

# POLICY AND LEGAL SERVICES NEWSLETTER

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*August 2019*

## WHAT'S INSIDE



### **POLICY AND AP CHANGES**

PAGES 1 - 5

### **Compliance Corner**

Page 2

### **Subpoenas**

Page 5

## **POLICY AND AP CHANGES**

### **Who pays for the cost of changing your travel plans?**

Definitely think twice before finalizing your airfare because employees are responsible for reimbursing the district for the costs/fees associated with changing/cancelling their airfare once it has been purchased. For more information on the district's travel procedures, please contact Liz Baldwin or refer to Section II.F. in the F-3: Administrative Procedures, Conference Attendance and Travel Expense Reimbursement.

The district's **OVERNIGHT STUDENT TRAVEL PROCEDURES** have been updated to allow faculty sponsors to petition the superintendent for permission to stay overnight at a location that is within 50 miles of their school. The new process outlines the various steps that must be followed and the factors that will be considered when making such a request. For more information on how to petition the superintendent for permission, please contact your network director or refer to Section II.A. in the I-19: Administrative Procedures, Overnight and Extended Trips or Activities.

### **There is a new required component to our youth suicide and prevention training programs.**

These programs must now address the increased risk of suicide faced by youth who are not accepted by their family for any reason, including LGBTQIA+ youth. For more information on approved suicide prevention training, please contact Mindi Holmdahl or Stacey Lindsay, or refer to G-21: Administrative Procedures, Youth Suicide and Prevention Programs.

Do you have those lovely *parents who volunteer to chaperone a school-sponsored trip?* Have you ever wondered who is supposed to pay for their expenses? Guess what the answer is . . . it depends! If a parent is recruited to chaperone a trip because of the school's inability to provide a sufficient number of employee chaperones, the school/group will be responsible for paying the travel expenses of the parent chaperone. *No student will be allowed to pay or fundraise for money to pay for the chaperone's travel expenses.* If the parent volunteers to chaperone, regardless of the school's ability to provide a sufficient number of employee chaperones, the parent will be responsible for paying the parent's own travel expenses. For more information on parent chaperone expenses, please refer to Section III.A. in the I-19: Administrative Procedures, Overnight and Extended Trips or Activities.

*WANT TO POST POLITICAL INFORMATION?* Well, Utah law has very specific requirements that school districts need to follow before we can even post a link to an outside website that contains information about a ballot proposition, proposed initiative, or proposed referendum. Recent legislation also clarified that in addition to the normal prohibition on using district email and other communication systems for political purposes, the district's website and social media pages cannot be used for such purposes either. For more information about political activities on district property, please contact Kristina Kindl or refer to G-17: Administrative Procedures, Political Activities on District Property.

Did your students slay the RISE? Well state law now **allows** a teacher to use a student's score on the state required standards assessment to *improve the student's academic course grade.* However, a teacher **may not** use the student's score to lower the student's academic grade or determine whether the student should advance to the next grade level. For more information on testing, please contact Michelle Amiot or Tiffany Hall, or refer to Section I.J. and I.K. in the I-9: Administrative Procedures, Testing.



## Compliance Corner

### APPEALS OF G-19 & G-20 INVESTIGATIVE OUTCOMES

It is important that school administrators who perform investigations of Board Policy G-19: Discrimination, Harassment, and Retaliation Prohibited and G-20: Bullying, Cyber-bullying, Hazing, and Abusive Conduct Prohibited complaints inform parents and/or students of their right to appeal an investigative outcome. School administrators should also provide information regarding the appropriate bases for which a student and/or parent can appeal an outcome. The relevant language is included in the G-19: Administrative Procedures:

#### VIII. Appeal of Investigative Report

- A. Complainants and Respondents (hereafter collectively referred to as "Appellants") who are not satisfied with the outcome of the first level investigation may file a request for an appeal with the Compliance Officer. The appeal must be made within ten (10) business days of the receipt of the final investigative report.
  1. The Compliance Officer will review the first level investigations completed by principals; and
  2. the appropriate executive director will review the first level investigations completed by the Compliance Officer.
- B. Requests for an appeal shall be in writing and must contain:
  1. evidence of bias or ill will on the part of the Investigator;
  2. new evidence or documentation that was not available during the course of the initial investigation that would be determinative or impact the outcome; or
  3. evidence that the Investigator failed to do a thorough investigation.

Please let me know if you have any questions about the appeals process.

Thanks,

*Tina Hatch*

Compliance Officer  
801.578.8388

**What do you do with all the parent permission slips** for school and student clubs? The principal or his/her designee must keep copies of all completed parental consent forms! This new requirement is outlined in Section III.D.5.a. of the I-16: Administrative Procedures, School and Student Clubs – Equal Access Act.

**FUNDRAISE, FUNDRAISE, FUNDRAISE** . . . um, not so fast. As part of the new student fee regulations, USBE has clarified the following:

- Fundraising must equally benefit males and females.
- Fundraising for a school-sponsored class, activity, or club must be conducted in accordance with the board's approved fee schedule and fee waiver policy, and district administrative procedures.
- If it isn't on the board's approved fee schedule, students cannot fundraise for it.
- Students cannot fundraise to exceed the caps listed on the board's approved fee schedule.
- Principals must annually review all fundraising activities for compliance.

For more information on student fundraising activities, please refer to I-17: Administrative Procedures, Student Fundraising Activities.

New information is **REQUIRED TO BE ON YOUR SCHOOL'S WEBSITE**, so please make sure it's updated for the upcoming school year. The new requirements include: an administration and staff directory; an online contact form; maps and transportation information; and, if applicable, Title I information. For more information on required website content, please contact Jason Olsen, or refer to Section III in the I-23: Administrative Procedures, Websites and Social Media.

