



Governing Board of Directors

Policies & Procedures Manual

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## Administration of Medication Policy

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HighMark Charter School  
Policy: Administration of Medication Policy  
Approved: May 27, 2023

### Purpose

The purpose of this policy is to authorize personnel of HighMark Charter School (the “School”) to administer medication to students consistent with applicable law.

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

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

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

### Policy

#### Administration of Medication by School Personnel

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

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

(a) Glucagon. Glucagon is an emergency diabetic medication used to raise blood sugar. The School will comply with the requirements of Utah Code Ann. § 53G-9-504 regarding the emergency administration of glucagon to a student in accordance with the statute if (1) the School receives a glucagon authorization from the parent or guardian of a student; and (2) any School personnel who have been trained (as described in the statute) in the administration of glucagon are available to administer the glucagon. The School may not compel School personnel to become trained in the administration of glucagon nor may it obstruct School personnel from becoming trained in the administration of glucagon.

(b) Epinephrine Auto-Injector. The School will comply with the requirements of Utah Code Ann. §§ 26B-4-401, *et seq.*, regarding emergency injection for anaphylactic reactions, in the event any School personnel seeks to become a "qualified adult" under that provision. The School will make an emergency epinephrine auto-injector available to a School employee who becomes a qualified adult. The School may not prohibit or dissuade School employees from receiving training to become a qualified adult, nor may it prohibit or dissuade School employees who become qualified adults from possessing or storing an epinephrine auto-injector on School property or administering an epinephrine auto-injector to any person in accordance with the statute.

(c) Seizure Rescue Medication. The School will comply with the requirements of Utah Code Ann. § 53G-9-505 regarding the emergency administration of seizure rescue medication to a student. Accordingly, the School may administer seizure rescue medication to a student in accordance with the statute if (1) the School receives a seizure rescue authorization from the parent or guardian of the student; and (2) a School employee who has become a "trained school employee volunteer" as defined in the statute is available to administer the seizure rescue medication. The School may not compel a School employee to become a trained school

employee volunteer nor may it obstruct a School employee from becoming a trained school employee volunteer.

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

(e) Stock Albuterol. The School will comply with the requirements of Utah Code Ann. §§ 26B-4-401, *et seq.*, regarding emergency administration of stock albuterol in response to an asthma emergency, in the event any School personnel seeks to become a “qualified adult” under that provision. The School may make stock albuterol available to a School employee who becomes a qualified adult. The School may not prohibit or dissuade School employees from receiving training to become a qualified adult, nor may it prohibit or dissuade School employees who become qualified adults from possessing or storing stock albuterol on School property or administering stock albuterol to any person in accordance with the statute.

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

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

#### Self-Administration of Medication by Students

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

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

#### Observations and Medical Recommendations by School Personnel

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

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



## **Administrative Procedures**

### **Administration of Medication**

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

#### Administration of Medication by School Personnel

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

- (1) The Principal will designate a reasonable number of School employees who will be responsible for administering medication to students in the School.
  
- (2) The Principal will arrange for the Principal and all designated School employees to receive adequate training from a licensed health care professional prior to administering any medication. Training should include indications for the medication, means of administration, dosage, adverse reactions, contraindications, and side effects.
  
- (3) The student's parent or guardian must complete the parent/guardian section of the Student Medication Form requesting that medication be administered to the student during regular school hours. Parents are responsible for updating the Student Medication Form as necessary.
  
- (4) The student's health care provider must complete the Health Care Provider section of the Student Medication Form indicating the child's name, the name of the medication, the purpose of the medication, the means of administration, the dosage, the time schedule for administration, the anticipated number of days the medication needs to be given at

school, and possible side effects. The practitioner must also affirm that giving the medication during school hours is medically necessary.

- (5) A Student Medication Log must be maintained for any student who has medication administered at school, and all employees authorized to administer medication will be notified regarding each student to whom they are authorized to administer medication.
- (6) Each time medication is given, the person who gave it must document the administration in ink on the Student Medication Log. If the medication is not administered as scheduled, a notation must be made on the Student Medication Log as to why the medication was not given, and the student's parent or guardian must be notified.
- (7) The Student Medication Form and Student Medication Log will be retained in the student's records.
- (8) Teachers of the student receiving medication during school hours will be notified.
- (9) Medication (other than that carried by a student) must be delivered to the School by the student's parent or guardian or designated adult.
- (10) Medication should be delivered to the School in a container properly labeled by a pharmacy, manufacturer or health care provider. Labeling must include the student's name, the name of the prescribing practitioner, date the prescription was filled, name and phone number of the dispensing pharmacy, name of the medication, dose, frequency of administration, and the expiration date.
- (11) Medication must be stored in a secure, locked cabinet or container in a cool, dry place, except that:

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

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

#### Self-Administration of Medication by Students

Students may possess and self-administer prescription medication if:

- (1) The student's parent or guardian signs a statement:
  - a. Authorizing the student to self-administer the medication; and
  - b. Acknowledging that the student is responsible for, and capable of, self-administering the medication; and
  
- (2) The student's health care provider provides a written statement:
  - a. That it is medically appropriate for the student to self-administer the medication and be in possession of the medication at all times; and
  - b. Containing the name of the medication prescribed for the student's use.

