



HighMark Charter School provides each of the notices listed below to parents/guardians annually. The notices are provided on the following pages and are also available through the school's website or front office.

1. Notice of Directory Information
2. Notice of Nondiscrimination
3. Notice to Parents Regarding Withdrawing from School
4. Notification of Rights under FERPA
5. Notification of Rights under PPRA and Utah FERPA
6. Parental Rights to Academic Accommodations
7. Student Data Collection Notice

Family Educational Rights and Privacy Act Notice of Directory Information

Directory Information

The Family Educational Rights and Privacy Act (“FERPA”), a federal law, requires that HighMark Charter School (the “School”), with certain exceptions, obtain a parent or eligible student’s (eligible students are students 18 years of age or older) written consent prior to the disclosure of personally identifiable information (“PII”) from a student’s education records. However, the School may disclose appropriately designated “directory information” without written consent, unless a parent or eligible student has advised the School to the contrary in accordance with School procedures.

Purpose of Directory Information

The primary purpose of directory information is to allow the School to include information from a student’s education records in certain school publications. Examples include:

- A playbill, showing a student’s role in a drama production;
- The annual School yearbook;
- Honor roll or other recognition lists;
- Graduation/promotion programs; and
- Sports programs or activity sheets showing the weight and/or height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent or eligible student’s prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.

Military Recruiters and Institutions of Higher Education

In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965, as amended (the “ESEA”), to provide military recruiters and institutions of higher education, upon request, with secondary student names, addresses and telephone listings unless parents or eligible students have advised the LEA that they do not want such information disclosed without their prior written consent. See Section 9528 of the ESEA (20 U.S.C. § 7908) and 10 U.S.C. § 503(c).

Opting Out

If a parent or eligible student does not want the School to disclose any or all of the types of information designated below as directory information from the student’s education records without prior written consent, the parent or eligible student must so notify the School in the “Notice for Directory Information” Section in the student’s Registration Packet **prior to** submitting the Registration Packet to the School.

What Information is Designated as Directory Information?

The School has designated the following student information as directory information:

- Name;
- Photograph;
- Grade level;
- Participation in officially recognized activities and sports; and
- Degrees, honors, and awards.

Notice of Nondiscrimination

HighMark Charter School (the "School") does not discriminate on the basis of race, color, national origin, religion, sex, disability, age, citizenship status, or genetic information in its programs and activities as required by Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Immigration Reform and Control Act of 1986, the Genetic Information Nondiscrimination Act of 2008, and Title II of the Americans with Disabilities Act of 1990. The School also provides equal access to the Boy Scouts and other designated youth groups in accordance with the Boy Scouts of America Equal Access Act.

The following person at the School has been designated as the School's Title IX Coordinator and as the person to handle all inquiries regarding the School's nondiscrimination policies:

Shawn Miehke, Principal
2467 E. South Weber Drive
South Weber, Utah 84405
801-476-4627
smiehke@hmcharterschool.org

If an individual believes that he or she, or his or her child, has been discriminated against by the School, that individual may contact the U.S. Department of Education for Civil Rights ("OCR"). OCR is a federal agency responsible for enforcing federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from the Department of Education, including public schools. The contact information for OCR's headquarters (in Washington, D.C.) and its Denver Office (the office that serves Utah) is as follows:

U.S. Department of Education Office for Civil Rights Lyndon B. Johnson Department of Education Bldg 400 Maryland Avenue, SW Washington, DC 2020-1100 Telephone: 800-421-3481 Fax: 202-453-6012; TDD: 800-877-8339 Email: OCR@ed.gov	Denver Office Office for Civil Rights U.S. Department of Education Cesar E. Chavez Memorial Building 1244 Speer Boulevard, Suite 310 Denver, CO 80204-3582 Telephone: 303-844-5695 Fax: 303-844-4303; TDD: 800-877-8339 Email: OCR.Denver@ed.gov
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Notice to Parents Regarding Withdrawing from School

Utah state law establishes procedures that govern the withdrawal of students from a charter school for enrollment in a district school or another charter school. See Utah Code. § 53G-6-503 and Utah Admin. Rule R277-472.

