY MAY BE BROUGHT FROM HOME ON A VOLUNTARY BASIS, OTHERWISE, THEY WILL BE FURNISHED BY THE SCHOOL.”

[Utah Admin. Rules R277-407-3\(1\)\(c\), \(6\) \(October April 8, 2019\)](#)
[Utah Code § 53G-7-503\(2\)\(b\) \(2019\)](#)

Donations

For a donation not to be a fee, it must not affect the participation of an individual student. Donations are generally governed by Policy GF. Donations or contributions may be invited on forms provided to parents of students but must clearly state that donations and contributions are voluntary and are not required for participation in an activity or class.

[Utah Admin. Rules R277-407-7\(1\) \(October April 8, 2019\)](#)

Students and families may be notified that they may voluntarily pay an increased fee amount or provide a donation to cover the costs of other students and families. Any such payments are considered donations and are not fees. In order to accept such payments, schools shall require that the payment be clearly designated as made for the purpose of covering the costs of other students.

[Utah Admin. Rules R277-407-8\(2\)\(b\) \(October April 8, 2019\)](#)

Authorizing Fees—

No fee may be charged by the District, a District school, or any District officer or employee unless the fee has been authorized by the Board as required in this policy and applicable law. This includes any and all fees as defined in this policy, including those related to curricular, co-curricular, and extracurricular activities.

[Utah Code § 53G-7-503\(1\) \(2019\)](#)

[Utah Code § 53G-7-505 \(2019\)](#)

[Utah Admin. Rules R277-407-3\(2\) \(October April 8, 2019\)](#)

[Utah Admin. Rules R277-407-6\(1\) \(October April 8, 2019\)](#)

Process to Adopt Fee Policies and Schedules

The Board shall annually adopt fee policies and a fee schedule in a public meeting held on or before April 1. The Board shall consult with stakeholders and shall encourage public participation in the development of the fee schedule and of waiver policies. Before taking action to approve the policies and fee schedule, the Board shall provide the opportunity for public comment on the proposed fee schedule during at least two public Board meetings. In addition to the notice required for a regular Board meeting, the Board shall provide notice of these meetings using the same form of communication regularly used by the District to communicate with parents (such as email, text, flyer, or phone call).

[Utah Code § 53G-7-505\(2\) \(2019\)](#)

[Utah Admin. Rules R277-407-6\(2\) \(October April 8, 2019\)](#)

[After the annual adoption of the fee schedule, the Board may amend the fee schedule by following the process described in the preceding paragraph \(other than the April 1 deadline\).](#)

[Utah Admin. Rules R277-407-6\(3\) \(October 8, 2019\)](#)

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The Board shall annually review the District's policies on fees, waivers, fundraising, and donations.

[Utah Admin. Rules R277-407-15\(3\) \(October April 8, 2019\)](#)

Fee Schedules

A fee must be included in the Board approved fee schedule in order to be charged. The fee schedule shall include the specific amount for each fee and a spending plan for each fee. The fee schedule shall include the maximum fees allowed per activity and per student. If there are multiple fees related to one activity, class, or program, the fee schedule shall include an easy to understand delineation of each of the fees and the fee total for the activity, class, or program. The fee schedule shall also include the District's fee waiver policy, including an easily understandable statement informing a parent that a student may be eligible to have one or more fees waived and may appeal a denial of a requested waiver.

[Utah Code § 53G-7-505\(3\)\(a\) \(2019\)](#)

[Utah Admin. Rules R277-407-6\(1\)\(c\) \(October 8, 2019\)](#)

[Utah Admin. Rules R277-407-13\(2\)\(a\) \(October April 8, 2019\)](#)

Notice of Fee Policies and Schedules

The District shall provide annual written notice to a parent of each student attending school in the District of the current and applicable fee waiver policies and fee schedules. The District shall annually publish the fee waiver policies and fee schedules on each school's website and shall include a copy of these materials in registration materials (including providing them to a parent of a student who enrolls after the initial enrollment period). The written notice shall be in a form approved by the State Board of Education and shall also include:

1. For elementary schools:
 - a. School Fees Notice for Families of Children of Kindergarten through Sixth Grade
 - b. Fee Waiver Application (Grades K-6)
 - c. Fee Waiver Decision and Appeal Form
 - d. School fees poster for elementary school
2. For secondary schools:
 - a. School Fees Notice for Families of Students in Grades Seven Through Twelve
 - b. Fee Waiver Application (Grades 7-12)
 - c. Community Service Assignment and Notice of Appeal Rights
 - d. Appeal of Community Service Assignment
 - e. School fees poster for secondary school

[Utah Code § 53G-7-505\(3\)\(b\) \(2019\)](#)

Utah Admin. Rules R277-407-6(56), (67), (78) (October April 8, 2019)

If the District's parent or student population in a single language other than English exceeds 20%, then the District shall also publish the fee waiver policies and fee schedules in that other language. If a student or parent's first language is not English, and the District has not published the policies and fee schedules in that other language, then a District representative will meet personally with each student's parent or family and make available an interpreter for the parent to understand the policies and fee schedules.

Utah Admin. Rules R277-407-6(67) (October April 8, 2019)

Standards for Fees—

In setting fees, the Board shall establish the following maximum fee amounts:

1. The amount that a school may charge to a student in a year for each course, program, or activity.
2. The aggregate amount that a school may charge to a student in fees in a year.

These maximum amounts include the amount of revenue raised by a student through an individual fundraiser. (See Alternatives to Payment of Fees, below.)

Utah Admin. Rules R277-407-6(34) (October April 8, 2019)

In order to preserve equal opportunity for all students and to limit diversion of money and school and staff resources from the basic school program, the Board's fee policies shall be designed to limit student expenditures for school-sponsored activities, including expenditures for activities, uniforms, clubs, clinics, travel, and subject area and vocational leadership organizations, whether local, state, or national.

Utah Admin. Rules R277-407-6(101) (October April 8, 2019)

The Board may establish a reasonable number of activities, courses, or programs that will be covered by the annual maximum fee amount.

Utah Admin. Rules R277-407-6(4)(d) (October 8, 2019)

No fees may be charged in kindergarten through grade 6 in connection with regular school day instruction or activities (including assemblies and field trips.) Fees may be charged to students in grade 6 if those students are attending a school that includes any of the grades 7 through 12. A school that provides instruction to students in grades other than grades 6 through 12 may not charge fees to students in grade 6 unless for those students the school follows a secondary model of instruction.

Utah Code § 53G-7-503(2)(a) (2019)

Utah Admin. Rules R277-407-3(1), (3) (October April 8, 2019)

The Board may charge a fee related to a student's enrollment in supplemental kindergarten.