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

### Application of Sunscreen

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

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

## Animals In School

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HighMark Charter School  
Policy: Animals In School  
Adopted: August 20, 2018

### Purpose

The purpose of this policy is to promote the safety for faculty and students when animals are brought into the school and to provide guidance about which animals pose a public health threat in a school setting.

### Animals Prohibited From School

Utah law provides that dogs, cats, or other animals shall not be allowed on school property. However, (a) service animals, when they are providing service or conducting work specific to their training, and (b) animals used for instructional purposes may be allowed in school if adequately controlled. In determining what animals may be allowed in school for instructional purposes, the following guidelines are established.

Pursuant to Utah law, spiders, venomous and poisonous insects, snakes, reptiles and lizards, and other dangerous or otherwise harmful animals are prohibited from classrooms.

### Guidelines for Allowing Animals in School for Instructional Purposes

Any animal that is allowed in the school or on school grounds must be clean and healthy so that the risk of their transmitting disease to students and teachers is minimal. Any instruction involving animals should also be used to re-emphasize proper hygiene and hand washing recommendations.

No animals should be allowed in food preparation areas at any time. Food handlers should not be responsible for clean-up of animal wastes, and cages and tanks should not be cleaned in food handling areas.

Animal cages or tanks should be cleaned thoroughly on a regular basis. Students should not be allowed to handle or clean up any form of animal waste (feces, urine, blood, etc.) and wastes should be disposed of in a plastic bag or container with a lid. Anyone who cleans a cage or tank should wash his or her hands immediately after completing the task.

Children with allergies or those with immune deficiencies may be especially susceptible to allergic reactions and diseases transmitted by animals; therefore, special precautions must be taken to minimize risks to those students. Parents should be consulted about precautionary measures prior to exposing such children to animals.

Any fur-bearing animal is susceptible to rabies, which is a very serious and potentially fatal disease. Documentation is necessary. If an animal is infected, the disease can transmit it to students and staff. The risk in a school or other group setting is that a single wild animal or unvaccinated pet carrying rabies has the potential to expose a large number of children.

**Wild Animals and Domestic Stray Animals**—Wild animals pose a risk for transmitting rabies as well as other zoonotic diseases (disease which can be transmitted from animals to people) and, therefore, should not be allowed in school. Because of the high incidence of rabies in bats, raccoons, skunks, foxes and other wild carnivores, these animals, whether dead or alive, should not be brought to school.

**Pet Dogs, Cats, Wolf-Hybrids, Ferrets and Farm Animals**— These animals may pose a risk for transmitting rabies, as well as parasites, fleas, other diseases and injuries. Any pets brought to school for instructional purposes should have proof of current rabies vaccination. Animals must be secured and supervised in a manner appropriate to the size and strength of the animal. Only one such animal may be allowed on school grounds at any one time. Animals are not allowed in carpeted areas of the school.

**Reptiles and Amphibians**—Reptiles (iguanas, snakes, lizards and turtles) and amphibians (frogs, salamanders and toads) can spread salmonella to humans, resulting in diarrhea and fever. This disease can be life threatening in very young children, the elderly and people with weakened immune systems. These animals should not be handled by children, pregnant women or individuals with infants at home. Anyone handling a reptile or amphibian should wash his or her hands thoroughly, immediately following contact.

**Bats**—Bats pose a high risk for transmitting rabies. Bats are not allowed on school grounds.

**Birds**—Psittacosis a serious disease that infected birds can transmit to humans. Even birds that appear healthy can be carriers of this disease. Because of the risk of psittacosis, birds (especially parrots, parakeets, macaws, pigeons, doves, etc.) should not be handled by children and should never be allowed to fly free in the classroom.

**Chicks and Ducks**—Chicks and ducks can spread salmonella to humans. This disease can be life threatening in very young children, the elderly and people with weakened immune systems. These animals should not be handled by children, pregnant women or individuals with infants at home. Anyone handling chicks or ducks should wash their hands thoroughly, immediately following contact.