Specifically, Utah law states that parents are to provide notice by June 30th of their intent to withdraw from a charter school and enroll in the student's school of residence for the following school year. If the parent applies for admission to their school district of residence for the following year by June 30th, the school district must accept the student into the student's school of residence.

If a parent wants to withdraw a student from a charter school after June 30th or at any time during the school year, state law requires the parent to first go to the student's school district of residence or other charter school and obtain a letter of acceptance for enrollment in the new school. The parent then needs to give the charter school a copy of that letter of acceptance. Also, in this situation, the local school district is not required to accept the student into their school of residence if the parent did not submit an application for admission to the student's school district of residence by June 30th. The district is only required to accept the student into a school in the district that has adequate capacity.

School districts should post information to their website about which schools in the district have adequate capacity. If they have not done so, you should contact the district office and request that information.

Notification of Rights Under Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act (“FERPA”) affords parents and students 18 years of age or older (“eligible students”) certain rights with respect to their education records. These rights include:

1. The right to inspect and review the student's education records within 45 days after the day HighMark Charter School (the “School”) receives a request for access. A parent or eligible student should submit to the School Principal/Director a written request that identifies the record(s) the parent or eligible student wishes to inspect. The School will arrange for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. The right to request an amendment of the student’s education records that the parent or eligible student believes is inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA.

Parents or eligible students who wish to ask the School to amend a record should write the School Principal/Director, clearly identify the part of the record they want changed and specify why it should be changed.

If the School decides not to amend the record as requested, the School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the School discloses personally identifiable information (“PII”) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official typically includes a person employed by the School in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the School’s board of directors; contractors, consultants, volunteers, and other outside parties to whom the School has outsourced institutional services or functions that the School would otherwise use its own employees to perform and who is under the direct control of the School and subject to the same conditions governing the use and redisclosure of education records that apply to other school officials, such as an attorney, auditor, therapist, medical consultant, or education service provider; or a parent, student, or other School volunteer assisting another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the school official needs to review an education record in order to fulfill his or her professional responsibilities for the School.

Upon request, the School may also disclose education records without a parent or eligible student’s prior written consent to officials of another school in which a student seeks or intends to enroll, or is already enrolled, if the disclosure is for purposes of the student’s enrollment or transfer.

Please refer to the list on the following page for a summary of disclosures schools may make without receiving prior written consent from a parent or eligible student.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Disclosures Schools May Make Without Prior Written Consent

FERPA permits the disclosure of PII from students' education records without consent of the parent or eligible student if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. A school may disclose PII from the education records of a student without obtaining prior written consent from a parent or eligible student as follows:

- To other school officials, including teachers, within the school whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1)-(a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))
- To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled, if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State Education Agency (SEA) in the parent or eligible student's State. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§ 99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§ 99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena if applicable requirements are met. (§ 99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))

- Information the school has designated as “directory information” if applicable requirements under § 99.37 are met. (§ 99.31(a)(11))
- To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student’s case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement. (20 U.S.C. § 1232g(b)(1)(L))
- To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions. (20 U.S.C. § 1232g(b)(1)(K))

Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)/Utah FERPA

HighMark Charter School (the "School") recognizes that the federal Protection of Pupil Rights Amendment (or PPRA) in 20 U.S.C. § 1232h and Utah FERPA in Utah Code § 53E-9-203 affords the parents of each elementary and secondary student certain rights with respect to the administration of surveys, collection and use of information for marketing purposes, and administration of certain physical examinations at school. These rights include, but are not limited to:

- **The right to prior written parental consent*** before a student is required to submit to any psychological or psychiatric examination, test, or treatment, or any survey, analysis, or evaluation in which the purpose or evident intended effect is to cause the student to reveal information concerning one or more of the following protected areas about the student or his/her family member's ("protected information survey"):
 1. Political affiliations or, except as provided under Utah Code § 53G-10-202 or rules of the Utah State Board of Education, political philosophies;
 2. Mental or psychological problems;
 3. Sexual behavior, orientation, or attitudes;
 4. Illegal, anti-social, self-incriminating, or demeaning behavior;
 5. Critical appraisals of individuals with whom the student or family member has close family relationships;
 6. Religious affiliations or beliefs;
 7. Legally recognized privileged and analogous relationships, such as those with lawyers, medical personnel, or ministers; or
 8. Income, except as required by law.