Utah Admin. Rules R277-407-4(5) (October 8, 2019)

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Fees may be charged to elementary school students for activities which do not take place during the regular school day so long as participation in the activities is voluntary and does not affect a student's grade or ability to participate fully in any course taught during the regular school day.

[Utah Code § 53G-7-503\(2\)\(a\) \(2019\)](#)
[Utah Admin. Rules R277-407-4\(1\) \(October April 8, 2019\)](#)

Textbook fees may be charged to secondary school students up through the end of the 2019-2020 school year. Beginning with the 2020-2021 school year, textbooks may not be sold to students and textbook fees may not be charged to secondary school students except for textbooks required for an Advanced Placement or concurrent enrollment course.

[Utah Code § 53G-7-602\(3\) \(2019\)](#)
[Utah Admin. Rules R277-407-12\(1\)\(a\) \(October April 8, 2019\)](#)

All fees, including fees for co-curricular and extracurricular activities, must be within the maximum amounts established for the activity by the Board.

[Utah Admin. Rules R277-407-4\(2\) \(October April 8, 2019\)](#)

A fee may not be imposed or increased in order to supplant or subsidize another fee. Beginning with the 2020-2021 school year, the amount of a fee may not be increased to offset the cost of fee waivers. Beginning with the 2021-2022 school year, the fee imposed on a student for a particular activity, course, or program cannot exceed the expense incurred by the school in providing that activity, course, or program.

[Utah Code § 53G-7-503\(3\) \(2019\)](#)
[Utah Admin. Rules R277-407-8\(2\)\(a\) \(October April 8, 2019\)](#)

In establishing fee schedules, the Board may also review and consider the following as to each school in the District:

1. The cost to the school to provide the activity, class, or program;
2. The student enrollment;
3. The median income of families within the attendance area or enrolled at the school;
4. The number and monetary amount of fee waivers (designated by individual fee) annually granted in the prior three years;
5. The historical participation and school interest in certain activities;
6. The prior year fee schedule;
7. The revenue collected from each fee in the prior year;
8. Fundraising capacity;
9. Prior year community donors; and
10. Other resources available (including through donations and fundraising).

[Utah Admin. Rules R277-407-6\(45\) \(October April 8, 2019\)](#)

Alternatives to Payment of Fees—

The Board recognizes and allows the following provisions in lieu of fee payment. (A “provision in lieu of fee payment” means an alternative to either payment of the fee or waiver of the fee.)

[Utah Admin. Rules R277-407-2\(123\) \(October April 8, 2019\)](#)

Fundraising

Consistent with Policy GF, students may avail themselves of optional individual fundraising opportunities to raise money to offset the cost of the student’s fees. Required individual fundraising is prohibited. Student membership in or participation on a team or group or in an activity may not be denied based on non-participation in any kind of fundraiser (individual or group).

[Utah Admin. Rules R277-407-10 \(October April 8, 2019\)](#)

Service in Lieu of Fees

Students may choose (but may not be required) to perform [community](#) service in lieu of paying a fee.

[Utah Admin. Rules R277-407-9\(1\) \(October April 8, 2019\)](#)

If elected by a student, the [community](#) service assignment shall be determined by the principal or other designee. The assignment shall be appropriate to the age, physical condition, and maturity of the student and service required shall be consistent with the federal Fair Labor Standards Act. The service must be credited at an hourly rate at least equal to the minimum wage and must be able to be performed within a reasonable period of time. Service assignments may include service within the school, including tutorial assistance to other students and assistance before or after school to teachers and other school personnel on school related matters.

[Utah Code § 53G-504-2\(a\) \(2019\)](#)

[Utah Admin. Rules R277-407-9\(2\) \(October April 8, 2019\)](#)

A student who performs service in lieu of paying a fee may not be treated differently than students who pay the fee, and the service may not create an unreasonable burden for a student or parent and may not be of such a nature as to demean or stigmatize the student.

[Utah Admin. Rules R277-407-9\(3\) \(October April 8, 2019\)](#)

Upon request of the student, the student’s service credit shall be transferred to another school within the District or to another local education agency.

[Utah Admin. Rules R277-403-9\(4\) \(October April 8, 2019\)](#)

Waiver of Fees—

A “waiver” means a full or partial release from the requirement of payment of a fee and from any provision in lieu of fee payment. (A “provision in lieu of fee

payment” means an alternative to either payment of the fee or waiver of the fee.) All fees are subject to waiver. Non-fee charges (see above) are not subject to waiver.

[Utah Code § 53G-7-501\(13\) \(2019\)](#)
[Utah Admin. Rules R277-407-2\(123\), \(204\) \(October April 8, 2019\)](#)
[Utah Admin. Rules R277-407-8\(1\) \(October April 8, 2019\)](#)

“SSI” means “Supplemental Security Income for children with disabilities,” which is a benefit administered through the Social Security Administration that provides payments for qualified children with disabilities in low-income families.

[Utah Admin Rules R277-407-2\(1721\) \(October April 8, 2019\)](#)

“TANF” means “Temporary Assistance for Needy Families,” which is a program (formerly known as AFDC) which provides monthly cash assistance and food stamps to low-income families with children under age 18 through the Utah Department of Workforce Services.

[Utah Admin. Rules R277-407-2\(1822\) \(October April 8, 2019\)](#)

Eligibility for Waiver

A waiver shall be granted to a student if charging the fee would deny the student the opportunity to participate in a class or school-sponsored or supported activity because of an inability to pay a fee.

[Utah Code § 53G-7-504\(1\)\(a\) \(2019\)](#)
[Utah Admin. Rules R277-407-8\(3\) \(October April 8, 2019\)](#)

A student is eligible for waiver upon providing verification that:

1. The student qualifies ~~for free lunch~~ based on ~~family~~ income [eligibility levels established annually by the State Superintendent](#);
2. The student receives SSI;
3. The family receives TANF funding;
4. The student is in foster care through the Utah Division of Child and Family Services; or
5. The student is in state custody.

[Utah Admin. Rules R277-407-11\(1\), \(2\) \(October April 8, 2019\)](#)

A student who does not qualify based on the foregoing may also be granted a waiver if the student is not reasonably capable of paying the fee based on extenuating circumstances. Such circumstances might include exceptional financial burden, loss or substantial reduction of income, or extraordinary medical expenses.

[Utah Admin. Rules R277-407-11\(34\) \(October April 8, 2019\)](#)

In the event that circumstances change for a student or family such that fee waiver eligibility no longer exists, the school may charge a proportional share of a fee or a reduced fee reflecting the change in eligibility.

[Utah Admin. Rules R277-407-11\(45\) \(October April 8, 2019\)](#)

Process for Waiver

The principal, or the principal's designee, shall review and make decisions regarding fee waiver requests, verifying eligibility as required (including obtaining the required documentation). The decision shall be made promptly and if possible before the fee becomes due. A family may not be subjected to unreasonable demands for re-qualification.