Guinea Pigs, Hamsters, Gerbils, Rabbits—Healthy guinea pigs, hamsters, gerbils and rabbits pose a limited health risk. However, even tame animals may react aggressively in strange situation; therefore, student contact with animals should always be closely supervised, and animals should not be allowed to run loose in the classroom.

Children should not be allowed to “kiss” these animals and should not be allowed to handle or clean up any form of animal waste or clean animal cages. Anyone handling such animals should wash their hands thoroughly immediately following contact.

Fish—Fish pose very limited health risk and may be allowed in the classroom. Disposable gloves should be worn when cleaning aquariums, and tank water should not be disposed of in sinks that are used for food preparation or drinking water.

## Arrest Reporting Policy

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HighMark Charter School  
Policy: Arrest Reporting Policy  
Adopted: November 16, 2015

### Policy

The Board of Directors of the School recognizes the importance of receiving information regarding arrests of employees that are not licensed by the Utah State Office of Education in order to assist the School in adequately safeguarding the safety of students.

The Principal of the School will therefore establish administrative procedures that comply with the requirements of Utah Administrative Code R277-516-4.

The Board acknowledges the requirement that Board Members report arrests and convictions as set forth in R277-516-5.C.



Articles of Incorporation

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HighMark Charter School  
Policy: Articles of Incorporation  
Adopted: March 18, 2010

ARTICLES OF INCORPORATION  
OF  
HIGHMARK CHARTER SCHOOL

The undersigned natural persons over the age of eighteen (18) years, acting as incorporators of a nonprofit corporation under the Utah Revised Nonprofit Corporation Act, adopt the following Articles of Incorporation for said corporation:

ARTICLE I  
NAME

The name of this nonprofit corporation shall be HighMark Charter School.

ARTICLE II  
DURATION

This corporation shall continue in existence perpetually unless dissolved pursuant to law.

ARTICLE III  
PURPOSES

- (1) To operate exclusively as a nonprofit corporation under the laws of the state of Utah.
- (2) To engage in any and all activities and pursuits, and to support or assist such other organizations, as may be reasonably related to the foregoing and following purposes.
- (3) To engage in any and all other lawful purposes, activities and pursuits, which are substantially similar to the foregoing and which are or may hereafter be authorized by Section 501(c)(3) of the Internal Revenue Code of 1986 or corresponding provisions of any subsequent Federal tax laws (the "Code") and are consistent with those powers described in the Utah Revised Nonprofit Corporation Act, as amended.
- (4) To solicit and receive contributions, purchase, own and sell real and personal property, to make contracts, to invest corporate funds, to spend corporate funds for corporate purposes, and to engage in any activity "in furtherance of, incidental to, or connected with any of the other purposes."

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

#### ARTICLE IV VOTING MEMBERS

This corporation shall not issue shares of stock evidencing membership and shall have no voting members.

#### ARTICLE V POWERS

A. Powers in General. Subject to the pursuits and objectives declared in Article III and any other limitations herein expressed, this corporation shall have the power to do any and all things which a nonprofit corporation may do under the laws of the State of Utah, including, but not limited to, the following:

- (1) To receive, acquire, hold, manage, administer, and expend property and funds for purposes authorized by Section 501(c)(3) of the Code;
- (2) To take property and funds by will, gift, or otherwise. The corporation shall not have the power to take or hold property or funds for any purpose other than purposes authorized by Section 501(c)(3) of the Code;
- (3) To hold, in its own name and right, real and personal property of every nature and description without limitation as to extent, character or amount, and with all the powers of control, management, investment, change, and disposal incident to the absolute ownership of property or funds by a private person, subject only to the terms of particular trusts and to the general trust that all its properties and funds shall be held for purposes authorized by Section 501(c)(3) of the Code;
- (4) To borrow money either upon or without security, giving such promissory notes or other evidences of indebtedness and such pledges, mortgages, or other instruments of hypothecation as it may be advised;
- (5) To appoint and pay officers and agents to conduct and administer the affairs of the corporation;
- (6) To adopt Bylaws prescribing the duties of the officers and agents of the corporation, the detail of the organization, the time and manner of its meetings, and any and all detail incident to its organization and the efficient conduct and management of its affairs;
- (7) To do any and all things which a natural person might do, necessary and desirable for the general purposes for which the corporation is organized;

(8) To receive and use funds obtained from private donations, devises and bequests, and from all lawful sources to be applied for purposes authorized by Section 501(c)(3) of the Code;

(9) No recital, expression or declaration of specific or special powers or purposes hereinabove enumerated shall be deemed exclusive, it being intended that this corporation shall have any and all other powers necessary or incidental to the accomplishment of its objects and purposes and each and all of the powers now conferred or that may hereafter be conferred by the laws of the State of Utah on nonprofit corporations.