** Such prior written parental consent is not required in connection with a protected information survey that is part of a youth suicide prevention program as described in Utah Code § 53G-9-702 or that is administered by the State of Utah; neither is such prior written consent required in circumstances where there is a reasonable belief that there is an emergency, child abuse, neglect, or a serious threat to the well-being of the student.*

- **The right to receive notice and an opportunity to opt a student out of:**
 1. Any protected information survey that is part of a suicide prevention program described in Utah Code § 53G-9-702;
 2. Any protected information survey administered by the State of Utah;
 3. Any non-emergency, invasive physical examination or screening required as a condition of attendance, administered by the School or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical examination or screening permitted or required under Utah law; and
 4. Activities involving collection, disclosure, or use of personal information collected from students for marketing or to sell or otherwise distribute the information to others. (This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions.)

- **The right to inspect**, upon request and before administration or use:
 1. Protected information surveys of students and surveys created by a third party;
 2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
 3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who reaches 18 years old or becomes an emancipated minor under Utah law.

The School has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The School will directly notify parents of these policies at least annually during registration and will also provide notice of the policies within a reasonable period of time after any substantive changes in the policies. The School will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in any of the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. The School will make this notification to parents at the beginning of the school year if the School has identified the specific or approximate dates of the activities or surveys at that time. For any surveys and activities scheduled after the school year starts, parents will be provided at least two weeks' notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Below is a list of the specific activities and surveys covered under this direct notification requirement:

- Collection, disclosure, or use of personal information collected from students for marketing, sales, or other distribution;
- Administration of any protected information survey; or
- Any non-emergency, invasive physical examination or screening as described on the previous page.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Parental Rights to Academic Accommodations

- (1)
 - (a) A student's parent or guardian is the primary person responsible for the education of the student, and the state is in a secondary and supportive role to the parent or guardian. As such, a student's parent or guardian has the right to reasonable academic accommodations from the student's LEA as specified in this section.
 - (b) Each accommodation shall be considered on an individual basis and no student shall be considered to a greater or lesser degree than any other student.
 - (c) The parental rights specified in this section do not include all the rights or accommodations that may be available to a student's parent or guardian as a user of the public education system.
 - (d) An accommodation under this section may only be provided if the accommodation is:
 - i. consistent with federal law; and
 - ii. consistent with a student's IEP if the student already has an IEP.
- (2) An LEA shall reasonably accommodate a parent's or guardian's written request to retain a student in kindergarten through grade 8 on grade level based on the student's academic ability or the student's social, emotional, or physical maturity.
- (3) An LEA shall reasonably accommodate a parent's or guardian's initial selection of a teacher or request for a change of teacher.
- (4) An LEA shall reasonably accommodate the request of a student's parent or guardian to visit and observe any class the student attends.
- (5) Notwithstanding Part 2, Compulsory Education, an LEA shall record an excused absence for a scheduled family event or a scheduled proactive visit to a health care provider if:
 - (a) the parent or guardian submits a written statement at least one school day before the scheduled absence; and
 - (b) the student agrees to make up course work for school days missed for the scheduled absence in accordance with LEA policy.
- (6)
 - (a) An LEA shall reasonably accommodate a parent's or guardian's written request to place a student in a specialized class, a specialized program, or an advanced course.
 - (b) An LEA shall consider multiple academic data points when determining an accommodation under Subsection (6)(a).
- (7) Consistent with Section 53E-4-204, which requires the State Board of Education to establish graduation requirements that use competency-based standards and assessments, an LEA shall allow a student to earn course credit toward high school graduation without completing a course in school by:
 - (a) testing out of the course; or
 - (b) demonstrating competency in course standards.