[Utah Code § 53G-7-504\(b\) \(2019\)](#)
[Utah Admin. Rules R277-407-6\(89\)\(a\) \(October April 8, 2019\)](#)
[Utah Admin. Rules R277-407-8\(4\), \(8\)\(b\) \(October April 8, 2019\)](#)
[Utah Admin. Rules R277-407-11\(23\)\(d\) \(October April 8, 2019\)](#)

Parents shall be provided the opportunity to review available provisions in lieu of fee payment.

[Utah Admin. Rules R277-407-8\(10\)\(a\) \(October April 8, 2019\)](#)

The waiver process shall be administered fairly, objectively, without delay, and in a manner that avoids stigma, embarrassment, undue attention, and unreasonable burdens on students and parents. There shall be no visible indicators which could lead to identification of waiver applicants. The privacy requirements of FERPA apply and shall be followed. Other students may not assist in the waiver approval process. Students who receive a waiver may not be treated differently than other students. Students who receive a waiver may not be identified to other students and may not be identified to any other person (including staff members) who do not need to know of the waiver.

[Utah Admin. Rules R277-407-8\(5\) \(October April 8, 2019\)](#)
[Utah Admin. Rules R277-407-9\(6\), \(7\) \(October April 8, 2019\)](#)

The waiver application and associated required documentation shall incorporate and conform to the regulations issued by the State Board of Education, which will specify the forms of documentation and verification which are acceptable.

[Utah Code § 53G-7-504\(4\) \(2019\)](#)

In lieu of income verification, the school may rely on the following alternative forms of verification:

1. If the student's family receives TANF, a letter of decision from the Utah Department of Workforce Services which covers the period for which waiver is sought;
2. If the student receives SSI, a benefit verification letter from the Social Security Administration;
3. If the student is in state custody or in foster care, either or both of the following when provided by a case worker from the Utah Division of Child and Family Services or the Utah Juvenile Justice Department:
 - a. The youth in care required intake form;
 - b. The school enrollment letter.

Utah Admin. Rules R277-407-11(23) (October April 8, 2019)

The principal or designee may grant a full or partial waiver or deny the request. Upon determination by the principal or designee, the parent shall be provided a written decision using the standard written decision and appeal form authorized by the State Board of Education. A full or partial denial decision shall include the reasons for the denial and give notice of the procedure to appeal the decision.

Utah Admin. Rules R277-407-6(89)(b) (October April 8, 2019)
Utah Admin. Rules R277-407-9(6)(e) (October April 8, 2019)

Appeals of the principal's decision on the granting of fee waivers may be made to the superintendent. Appeals of the superintendent's decision may be made to the Board.

Utah Admin. Rules R277-407-8(10)(b) (October April 8, 2019)

The requirement that a student pay a fee shall be suspended during any period when the student's eligibility for waiver is being determined or when an appeal of a denial of waiver is in process.

Utah Admin. Rules R277-407-8(10)(c) (October April 8, 2019)
Utah Admin. Rules R277-407-9(6)(f) (October April 8, 2019)

Addressing the Effect of Waivers

The District shall identify and address potential inequities due to the impact of the number of students who receive waivers with each of the District's Schools. The Board shall distribute the impact of fee waivers among the schools of the District so that no school carries a disproportionate share of the District's total fee waiver burden, including by sharing revenue among the schools to remedy that lost through waivers.

Utah Admin. Rules R277-407-8(2)(c) (October April 8, 2019)
Utah Admin. Rules R277-407-13(2)(b), (3) (October April 8, 2019)

Fee Collection—

Students may not be involved in the collection of fees.

Utah Admin. Rules R277-407-9(6)(d) (October April 8, 2019)

~~Upon the request of a parent or student, the school may allow a fee to be paid through an installment payment plan. However, such a plan may not be suggested or recommended by school administration or staff required in lieu of a fee waiver.~~

Utah Admin. Rules R277-407-9(5) (October April 8, 2019)

The District may pursue reasonable methods of collecting fees. However, the District may not, as a result of unpaid fees:

1. Exclude a student from school or from an activity, class, or program during the regular school day;

2. Refuse to issue a course grade; or
3. Withhold official student records, including written or electronic grade reports, diplomas, or transcripts.

[Utah Admin. Rules R277-407-6\(910\)\(a\) \(October April 8, 2019\)](#)
[Utah Admin. Rules R277-407-8\(11\) \(October April 8, 2019\)](#)

If the school has been provided with a copy of a court order allocating responsibility for school fees between a student's parents before the day on which the school first issues a bill for a school fee, the school shall, upon request from either parent, separately bill each parent for the share of the fee that the parent is to pay under the court order. Each parent is liable only for the share of the fee the parent is required to pay under the court order, and regardless of whether the court order is provided to the school before or after the bill is issued for the fee, the school may not make a negative credit report relating to a fee about a parent who has paid the share of the fee required by the court order. The school may bill a parent for that parent's share of the fee even though the other parent has obtained a full or partial fee waiver.

[Utah Code § 15-4-6.7 \(2017\)](#)

Staff Training—

Employees of the District shall receive, on at least an annual basis, training on fee policies specific to the employee's job function. Such training shall make use of the resources and training materials provided by the State Superintendent.

[Utah Admin. Rules R277-407-15 \(October April 8, 2019\)](#)

Reporting and Certification—

The District's annual year-end report to the State Superintendent shall include (1) a summary of the number of students in the District given fee waivers, the number of students who worked in lieu of a fee waiver, and the total dollar value of fees waived by the District; (2) a copy of the District's fee and fee waiver policies; (3) a copy of the District's fee schedule for students; (4) the notice of fee waiver criteria which is provided by the District to parents or guardians; and (5) a fee waiver compliance form for the District and each school (using the forms approved by the State Superintendent).

[Utah Admin. Rules R277-407-14 \(October April 8, 2019\)](#)

The District and each school shall complete and submit such compliance forms as are required by the State Board of Education.

[Utah Admin. Rules R277-407-8\(9\) \(October April 8, 2019\)](#)

Required Notices and Action—

The District and each school shall use the following standard forms as they are provided by the State Board of Education:

1. Standard parental notification letter ([“School Fees Notice for Families of Students in Grades Seven Through Twelve”](#) or [“School Fees Notice for Families of Children in Kindergarten Through Sixth Grades”](#));
2. Standard fee waiver application ([“Fee Waiver Application \(Grades K-6\)”](#) or [“Fee Waiver Application \(Grades 7-12\)”](#));
3. Standard written decision and appeal form ([“Fee Waiver Decision and Appeal Form”](#));
4. Community service notice form ([“Community Service Obligations”](#));
5. Community service assignment form ([“Community Service Assignment and Notice of Appeal Rights”](#));
6. Community service assignment appeal form ([“Appeal of Community Service Assignment”](#)).