B. Powers Relating to Specific Objects and Purposes. This corporation shall have the powers necessary or incidental to the carrying on of its objects and purpose.

C. Restrictions. Notwithstanding any statement to the contrary in these Articles of Incorporation, no part of the net earnings of the corporation shall inure to the benefit of any director or officer of the corporation or any private individual, except that reasonable compensation may be paid for services rendered to or for the corporation affecting one or more of its purposes; and no director or officer of the corporation or any private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the corporation. No substantial part of the activities of this corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation (except as permitted by Section 501 of the Internal Revenue Code of 1986 or corresponding provisions or any subsequent Federal tax laws), and the corporation shall not participate in or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office. This corporation shall not carry on, otherwise than as an insubstantial part of its activities, activities which are not in furtherance of one or more of the aforementioned purposes for which the corporation is organized.

## ARTICLE VI REGISTERED OFFICE AND AGENT

The street address of the corporation's initial registered office is 2317 View Dr., South Weber, UT 84405. The name of the corporation's initial registered agent at said initial registered office is Robert Osborne.

## ARTICLE VII INCORPORATORS

The names and addresses of the incorporators are:

Robert Osborne  
2317 View Dr.

South Weber, UT 84405

Blake Petersen  
2383 E. 7875 S.  
South Weber, UT 84405

Sage Ukena  
8048 S. 2300 E.  
South Weber, UT 84405

Richard Bigler  
2316 View Dr.  
South Weber, UT 84405

Jordan Jeppsen  
2371 E. 7875 S.  
South Weber, UT 84405

#### ARTICLE VIII DIRECTORS

The number of directors of the corporation shall be no less than Five (5) and no more than seven (7), as fixed from time to time pursuant to the provisions of the corporation's Bylaws. The number of directors constituting the present Board of Directors is five (5), and the names and addresses of the persons who are to serve as directors until their successors are selected and qualified are:

Robert Osborne  
2317 View Dr.  
South Weber, UT 84405

Blake Petersen  
2383 E. 7875 S.  
South Weber, UT 84405

Sage Ukena  
8048 S. 2300 E.  
South Weber, UT 84405

Richard Bigler

2316 View Dr.  
South Weber, UT 84405

Jordan Jeppsen  
2371 E. 7875 S.  
South Weber, UT 84405

## ARTICLE IX LIMITATIONS ON LIABILITY

The directors, officers and employees of the corporation shall not be personally liable in those capacities for the acts, debts, liabilities or obligations of the corporation.

## ARTICLE X BYLAWS

Provisions for the regulation and management of the internal affairs of the corporation shall be set forth in the Bylaws.

## ARTICLE XI AMENDMENT OF ARTICLES OF INCORPORATION

These Articles of Incorporation may be amended at any time in any manner which is permissible under the laws of the State of Utah; provided, however, that these Articles of Incorporation shall in no event be amended in any manner so as to change this corporation from a nonprofit corporation to a corporation organized or operated for pecuniary profit; nor shall the Articles of Incorporation be amended so as to make the purposes of the corporation inconsistent with the purposes as specified in Article III herein.

## ARTICLE XII DISSOLUTION

This corporation is one which does not contemplate pecuniary gain or profit to the directors thereof, and it is organized solely for nonprofit purposes. Upon the winding up and dissolution of this corporation, after paying or adequately providing for the debts and obligations of the corporation, the remaining assets shall be distributed to a nonprofit fund, foundation or corporation, which is organized and operated exclusively for charitable, educational, religious and/or scientific purposes and which has established its tax-exempt status under Section 501(c)(3) of the Internal Revenue Code of 1986 or shall be distributed to the Federal government, or to a state or local government, for a public purpose. Any funds not so disposed

of shall be disposed of by the district court of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations as said court shall determine that are organized and operated exclusively for such purposes.

In Witness Whereof, the undersigned have executed these Articles of Incorporation in duplicate this 18 day of March 2010, and say: That they are all incorporators herein; that they have read the above and foregoing Articles of Incorporation; that they all agree to be incorporators and Board members; that they know the contents thereof and that the same is true to the best of their knowledge and belief, excepting as to matters herein alleged upon information and belief and as to those matters they believe to be true.

#### ACKNOWLEDGMENT BY REGISTERED AGENT

The undersigned, Robert Osborne, being first duly sworn on oath deposes and says that he is the person appointed as the Registered Agent of HighMark Charter School, and that he does hereby acknowledge and accept such appointment.