Make sure when you are **TWEETING OR POSTING ONLINE** for personal purposes, that you:

- Do not claim to represent the district or any of its schools or departments;
- Do not use any district or school logo to imply you represent the district or its schools or departments in an official capacity;
- Do not post protected or confidential information;
- Do not communicate with students via personal email, personal websites, or personal social media accounts; and
- Do not communicate about district business using your personal email, social media, personal website, or other personal accounts.
- Do follow all state and federal laws, board policies, and district administrative procedures with regard to posting student photos and student information online.

For more information on this topic, please contact Jason Olsen, or refer to Section VI in the I-23: Administrative Procedures, Websites and Social Media.

**Who pays for the repairs when a student damages a computer?** Well now the district is placing students and parents on notice that they will be responsible for all costs associated with repairing a damaged computer, either through financial reimbursement or alternative forms of restitution. For more information about a student's responsibility to properly care for electronic devices, please contact Sam Quantz, or refer to Section V in the I-18: Administrative Procedures, Acceptable Student Use of Internet, Computers, and Network Resources.

**Social media** driving you nuts? Principals, in consultation with their SCCs, may now decide to limit the type of school media that will be used to distribute promotional materials. But if you are trying to get the word out, please know that information about free community events that benefit the school community and are hosted by a recognized non-profit organization may be posted on a school's social media pages! For more information on this topic, please contact Jason Olsen, or refer to the I-21: Administrative Procedures, School Media and Publications.

Because of a change in state law that would result in the district losing its governmental immunity and the removal of any cap on damages, we are clearly reiterating that **AN EMPLOYEE, CONTRACTOR, OR VOLUNTEER: MAY NOT ENGAGE IN ANY SEXUAL CONDUCT WITH ANY STUDENT; AND MAY NOT SHARE ANY SEXUALLY EXPLICIT OR LEWD COMMUNICATIONS, IMAGES, OR PHOTOGRAPHS WITH A STUDENT.** If you have any further questions about our code of conduct, please contact Mozelle Orton or Kristina Kindl, or refer to P-1: Administrative Procedures, Ethical Standards.

Please be aware that in instances in which an **EMPLOYEE HAS DAMAGED, LOST, OR STOLEN DISTRICT SUPPLIES, PROPERTY, OR RESOURCES**, the employee may be subject to cost recovery actions, including having monies deducted from the employee's paycheck or other forms of legal redress. For more information about this issue, please contact Mozelle Orton or refer to Section III.A. in the P-4: Administrative Procedures, Discipline of District Employees.

**Love your current computer but moving to a different position within the district?** Please be aware that all electronic devices (i.e., laptops, tablets, mobile phones, etc...) are the property of the district and may not be relocated from one school/department/building to another. Teachers transferring schools must leave their laptop at the original/issuing school. Also, non-exempt employees should not take district issued electronic devices off premise. For more information about the requirements related to district issued electronic devices, please contact Sam Quantz, or refer to Section III in the P-8: Administrative Procedures, Acceptable Employee Use of Internet, Computers, and Network Resources.

Did you know that the International Labor Organization estimates that there are 40.3 million victims of human trafficking globally, with hundreds of thousands in the United States? In order to increase awareness, a recent law now *requires all school personnel to be trained on human trafficking prevention and awareness*, which will include learning how to identify children who are victims or may be at risk of becoming victims of human trafficking or commercial sexual exploitation. This same training will also be provided to parents/guardians of elementary school students. For more information about this training, please contact Sandra Buendia or Mindi Holmdahl, or refer to Section I in the S-8: Administrative Procedures, Mandatory Child Abuse Reporting and Training.



# Subpoenas

It is very important to send any subpoenas to me as soon as you receive them. This means even during the summer, please check your mail regularly!! I make sure a notice is sent to the parents/guardians with enough time to allow them to quash the subpoena if they so choose. I also make sure we are in compliance with sending the correct records, as well as sending them in a timely manner.

Jillian Norton  
GRAMA Officer and Legal Support  
801.578.8348

State law has changed with regard to the **VISION SCREENING REQUIREMENTS** for certain students. For students who are less than 9 years old and new to the Utah public school system, before they can attend school they must provide either: a completed vision screening form that has been signed by a health care professional; or a written statement signed by the parent that the child will not be screened before attending a district school. Also, if a parent requests that the child not participate in vision screening, the district will not require the child to receive a vision screening. For more information on vision screenings, please contact Mindi Holmdahl or Judy Yaworsky, or refer to Section I.C. in the S-9: Administrative Procedures, Student Health Services and Requirements.

Do you have students with asthma in your school? State law now allows trained school employees to administer stock albuterol to a student who:

- Has a diagnosis of asthma by a health care provider;
- Has a current **asthma action plan** on file with the school; and
- Is showing symptoms of an asthma emergency as described in the student's asthma action plan.

If you know of students with asthma, encourage their parents/guardians to talk to the school nurse and complete an asthma action plan. For more information on asthma action plans, please contact Mindi Holmdahl or Judy Yaworsky, or refer to Section VII.D. in the S-9: Administrative Procedures, Student Health Services and Requirements.

In accordance with state law, the district created brand new administrative procedures related to **BACKGROUND CHECKS AND EMPLOYEE SELF-REPORTING REQUIREMENTS**. The new administrative procedures outline: the different steps that employees, volunteers, and contractors need to take when submitting to an initial fingerprint-based background check; how the district electronically stores the background information; HRS' review process for a BCI flag/notification; and each individual's right to due process. Check out the brand new G-23: Administrative Procedures, Background Check and Employee Self-Reporting Requirements, and if you have any questions after you do, please contact Mozelle Orton or Byron Garritson for clarification.