These standard forms as drafted and adopted by the State Board of Education are hereby incorporated into these policies. (The forms are also available in Spanish.) The District and each school shall adhere to the terms and conditions set forth in the standard forms.

Field Code Changed

Field Code Changed

Community Use of School Facilities

Civic Center—

Public school buildings and grounds are civic centers and shall be used by District residents for supervised recreational activities and meetings, subject to the requirements and restrictions set forth below. Use of school property as a civic center may not interfere with a school function or purpose and is considered a “permit” for governmental immunity purposes.

[Utah Code § 53G-7-209 \(2018\)](#)

Civic Center Use Limited to District Residents—

School buildings and grounds are only available for civic center use to organizers who are residents of the District. Requests for civic center use must be accompanied by appropriate documentation of the requester’s residence within the District.

[Utah Code § 53G-7-209\(4\) \(2018\)](#)

Fees for Use of School Property for Civic Center Purposes—

The Board may set and charge a reasonable fee for the use of school property as a civic center to fully compensate the District for any and all expenses incurred in that use. The fee charged may take into account increased overhead expense, including utilities, personnel, and other areas affected by use of the facilities.

[Utah Code § 53G-7-210\(2\)\(c\) \(2018\)](#)

Special Functions Officer—

The Board may appoint a District security officer or student resource officer as a special functions officer. The special functions officer shall have charge of the grounds and shall take reasonable measures to protect school property when used for civic center purposes.

[Utah Code § 53G-7-210\(2\)\(d\) \(2018\)](#)

[Utah Code § 53-13-105\(1\)\(b\)\(v\) \(2016\)](#)

Duties of School Principal—

The Principal, subject to approval of the Superintendent, shall allow the use of school facilities and shall also be responsible for collection of monies, notification of personnel involved (custodian, lunch manager, or technician), and the determination of free use of the building according to policy.

Rental of School Facilities—

The rental of school facilities for other than school use shall be according to the following guidelines:

1. Application for rental will be made with the principal of the school. Application requires the signatures of the applicant, principal and Superintendent.
2. Rental rates will be determined according to the rental rate as approved by the Board of Education.
3. Payments will be collected by the Principal, recorded, and sent to the District Office with a copy of the original application.
4. Cancellations will be reported to the District Office.
5. Personnel charges will be added according to the rates listed on the rental schedule.
6. The Principal shall submit to the District a report of the use of building or grounds.
7. The Principal shall report questionable use or activity connected with rental of facilities.
8. A certificate of liability insurance is required with limits of not less than \$500,000. The District shall be named as an additional insured. (This provision (8) can only be waived in writing by the Board of Education.) A Hold Harmless Agreement shall also be entered into.

Supervision—

The principal shall be responsible for adequate supervision of the school during rental hours. Any non-school group occupying school property shall provide adult supervision adequate to maintain order and prevent the destruction of school property. Facilities shall not be available at the time of use unless the supervisor or supervisors are present as agreed. At the time of rental, arrangements shall be made for adequate supervision. School supervision shall consist of a minimum of one custodian to care for the interest of the District and its property. In the absence of the principal, the custodian shall be in complete charge of the building and grounds.

Supervision and Use of Equipment, Building and Grounds—

Arrangements for adequate supervision shall be made in keeping with the use for which the rental is made to ensure proper conduct in and around the building and the proper care of the school and its equipment.

Inadvisable Uses—

The Board may refuse to permit the use of school property as a civic center if it determines the use interferes with a school function or purpose.

[Utah Code § 53G-7-209\(3\) \(2018\)](#)

Standards of Behavior—

The principal of the school shall accept application from only those groups who can assure adherence to the standards of behavior of the school. Tobacco,

[electronic cigarettes \(and electronic cigarette products\)](#), intoxicating drinks, and boisterous conduct are expressly prohibited. The following will not be tolerated and are expressly prohibited by the Board:

1. vandalism;
2. use without consent, or abuse of school furniture or other school property; and,
3. misappropriation or abuse of books, supplies, or athletic equipment belonging to the school or to its students. School athletic equipment may only be used with prior approval of the principal.

Use of Practice Fields and Other School Ground Facilities—

The use of school ground facilities will be allowed at no cost provided fields are not abused or used during extremely wet conditions or other times when the field would be damaged.

Community groups such as Little League Football will be allowed to use specified areas of the school grounds as approved by the Principal.

Due to excessive use of the regular playing fields within the regular school program, the necessity of keeping certain playing fields in top condition for school league play, makes the regular use of these fields by non-school groups impractical.

High school stadiums are available to community organizations; however, the stadiums shall not be used at any time that would interfere with a school function or purpose.

Any other equipment rental requests shall be made to the Principal; such requests shall be granted upon the approval of the Principal.

Political Signs on School Property—

A “political sign” is any sign or document that advocates the election or defeat of a candidate for public office or the approval or defeat of a ballot proposition. Schools and the school district are not required to allow the posting of political signs on school property. However, if the district or a district administrator or their designee posts or permits the posting of a political sign on school property, then the district shall also permit the posting of all other political signs, subject to the same requirements and restrictions. Any requirements or restrictions placed on the posting of political signs must be politically neutral and content neutral.

Approval for posting of a political sign may only be given by a building principal or higher level administrator, or the designee of such an administrator.

[Utah Code § 20A-17-103 \(2015\)](#)

Conduct on School Premises

Modified public forum—

All school buildings have been designated as modified public forums after school hours. However, during school hours all school buildings are dedicated to the sole and exclusive purpose of providing education to school students then attending school. No visitor, whether a student's parents or other persons, shall have access to a school unless express permission is granted as provided below.

Campus visitors—

All persons who are not students or District employees who visit or enter upon school property shall report immediately to the school administrative offices for authorization by the Principal or his or her designee to be present at the school.

Authorization shall not be given if the Principal or his or her designee determines in his or her discretion that one of the following is true:

1. The person's presence will likely cause fear for the safety of another.
2. The person intends to cause annoyance or injury to a person or damage to property on the school property.
3. The person intends to participate in or instigate conduct or activity which constitutes a crime.

Each school shall, through the use of signs and fences or other enclosures, exclude trespassers from the school ground.

In the absence of express permission, all visitors to the school shall be deemed to be trespassers on school property and subject to immediate removal by the school district.

Definitions—

For purposes of this provision, "school property" means real property owned or occupied by a school, including real property temporarily occupied for a school activity or program.