## Assessment of Student Achievement Policy

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HighMark Charter School

Policy: Assessment of Student Achievement Policy

Approved: May 27, 2023

### **Purpose**

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

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

### **Policy**

#### Statewide Assessment Plan

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

- (a) The dates the School will administer statewide assessments;

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

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

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

#### Student Participation in Statewide Assessments

- (a) With the exception of those students described in subsection (b) immediately below and exempted students, the School shall administer statewide assessments to all students enrolled in the grade level or course to which the assessment applies.
- (b) A student's IEP team, English Learner Team, or Section 504 accommodation plan team shall determine an individual student's participation in statewide assessments consistent with the Utah Participation and Accommodations Policy.
- (c) An educator may use a student's score on a statewide assessment to improve the student's academic grade for or demonstrate the student's competency within a relevant course. However, a student's score on a statewide assessment may not be used in determining whether the student may advance to the next grade level.



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

#### Student Exemption from Statewide Assessments

- (a) A student's parent has the right to exempt the student from a statewide assessment in accordance with Utah Code § 53G-6-803 and the exemption procedures in R277-404. The School shall not impose procedures beyond those in R277-404 to exercise this right nor may the School impose any penalty or adverse consequences upon a student who is exempted.
- (b) School grading, teacher evaluation, and student progress reports or grades may not be negatively impacted by students exempted from taking a statewide assessment.
- (c) The School may allow a student who has been exempted from a statewide assessment to be physically present in the room during test administration. The School shall ensure that exempted students who are in attendance are provided with an alternative learning experience during test administration.

#### Other Requirements

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

## Attendance Policy

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HighMark Charter School

Policy: Attendance Policy

Approved: 10.10.2023

### **Policy**

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

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

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

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

### **Review**

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

## **Administrative Procedures: Attendance Procedures**

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

### **Definitions**

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

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

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

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

The Principal has the discretion to consider other absences as "valid excuses."

“Valid excuse” or “excused absence” does not mean a parent acknowledgement of an absence for a reason other than those described above.

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

(1) is in grade 7 or above and at least 12 years old;

(2) is subject to the requirements of Section 53G-6-202; and

(3)(a) is truant at least ten times during one school year; or (b) fails to cooperate with efforts on the part of School authorities to resolve the school-age child’s attendance problem as required under Section 53G-6-206.

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

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

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

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

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

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

Excused absences may become unexcused if the Principal determines that absences have reached an excessive level and are adversely impacting the student's education.

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

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

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

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

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

## **Notice of Compulsory Education Violation**

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

This notice shall:

1. Direct the parent/guardian to meet with School authorities to discuss the student's attendance problem and cooperate with the Principal and Board to secure regular attendance by the student;
2. Designate the School authorities with whom the parent is required to meet;
3. State that it is a class B misdemeanor for the student's parent or guardian to intentionally or without good cause fail to meet with the designated School authorities to discuss the student's attendance problems, or fail to prevent the student from being truant an additional five (5) or more times during the remainder of the school year; and
4. Be served on the parent/guardian by personal service or certified mail.

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

## **Chronic Absenteeism Prevention and Intervention Program**

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

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

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

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

- When a student's attendance is negatively affecting the student's learning, the classroom teacher will notify the student and/or the student's parent/guardian of the concern. The teacher will set up a conference with the student and/or the student's parent/guardian to identify and resolve any problems that prevent the student from attending school. The student's progress will be monitored.
- If meeting with the student and parent/guardian does not adequately address the problems and the student's learning continues to suffer, then the School counselor or Principal will work with the teacher and parent/guardian in finding a solution to the problems that are preventing the student from attending to his/her learning. Efforts to resolve the problems may include, but are not limited to, the following: making adjustments to the curriculum or the schedule; counseling of the student by School authorities; mentoring the student; providing the student with increased academic support; teaching the student executive function skills such as planning, goal setting, understanding and following multi-step directions, and self-regulation; considering alternatives proposed by the parent/guardian; or providing the parent/guardian with a list of community resources to help the family.

- The Principal may consult with a parent/guardian to determine if mitigating circumstances such as medical or psychological problems indicate the use of intervention methods for resolving the attendance problems.
- In the event that the preceding interventions fail, the Principal will contact the parent/guardian and request a formal meeting to discuss and resolve the attendance problems. A copy of the communication (letter, email, etc.) will be kept by the School.
- The Principal will notify the student and a parent/guardian of the actions the School may take should the student be truant in the future.