(8) An LEA shall reasonably accommodate a parent's or guardian's request to meet with a teacher at a mutually agreeable time if the parent or guardian is unable to attend a regularly scheduled parent teacher conference.

(9)

(a) At the request of a student's parent or guardian, an LEA shall excuse a student from taking an assessment that:

- i. is federally mandated;
- ii. is mandated by the state under this public education code; or
- iii. requires the use of:
 1. a state assessment system; or
 2. software that is provided or paid for by the state.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules:

- i. to establish a statewide procedure for excusing a student under Subsection (9)(a) that:
 1. does not place an undue burden on a parent or guardian; and
 2. may be completed online; and
- ii. to prevent negative impact, to the extent authorized by state statute, to an LEA or an LEA's employees through school accountability or employee evaluations due to a student not taking a test under Subsection (9)(a).

(c) An LEA:

- i. shall follow the procedures outlined in rules made by the State Board of Education under Subsection (9)(b) to excuse a student under Subsection (9)(a);
- ii. may not require procedures to excuse a student under Subsection (9)(a) in addition to the procedures outlined in rules made by the State Board of Education under Subsection (9)(b); and
- iii. may not reward a student for taking an assessment described in Subsection (9)(a).

(d) The State Board of Education shall:

- i. maintain and publish a list of state assessments, state assessment systems, and software that qualify under Subsection (9)(a); and
- ii. audit and verify an LEA's compliance with the requirements of this Subsection (9).

(10)

(a) An LEA shall provide for:

- i. the distribution of a copy of a school's discipline and conduct policy to each student in accordance with Section 53G-8-204; and
- ii. a parent's or guardian's signature acknowledging receipt of the school's discipline and conduct policy.

(b) An LEA shall notify a parent or guardian of a student's violation of a school's discipline and conduct policy and allow a parent or guardian to respond to the notice in accordance with Chapter 8, Part 2, School Discipline and Conduct Plans.

Student Data Collection Notice

HighMark Charter School (the “School”) collects student data for two main purposes: to comply with law and to improve students’ educational experience. Student data enables the School to participate in education programs and to qualify for education funds. Student data also helps the School to better plan and personalize classroom instruction, increase student and teacher performance, and make informed decisions.

Student data collected by the School includes data defined as necessary student data, optional student data, and personally identifiable student data (PII) in Utah Code § 53E-9-301. The School collects student data primarily through registration, but it also collects additional student data during the school year. The necessary, optional, and PII data collected by the School is listed in its Data Governance Plan, which is published on the School’s website. The School does not collect student social security numbers or, except as required in Utah Code § 78A-6-112, criminal records.

The School strives to not share PII unless the sharing is in accordance with Utah’s student privacy and data protection laws and the Family Educational Rights and Privacy Act (“FERPA”). Except as allowed by law, the School will not share PII externally without written consent. Some examples of where the School is allowed by law to share PII without written consent include sharing such data with an authorized caseworker or other representative of the Department of Human Services, in response to a valid subpoena, or to persons or entities qualifying as school officials under FERPA.

The School takes many measures to protect student data. Student data stored digitally is stored on computers and systems that are secured, maintained, and supported by qualified IT service providers. Confidential PII in print form is stored in secured, locked areas in the School.

A student’s rights under Utah Code § 53E-9-301 through 310 include:

- Each student owns his or her PII. A student and his or her parent must be allowed to access such student data maintained by the School;
- A student’s parent or guardian, or an adult student, has the right to be notified by the School if a significant data breach occurs at the School;
- A prior student or parent of a prior student is entitled to have the prior student’s student data that is stored by the School expunged in accordance with State Board of Education rules; and
- A student is entitled to receive a student data collection notice from the School prior to the School collecting necessary or optional student data of the student.

The collection, use, and sharing of student data has both benefits and risks. Parents and students should learn about these benefits and risks and make choices regarding student data accordingly.