[Utah Code § 53G-8-603\(2\)\(c\) \(2018\)](#)

Trespassing—

The Board, a school official, or an individual with apparent authority to act for a school official may refuse to allow persons having no legitimate business to enter on property under the Board's control and may eject any undesirable person from the property on his or her refusal to leave peaceably on request. Identification may be required of any person on the property.

An individual is guilty of criminal trespass upon school property if the individual does either of the following:

1. Enters or remains without authorization on school property if notice against such entry or remaining has been given by (a) personal communication by a school official or an individual with apparent authority to act for a school official, or (b) the posting of signs reasonably likely to come to the attention of a trespasser, or (c) fencing or other enclosure obviously designed to exclude trespassers, or (d) a current order of suspension or expulsion.
2. Enters or remains unlawfully upon school property and (a) intends to cause injury or annoyance to a person or damage to property, or (b) intends to commit a crime, or (c) is reckless as to whether the person's presence will cause fear for the safety of another.

Criminal trespass on school property is a class B misdemeanor.

[Utah Code § 53G-8-603 \(2018\)](#)

Disruption of classes—

No person shall be permitted, on school property, to willfully disrupt, alone or in concert with others, the conduct of classes or other school activities.

[Utah Code § 53G-8-603 \(2018\)](#)

Conduct which disrupts the educational activities of a school includes:

Emissions by any means of noise of an intensity which prevents or hinders classroom instruction.

Enticement or attempted enticement of students away from classes or other school activities which students are required to attend.

Prevention or attempted prevention of students from attending classes or other school activities which students are required to attend.

Entrance into a classroom without consent of either the principal or teacher and either through acts of misconduct and/or use of loud or profane language causing disruption of class activities.

Disruption of school operation—

No person may disrupt the operation of a school. A person is guilty of disrupting the operation of a school if the person, after being asked to leave by a school official, remains on school property for the purpose of encouraging or creating an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of a school.

[Utah Code § 76-9-106 \(1992\)](#)

Examples of disrupting operation of a school include:

Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building, or while on school property, without authorization from school administration.

Seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity.

Disruption of meeting or gathering—

No person may disrupt a lawful meeting or gathering on the property of any school in the District. A person is guilty of disrupting a meeting if, intending to prevent or disrupt a lawful meeting or gathering, he or she obstructs or interferes with the meeting or gathering by physical action, verbal utterance, or any other means.

[Utah Code § 76-9-103 \(1973\)](#)

Intoxicants—

Except as approved by the Board as part of the curriculum, no person may possess any intoxicating beverage for consumption, sale, or distribution, or be under the influence of alcohol while on the grounds or in a building of any school in the District or while entering or inside any building, park or stadium which are being used for an activity sponsored by or through any part of the District.

[Utah Code § 53G-8-602 \(2018\)](#)

[Utah Code § 76-9-701 \(2017\)](#)

Tobacco products and electronic cigarettes—

[The use of tobacco products, electronic cigarettes, and electronic cigarette products is prohibited on school property or at school activities. \(Electronic cigarettes and electronic cigarette products are defined in Utah Code § 59-14-802.\)](#)

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Weapons or dangerous materials—

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No person shall possess a dangerous weapon that in the manner of its use or intended use is capable of causing death or serious bodily injury or a firearm on or about school premises except:

1. Persons exempt from weapons laws by state statute (law enforcement officers and others).

[Utah Code § 76-10-523 \(2019\)](#)

2. Persons authorized to possess a concealed firearm by state statute (concealed weapons permit holders). (However, persons under age 21 with a concealed firearm permit are not permitted to carry a concealed firearm on or about school premises.)

[Utah Code § 53-5-704 \(2013\)](#)

[Utah Code § 53-5-705 \(2010\)](#)

[Utah Code § 53-5-710\(2\) \(2017\)](#)

3. Persons whose possession has been previously approved by the responsible school administrator, or where the person responsible for the possession or

use of the weapon is in possession or control of the weapon and it is present or to be used in connection with a lawful, approved activity.

“On or about school premises” means in or on the grounds of any District school. However, possession on or about school premises is permissible if the possession is at the person’s place of residence, on the person’s real property, or in a vehicle lawfully under the person’s control (other than a vehicle owned by the school or used for the transport of students).

Possession of a dangerous weapon on or about school premises is a class B misdemeanor. Possession of a firearm on or a about school premises is a class A misdemeanor.

[Utah Code § 76-10-505.5 \(2013\)](#)

No person shall possess an explosive, chemical, or incendiary device or parts, as defined in Utah Code § 76-10-306, dangerous to persons or property on any District property or in those parts of a building, park, stadium or other structure which are being used for an activity sponsored by or through the District. Unlawful possession of the items or materials in the circumstances prohibited by this section is a criminal offense punishable under state law.

[Utah Code § 76-10-306 \(2010\)](#)

Restrictions on use of electronic devices—

The following definitions apply for this section.

1. “Electronic device” means a device that is used for audio, video, or text communication or any other type of computer or computer-like instrument including:
 - a. a smart phone
 - b. a smart or electronic watch;
 - c. a tablet; or
 - d. a virtual reality device.
2. “Guest” means an individual who is not a student, employee, or designated volunteer of a District school who is on school property or at the site of a school-sponsored activity or event.
3. “Inappropriate matter” means pornographic or indecent material as defined in [Utah Code § 76-10-1235\(1\)\(a\)](#).

[Utah Admin. Rules R277-495-2\(2\), \(3\), \(4\) \(April 8, 2019\)](#)

[Utah Admin. Rules R277-495-4\(1\)\(a\) \(April 8, 2019\)](#)

Guest use of an electronic device on school premises, at a school-sponsored activity, or by use of school connectivity to access inappropriate matter is prohibited. It is also illegal, may have criminal consequences, and shall be reported to law enforcement.

Created: 2006
Modified: [27 May 2019](#) [12 December 2019](#)

GCA

[Utah Admin. Rules R277-495-4\(1\)\(c\), \(3\)\(a\) \(April 8, 2019\)](#)
[Utah Code § 76-10-1235 \(2007\)](#)

Guests are prohibited from using any electronic device on school premises or at a school-sponsored event in any way which would cause invasions of the reasonable privacy expectations of others. Guests are specifically prohibited from making any type of recording (still photo, video, or audio) in private areas such as locker rooms, washrooms, and dressing areas. The prohibition against using an electronic device in a way that invades the reasonable privacy interests of others also includes using an electronic device carried by a student that allows a guest or parent to monitor the student and those around the student through audio or video means. Such monitoring is prohibited.

[Utah Admin. Rules R277-495-4\(4\)\(a\) \(April 8, 2019\)](#)
[Utah Code § 77-23a-4 \(2011\)](#)

While on school premises, at a school-sponsored activity, or when using school connectivity, guests are prohibited from using an electronic device to bully, humiliate, harass, or intimidate students, school employees, or other guests, and from using electronic devices in any way which violates local, state, or federal laws.