### **Notice of Truancy**

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

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

A notice of truancy will:

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

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

### **Appeals Process**

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



### **Students with Qualified Disabilities**

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

### **Annual Report**

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

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

## Background Check Policy

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HighMark Charter School  
Policy: Background Check Policy  
Adopted: June 4, 2016

### Policy

The purpose of this policy is to protect the safety, health and security of HighMark Charter School (the “School”) students, employees, and property.

The School will comply with the provisions of Utah Code § 53A-15-1503 and Utah Administrative Code R277-516 regarding employee background checks. In order to protect the health and safety of all students and protect the property of the School, the School requires (a) all Board members, (b) all potential employees and (c) any volunteers who will be given significant unsupervised access to a student in connection with the volunteer’s assignment to submit to a criminal background check and ongoing monitoring as a condition for employment or appointment.

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

## Administrative Procedures

### Background Check Procedures

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

#### Individuals Subject to Background Checks

The School requires that the following individuals submit to a criminal background check and ongoing monitoring as provided in Utah Code § 53A-15-1503 as a condition for employment or appointment: (a) each new non-USOE-licensed employee; (b) each volunteer who will be given significant unsupervised access to a student in connection with the volunteer's assignment; (c) each employee of a staffing service who works at the School; and (d) each Board Member.

Additionally, each new employee who is licensed by the Utah State Office of Education ("USOE") must obtain a background check and submit to ongoing monitoring as required in connection with USOE's licensure requirements.

By September 1, 2018, the School will collect the information described below from individual who were employed by the School prior to July 1, 2015, and with whom the School maintains an authorizing relationship and submit that information to the Utah Bureau of Criminal Identification for ongoing monitoring.

#### Conducting the Background Check

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

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

- (a) personal identifying information, including but not limited to:
  - (i) current name, former names, nicknames, and aliases;
  - (ii) date of birth,
  - (iii) address,
  - (iv) telephone number,
  - (v) driver license number or other government-issued identification number,
  - (vi) social security number, and
  - (vii) fingerprints;
- (b) a fee as set forth below;
- (c) consent and waiver on a form specified by the School for the background check acknowledging that their fingerprints are being registered for ongoing monitoring by the School.

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

#### Ongoing Monitoring

The School will request that the fingerprints taken for the purpose of conducting criminal background checks be registered with any rap back system maintained to provide ongoing status notifications to the School of any criminal history reported on individuals whose fingerprints are registered in the system.

#### Payment of Fee for Background Check

Applicants for employment, including substitutes, shall be required to pay the designated costs of background checks subject to the provisions of Utah Code Ann. § 53A-15-1503(2).

The School shall pay the cost of the background check for current non-licensed employees and volunteers of the School.

The School will not pay the cost of fingerprinting for School employees or volunteers.

#### Background Check Evaluation

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

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

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

#### Opportunity to Respond to Background Check

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

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

### Confidentiality

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

### Privacy Risk Mitigation Strategy

The School will employ reasonable privacy risk mitigation strategies to ensure that the School only receives notifications for individuals with whom the School maintains an authorizing relationship. Specifically, upon (a) termination of an employee's employment with the School, (b) expiration of a Board Member's term without renewal, or (c) resignation of Board Member, the administration will ensure that the School's management company receives notification of the event. The School's management company will take any steps necessary to terminate ongoing monitoring for such individuals and will document the date on which such steps were taken. For volunteers, the School's management company will establish a schedule to review the volunteers registered for ongoing monitoring for the School, consult with School personnel to determine whether such individuals are still volunteering for the School, and terminate ongoing monitoring for individuals as appropriate.

## Budgeting Policy

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### **HighMark Charter School**

#### **Policy: Budgeting Policy**

**Adopted:** June 18, 2020

**Revised:** January 24, 2022

### **Policy**

HighMark Charter School (the “School”) will comply with the budgeting requirements of Utah law, including but not limited to Utah Code Title 53G, Chapter 7, Part 3.

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

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

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

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

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

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

### **Maintenance of Effort**

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

The School will not use applicable federal funds to reduce the level of expenditures from state and/or local funds for the education of students below the level of those

expenditures for the preceding fiscal year. Unless an exception applies or a waiver is granted and taking into account allowable reductions, the School will budget from state and/or local funds at least the same total spent for that purpose from the same state and/or local funds source(s) for the most recent prior year for which information is available.

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



## Building Rental Policy

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HighMark Charter School  
Policy: Building Rental Policy  
Amended: 10.04.2021

### **PURPOSE**

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

### **POLICY**

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

Any permission to use School facilities is granted pursuant to Utah Code § 53G-7-209 and -210 and is considered a permit for governmental immunity purposes under Utah Code § 63G-7-201(4)(c). The School therefore has full governmental immunity under the Governmental Immunity Act of Utah for claims arising in connection with such use of the facilities.