[Utah Admin. Rules R277-495-4\(1\)\(b\) \(April 8, 2019\)](#)

Political Party Use of School Meeting Facilities

Meeting facility use by political parties—

Meeting facilities in District buildings are available for use by registered political parties subject to compliance with the requirements and conditions of this policy.

[Utah Code § 20A-8-404\(1\) \(2019\)](#)

Scheduling requirements—

A political party desiring to use meeting facilities in a District building must request the use before 5:00 p.m. no later than 30 days in advance of the proposed use. The request shall be denied if the meeting facility is already scheduled for another purpose at the time of the requested use by the political party. Each District employee responsible for scheduling the use of buildings with meeting facilities shall, to the extent possible, avoid scheduling an event in such buildings on the same evening as an announced party caucus meeting.

[Utah Code § 20A-8-404\(1\), \(4\) \(2019\)](#)

Fees for meeting facility use by political parties—

The political party shall pay the District the actual costs incurred by the District for custodial services to clean the meeting facilities after the political party's use. In addition, the political party shall pay the District the actual cost of any services requested by the political party and provided by the District.

[Utah Code § 20A-8-404\(3\) \(2019\)](#)

Duties of school principal—

The Principal, subject to approval of the Superintendent, shall coordinate the use of school meeting facilities and shall also be responsible for collection of monies, notification of personnel involved (custodian, lunch manager, or technician), and the determination of eligibility for use of the facilities under this policy.

Supervision—

The principal shall be responsible for adequate supervision of the school during meeting facility use. Any political party using school meeting facilities shall provide adult supervision adequate to maintain order and prevent the destruction of school property. Facilities shall not be available at the time of use unless the supervisor or supervisors are present as agreed. At the time of scheduling, arrangements shall be made for adequate supervision. School supervision shall consist of a minimum of one custodian to care for the interest of the District and its property, but the political party may not be charged for the custodian's service other than as provided for above. In the absence of the principal, the custodian shall be in complete charge of the meeting facilities.

Standards of Behavior—

Tobacco, [electronic cigarettes \(and electronic cigarette products\)](#), intoxicating drinks, and boisterous conduct are expressly prohibited. The following will not be tolerated and are expressly prohibited by the Board:

1. vandalism;
2. use without consent, or abuse of school furniture or other school property; and,
3. misappropriation or abuse of books, supplies, or athletic equipment belonging to the school or to its students.

Fundraising and Donations

Scope of Fundraising and Donations Policies—

This policy applies to all District administrators, licensed educators, staff members, students, organizations, volunteers and individuals who initiate, authorize, or participate in fundraising events or activities for school-sponsored events; or receive, authorize, accept, value, or record donations, gifts, or sponsorships for the District or individual schools. It is expected that in all dealings, District and school employees will act ethically, consistent with the District's ethics training, the Utah Educators' Standards ([R277-515](#)), the Public Officers' and Employees' Ethics Act ([Utah Code ' 67-16-1 et seq.](#)), and State procurement law ([Utah Code ' 63G-6a-101 et seq.](#)).

District Foundation—

The District Foundation (the "Foundation") is an entity established to receive donations and gifts for the benefit of the District and the District's schools. Any organization or individual wishing to donate cash, materials, equipment, other property or programs to a school is encouraged to make such donations through the Foundation.

Definitions—

"Public funds" for purposes of this policy are defined as money, funds, and accounts, regardless of the source from which the funds are derived, that are owned, held, or administered by the state or any of its political subdivisions, including Districts or other public bodies.

[Utah Code § 51-7-3\(26\) \(2017\)](#)

"School-sponsored" for purposes of this policy means activities, fundraising events, clubs, camps, clinics, or other events or activities that are either authorized by the District or individual school(s) or that satisfy one or more of the following criteria. The activity:

1. Is managed or supervised by the District or a District school, or District or District school employee.
2. Uses the District's or a District school's facilities, equipment, or other school resources.
3. Is supported or subsidized, more than inconsequentially, by public funds, including the District's activity funds or minimum school program dollars.
4. Does not include non-curricular clubs specifically authorized and meeting all criteria of [Utah Code § 53G-7-704 through -707](#).

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Utah School Boards Association Policy Services

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[Utah Admin. Rules R277-113-2\(15\) \(June 22, 2018\)](#)
[Utah Admin. Rules R277-113-7\(3\) \(June 22, 2018\)](#)
[Utah Admin. Rules R277-407-2\(142\) \(April/October 8, 2019\)](#)

General Policy—

All funds, property, or goods donated or collected through fundraisers become public funds and the property of the District and should be used for the purpose for which they were donated and in accordance with State and District policies. Donations, whether in-kind, cash, or otherwise, shall be complete transfers of ownership, rights, privileges, and/or title in or to the donated goods or services and become exclusive property of the District upon delivery. The District and individual schools are ultimately responsible for the expenditure and allocation of all monies collected and expended through student, school organized fundraising.

The District recognizes that fundraising efforts, donations, gifts, sponsorships, and public support vary among schools. The District is committed to appropriate distribution of unrestricted funds and the management of donations and gifts to ensure that the educational opportunities for all students are equal and fair. ~~If the District shall not accept~~ a donation, ~~it shall prevent that would create a significant potential inequities among the~~ schools ~~within the District in distributing the donation.~~

[Utah Admin. Rules R277-407-7\(5\) \(April/October 8, 2019\)](#)

The District is committed to principles of gender equity and compliance with Title IX guidance. The District commits to use all facilities, unrestricted donations and gifts, and other available funds in harmony with these principles. The District reserves the right to decline or restrict donations, gifts, and fundraising proceeds, including those that might result in gender inequity or a violation of Title IX. The benefits derived from donations and gifts should be equitable for all students, comply with Title IX, and be in harmony with Article X of the Utah Constitution.

The collection of money or assets associated with fundraisers for school-sponsored activities, donations, gifts or sponsorships will comply with the District cash receipting policies. The expenditure of any public funds associated with fundraisers for school-sponsored activities, donations, gifts, or sponsorships will comply with the District cash disbursement policies

Fundraising is permitted within the District to allow the District and schools to raise additional funds to supplement school-sponsored academic and co-curricular programs, as specified in this policy and in accordance with State law and regulations. The District may through its Foundation raise money to offset the cost to the District attributed to fee waivers.

[Utah Admin. Rules R277-407-7 \(April/October 8, 2019\)](#)

The District and individual schools will comply with all applicable state and federal laws; the State procurement code (Utah Code 63G-6a); State Board of Education rules, including construction and improvements; IRS Publication 526 “Charitable Contributions”; and other applicable IRS regulations.

Fund raising activities should not be approved which involve high-pressure sales tactics, yield profits in excess of usual wholesale margins to suppliers of goods sold, would expose students and other participants in the fund-raising activity to risk of personal injury, would expose the school or District to risk of financial loss if the fund raising activity is not successful, or would violate law or district policies.

District employees may not direct operating expenditures to outside funding sources to avoid District procurement rules (operating expenditures include equipment, uniforms, salaries or stipends, improvements or maintenance for facilities, etc.).

District employees must comply with District procurement policies and procedures, including complying with obtaining competitive quotes and avoiding bid splitting.

Donations and gifts should be accounted for at an individual contribution level.

Donations, gifts, and sponsorships shall be directed to the District, District program(s), school, or school program(s). Donations, gifts, and sponsorships shall not be directed at specific District employees, individual students, vendors, or brand name goods or services.

Donated funds shall not compensate public employees, directly or indirectly.

If donations or gifts are offered in exchange for advertising or other services, an objective valuation will be performed and a charitable receipt will be issued by the foundation or the business administrator.

Donations will not be solicited or accepted in lieu of a fee from a student or parent unless the activity, class, or program for which the donation is solicited will otherwise (without the donation) be fully funded by the District and receipt of the donation will not affect participation by an individual student.

Utah Admin. Rules R277-407-7(1)(a) (April-October 8, 2018)

Donations or gifts shall not be accepted that advertise or depict products that are prohibited by law for sale or use by minors, such as alcohol, tobacco, or other substances that are known to endanger the health and well-being of students; or, in the opinion of the District, may cause a substantial disruption to the education environment.

As required by state law, donations will only be accepted where there is no expectation or promise, expressed or implied, of remuneration or any undue influence or special consideration. District employees are not permitted to accept personal payment or gratuities in any form from a vendor or potential vendor as a precondition for purchase of any product or service.

Donations and gifts over \$250 will be provided with an acknowledgment of the contribution from the District for IRS purposes. The acknowledgment will be in the form of a receipt issued by the foundation or business administrator. These receipts will be generated from the information provided on the “Donations, Gifts, and Sponsorships” form.

Gifts to specific school programs of equipment, such as computers and audio-visual equipment, must be approved in advance to assure that the District is not compelled by a gift to undertake expenses in support of the donated equipment or make other management decisions in order to use the gift, such as allocating space to donated equipment, that the District deems to be unwise.

[Utah Admin. Rules R277-113-6\(2\)\(c\), \(d\) \(June 22, 2018\)](#)

Fees for School-Sponsored Activities—

Fees for school-sponsored activities are governed by Policy FI.

Properly approved school-sponsored activities may:

1. Use the school’s name, facilities, and equipment.
2. Utilize District employees and other resources to supervise, promote, and otherwise staff the activity or fundraiser.
3. Be insured under the District’s risk management policy (pending approval by the District risk manager) or general liability insurance policy.
4. Provide additional compensation or stipends for District employees with the approval of the principal or immediate supervisor and under District payroll policies.

All fees for school-sponsored activities must be properly established according to Policy FI. Districts may be responsible for providing student transportation for these activities.

Principals, consistent with District policy, have the responsibility to waive fees, if appropriate. Individual teachers, coaches, advisors, etc. do not have the authority to waive fees.

Annually, each District division, department, or program and individual school will review all planned camps, clinics, activities, and fundraisers and determine those designated as school-sponsored.

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Authorization and Supervision of Fundraising—

Authorization and supervision of fundraising for school-sponsored activities:

1. Fundraising at the District level shall be approved in writing, prior to the activity, by the superintendent or applicable assistant superintendent/director and supervised by District employee(s) designated by the approver. The approver shall ensure that the activity is appropriately classified as a school- or District-sponsored activity.
2. Fundraising at individual schools shall be approved in writing, prior to the activity, by the principal and supervised by a member of the faculty or other District employee designated by the principal. The approver shall ensure that the activity has been appropriately classified as a school-sponsored activity. Principals may approve fundraisers or activities where the expectation is to earn up to \$10,000. Fundraisers expected to earn more than \$10,000 and up to \$50,000 must be approved in writing by the superintendent. Fundraisers expected to earn more than \$50,000 must be approved by the Board of Education.
3. The sale of banners, advertising, signs, or other promotional material that will be displayed on school property must be approved by the principal before the items are initiated or printed and must meet community standards. Partisan or political advertising and advertising for products that are prohibited by law for sale or use by minors, such as alcohol, tobacco, or other substances that are known to endanger the health and well-being of students, are prohibited.
4. All fundraising projects for construction, maintenance, facilities renovation or improvement and other capital equipment purchases must be approved in writing by the business administrator, the superintendent, and the Board of Education. (See “Capital Fundraising” below.)

Student Fundraising—

“Student fundraising” means an activity or event provided, sponsored, or supported by a school that uses students to generate funds to provide financial support to a school or any of the school’s classes, groups, teams, or programs or to benefit a particular charity or for other charitable purposes. It may include the sale of goods or services, the solicitation of monetary contributions from individuals or businesses, or other lawful means or methods that use students to generate funds.

Utah Admin. Rules R277-407-2(4) (April-October 8, 2019)

A “student individual fundraiser” is student fundraising where money is raised by an individual student to pay the individual student’s fees.

Utah Admin. Rules R277-407-2(6) (April-October 8, 2019)

A “student group fundraiser” is student fundraising where the money raised is used for the ~~mutual~~ benefit of the group, team, or organization.

Utah Admin. Rules R277-407-2(5) (~~April~~ October 8, 2019)

Students may be allowed to participate in optional student individual fundraisers to raise money to offset the cost of the student’s fees. However, they may not be required to do so. Required student individual fundraisers are not allowed for any purpose. Funds raised in student individual fundraisers are included in the total maximum fee amounts allowed in a year.

Utah Admin. Rules R277-407-6(34)(c) (~~April~~ October 8, 2019)

Utah Admin. Rules R~~24~~77-407-10(2) (~~April~~ October 8, 2019)

Student group fundraisers are permitted if approved and conducted according to the requirements of this policy.

Utah Admin. Rules R277-407-10(2)(c) (~~April~~ October 8, 2019)

Capital Fundraising and Large Donations—

All fundraising projects donations or gifts for construction, maintenance, facilities renovation or improvement, and other capital equipment purchases must be approved in writing by the business administrator, the superintendent, and the Board of Education. Prior to the initiation of a large capital drive or specific fundraising drive, the following will be provided to the business administrator for evaluation and recommendation to the superintendent:

1. Prospective construction, maintenance or renovation plans and estimated costs
2. Proposed naming opportunities
3. Proposed fundraising timeline
4. Loans or financing agreements
5. Maintenance or upkeep requirements and costs

Assurances of compliance with Title IX (e.g., available for use by both male and female students and/or for several purposes or activities)

The superintendent will make a recommendation to the Board of Education. The Board reserves the right to tentatively approve plans, pending fundraising, donations, equity, or other conditions.