South Weber Water Improvement District may use the facilities at no cost for the purpose of occasional large meetings when the facility is not being used for school-related activities.

### **PROCEDURES**

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

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

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

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

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

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

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

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

The user must comply with any applicable standards of safety and behavior of the School and Utah law. Violation of any of these standards is grounds for termination of the use agreement

and the immediate removal of individuals associated with the use. Violation may result in the forfeiting of all deposits, and additional charges may be assessed.

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

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

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

## **FEES**

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

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

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

## **Security Deposit**

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

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

### **Personnel**

At least one School staff member must be present during any use of the facilities. The Principal will set the fee based on the number and type of personnel required for a particular activity. General supervision of the facility may be assigned to a custodian, teacher, administrator or other qualified staff member.

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

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

## **COMMERCIAL AND CHARITABLE AND NONPROFIT BUILDING USE FEE SCHEDULES**

<b>Commercial and Charitable Nonprofit Building Use Fee Schedule</b>		
<b>FACILITY</b>	<b>Commercial</b>	<b>Charitable/Nonprofit</b>
Parking lot	\$40/day	\$10/day
Cafeteria	\$125/hr	\$50/hr
Gym	\$125/hr	\$50 (for up to 3 hrs)
Commons Area	\$125/hr	\$50 (for up to 3 hrs)
Outdoor Athletic Fields	\$125/hr	\$50 (for up to 3 hrs)
Kitchen (When using the kitchen facility, it is mandatory to have at least one staff member present, for which there is an additional personnel charge.)	\$125/hr	\$50/hr
Classroom (each)	\$40/hr	\$20/hr
<b>PERSONNEL</b>	<b>Commercial</b>	<b>Charitable/Nonprofit</b>
Building Supervisor	\$35/hr	\$35/hr
Additional Staff	\$20/hr	\$20/hr
Kitchen Staff	\$20/hr	\$20/hr
<b>EQUIPMENT</b>	<b>Commercial</b>	<b>Charitable/Nonprofit</b>
This fee is done on a case by case basis. Fees are set by Principal or designee. Fee shall be documented in Building Use Agreement	TBD	TBD

## Bullying and Hazing Policy

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HighMark Charter School  
Policy: Bullying and Hazing Policy  
Amended: August 21, 2023

### **Purpose**

The purpose of this policy is to prohibit bullying, cyber-bullying, hazing, retaliation, and abusive conduct involving HighMark Charter School (the “School”) students and employees. The School’s Board of Directors (the “Board”) has determined that a safe, civil environment in School is necessary for students to learn and achieve high academic standards and that conduct constituting bullying, cyber-bullying, hazing, retaliation, and abusive conduct disrupts both a student’s ability to learn and the School’s ability to educate its students in a safe environment.

### **Policy**

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

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

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

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

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

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

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

### Definitions

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

*Bullying* – For purposes of this policy, "bullying" means a School employee or student intentionally committing a written, verbal, or physical act against a School employee or student that a reasonable person under the circumstances should know or reasonably foresee will have the effect of:

- (1) causing physical or emotional harm to the School employee or student;
- (2) causing damage to the School employee's or student's property;
- (3) placing the School employee or student in reasonable fear of:
  - (a) harm to the School employee's or student's physical or emotional well-being; or
  - (b) damage to the School employee's or student's property;
- (4) creating a hostile, threatening, humiliating, or abusive educational environment due to:
  - (a) the pervasiveness, persistence, or severity of the actions; or
  - (b) a power differential between the bully and the target; or
- (5) substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

This conduct constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct. In addition, bullying is commonly understood as aggressive behavior that is intended to cause distress and harm; exists in a relationship in which there is an imbalance of power and strength; and is repeated over time.

*Civil Rights Violations* – For purposes of this policy, “civil rights violations” means bullying, cyber-bullying, harassment, abusive conduct, or hazing that is targeted at a federally protected class.

*Cyber-bullying* – For purposes of this policy, "cyber-bullying" means using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an



individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.

*Federally protected class* – For purposes of this policy, “federally protected class” means any group protected from discrimination under federal law, such as:

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

(2) Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex.

(3) Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, which prohibit discrimination on the basis of disability.

(4) Other areas included under these acts which include religion, gender, and sexual orientation.

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

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

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

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

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

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

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

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

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

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

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

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

(1) a School teacher;

(2) a School staff member;

(3) a School administrator; or

(4) an individual:

(a) who is employed, directly or indirectly, by the School; and

(b) who works on the School's campus(es).