All physical facilities are owned and operated by the District. No part of any school facility or capital equipment may be named for a donor without the express written consent of the Board of Education.

The District shall only grant naming opportunities that are consistent with the mission and educational objectives of the District. Decisions regarding naming opportunities are within the sole discretion of the Board of Education.

Advertising—

To avoid disruption of students' instructional activities, schools shall not be used for distribution of partisan, religious, or commercial advertisements, fliers, bulletins, newspapers, etc.; nor shall such items be placed on vehicles parked on school grounds.

Principals may permit the school distribution of fliers, bulletins, newspapers, etc. with information regarding nonprofit community youth programs such as Boy Scouts of America, Girl Scouts of America, county and municipal programs, and Little League-type recreation programs.

Students and employees of the District, including teachers and administrators, shall not act as agents for commercial agents during school hours or contract time.

A District employee's participation in a private, but education-related, activity must be separate and distinguishable from the employee's public employment. District employees may purchase advertising space to promote private or non-school-sponsored events in the same manner as the general public. The District employee's employment and experience can be used to demonstrate qualifications. The advertisement must clearly state that the activity is not school sponsored. See [R277-107](#) for specific direction.

Types of Donations, Gifts, and Sponsorships—

Cash Donations. Cash donations are welcomed and may be accepted from private individuals, companies, organizations, clubs, foundations, and other appropriate entities. All cash donations will be received in compliance with the District's cash receipting policies. Cash donations may be used to fund or enhance programs, facilities, equipment, supplies, services, etc.

Cash donations may not be used to hire regular classroom teachers, thereby altering the staffing ratios. However, classroom assistants, coaching assistants, or specialists of any kind, including individuals who may hold educator licenses, may be hired using the funds received. Donations to fund such positions shall be made to a program, school, division, or department—not directly to individuals—and employment will be processed through the District's Human Resources Department and Payroll Department. The District or school administration reserves the right to decline or restrict these types of donations if they create inequitable environments in the school or inequities that violate Title IX or other laws, are not economically in the

best interest of the District, interfere with educational goals, or for any other reason determined by the District or school.

Cash donations shall not be used to augment an employee's remuneration beyond the remuneration associated with the salary schedule of the employee's position.

Products. The District or individual schools may accept donated products which carry the donor company's name, trademark, logo, or limited advertising on the product (e.g., cups, T-shirts, hats, instructional materials, furniture, office equipment, etc.). These items shall be valued at fair market value at the time of the contribution. If advertising or other services are offered in exchange for the donation or gift, this may alter the contribution amount.

Equipment, Supplies, or Goods. The District or individual schools may accept donated equipment, supplies, or goods for use in the District or individual schools or school programs. These items shall be valued at the fair market value at the time of the contribution. If advertising or other services are offered in exchange for the donation or gift, this may alter the valuation amount.

Donor and Business Partner Recognition. Donor and business partner recognitions may be placed on equipment, furniture, and other donated gifts that are not considered capital or fixed assets. Non-permanent recognitions may be placed on District buildings or structures with written approval from the superintendent. The board may grant approval for the naming of buildings, structures, rooms, or other district facilities; see "Capital Fundraising" above). Principals may authorize banners, flyers, posters, signs, or other notices recognizing a donor or school business partner. Such materials shall feature the school-business partnership and not promote or endorse the business named.

Approval and Acceptance of Donations, Gifts, and Sponsorships—

Donations, gifts, and sponsorships valued at more than \$250 must be documented on the District "Donation, Contribution, or Sponsorship" form. This form must be completed prior to the acceptance of money or goods and must be retained in the District or school accounting records. A copy of the completed form will be sent to the foundation or business administrator, and a receipt for charitable contribution purposes will be issued to the donor.

Approval levels are as follows:

1. Money, goods, supplies, or in-kind donations, gifts, or sponsorships valued at \$250–\$10,000 must be documented on the District "Donation, Contribution, or Sponsorship" form and be approved by an individual school principal or applicable District department or division supervisor prior to acceptance.

2. Money, goods, supplies or in-kind donations, gifts, or sponsorships valued at \$10,000–\$50,000 must be documented on the District “Donation, Contribution, or Sponsorship” form and be approved by the business administrator and superintendent prior to acceptance.
3. Money, goods, supplies or in-kind donations, gifts, or sponsorships valued at more than \$50,000 must be documented on the District “Donation, Contribution, or Sponsorship” form and be approved by the Board of Education prior to acceptance.

General Fundraising Standards—

The District reserves the right to prohibit, restrict or limit any fundraising activities associated with the District or individual schools. Faculty and student participation in fundraisers is typically voluntary. However, employees may be directed to supervise specific activities as an employment assignment.

Participation in fundraising shall not affect a student’s grade. Students shall not be required to participate in fundraising activities as a condition of participating in an activity or of belonging to a team, club or group, nor shall a student’s fundraising effort affect his or her participation time or standing on any team, club or group.

Utah Admin. Rules R277-407-10(2)(d) (April-October 8, 2019)

Competitive enticements for participation in fundraisers are discouraged. If prizes or rewards are offered by a selected fundraising vendor, they should only be awarded to groups, classes or students, and must be disclosed and approved prior to the fundraiser. Rewards, prizes, commissions, or other direct or indirect compensation shall not be received by any teacher, activity, club or group director, or any other District employee or volunteer.

Schools may not impose a sales quota (or the like) as part of fundraising efforts, and students or parents shall not be required to pay for any unsold items or pay for goals not met.

Door-to-door sales are prohibited for all students in elementary and middle schools. High school students may participate in one door-to-door campaign per sport, club, or group per year. Suitable procedures must be used by the schools, administrators and supervising faculty to safeguard students and funds collected. Procedures must be clearly communicated to parents.

Approval may be denied for fundraising activities that would expose the school or District to risk of financial loss or liability if the activity is not successful.

Fundraising activities shall be age appropriate and shall maintain the highest standards of ethical responsibility and integrity.

Fundraising revenues should be accounted for at an individual contribution level or participation level. Participation logs should be retained and turned into the accounting office to be included with the deposit detail.

Employees who approve, manage, or oversee fundraising activities are required to disclose if they have a financial or controlling interest or access to bank accounts in a fundraising organization or company.

Records of all fundraising efforts shall be open to the parents, students and donors, including accurate reporting on participation levels and financial outcomes. This policy does not require the release of students' personally identifiable information protected by FERPA.