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

### Reporting and Investigation

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

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

Each report of prohibited conduct shall include:

(1) the name of complaining party;

(2) the name of victim of prohibited conduct (if different than complaining party);

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

(4) the date and location of incident(s); and

(5) a statement describing the incident(s), including names of witnesses (if known).

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

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

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

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

#### Parental Notification

The Principal or his/her designee will timely notify a student's parent or guardian (1) if the student threatens to commit suicide or (2) of any incidence of bullying, cyber-bullying, hazing, abusive conduct, or retaliation involving the student (including if the student is involved as the alleged perpetrator or victim). The Principal or his/her designee will attempt to contact the parent or guardian by telephone to provide this notification and to discuss the matter. If the parent or guardian is not available by telephone, the Principal or his/her designee will provide the parent or guardian the required notification by email.

The Principal or his/her designee will produce and maintain a record that verifies that the parent or guardian was notified. If an in-person meeting takes place, the Principal or his/her designee may ask the parent or guardian to sign the record acknowledging that the notification was provided. If a telephone conversation takes place, the Principal or his/her designee may document on the record such details as the date and time of the telephone call, who was spoken to, and brief notes regarding the notification that was provided and the content of the conversation. If an email is sent, the Principal or his/her designee will retain a copy of the email. The School will retain the record as long as the student is enrolled at the School and destroy the record after that time. The School will maintain the confidentiality of the record in accordance with Utah Code § 53G-9-604.

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

- (1) suicide prevention materials and information as recommended by the Utah State Board of Education in accordance with Utah Code § 53G-9-604(2)(b);
  
- (2) information on ways to limit a student's access to fatal means, including firearms or medication; and
  
- (3) information and resources on the healthy use of social media and online practices.

Action Plan to Address Reported Incidents of Bullying, Cyber-Bullying, Hazing, Retaliation, and Abusive Conduct

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

The School will investigate all allegations of these incidents by interviewing

- (1) the alleged victim;
  
- (2) the individual who is alleged to have engaged in the prohibited conduct;
  
- (3) the parents or guardians of the alleged victim and the individual who is alleged to have engaged in prohibited conduct;
  
- (4) any witnesses;
  
- (5) School staff familiar with the alleged victim;
  
- (6) School staff familiar with the individual who is alleged to have engaged in prohibited conduct; or
  
- (7) Other individuals who may provide additional information.

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

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

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

Following the investigation of a confirmed allegation of an incident of bullying, cyber-bullying, hazing, retaliation, or abusive conduct, the School may, if the administrator determines it is appropriate, take positive restorative justice practice action and support involved students through trauma-informed practices. However, an alleged targeted individual is not required to participate in a restorative justice practice with an individual who is alleged to have engaged in prohibited conduct. If the School would like any student to participate in a restorative justice practice, the School will notify the student's parent or guardian of the restorative justice practice and obtain consent from the student's parent or guardian before including the student in the process.

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

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

- (3) provide additional information about the investigation or the resolution consistent with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g; and
- (4) inform parents or guardians of the School's Parent Grievance Policy if the parents or guardians disagree with the resolution of the investigation.

### Consequences of Prohibited Behavior

If, after an investigation, a student is found to be in violation of this policy by participating in or encouraging conduct prohibited by this policy, the student shall be disciplined by appropriate measures up to, and including, suspension and expulsion, pursuant to Utah Code § 53G-8-205 and School policy, removal from participation in School activities, and/or discipline in accordance with regulations of the U.S. Department of Education Office for Civil Rights (OCR).

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

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

### Grievance Process for School Employees

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



### Additional Provisions

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

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

(2) If it is determined that the bullying, cyber-bullying, or hazing did occur as a result of the student-victim's membership in a protected class, the School shall take prompt and effective steps reasonably calculated to:

- (a) end the bullying, cyber-bullying, or hazing
- (b) eliminate any hostile environment, and
- (c) prevent its recurrence.

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

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

If the Principal believes that any victim or perpetrator of conduct prohibited by this policy would benefit from counseling, the Principal may refer such individuals for counseling.

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

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

### Student Assessment

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

### Training

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

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

- (3) how bullying, cyber-bullying, hazing, retaliation, and abusive conduct are different from discrimination and may occur separately from each other or in combination;
- (4) how bullying, cyber-bullying, hazing, retaliation, and abusive conduct are prohibited based upon the students' or employees' actual or perceived characteristics, including race, color, national origin, sex, disability, religion, gender identity, sexual orientation, or other physical or mental attributes or conformance or failure to conform with stereotypes; and
- (5) the right of free speech and how it differs for students, employees, and parents or guardians.

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

The training shall be offered to:

- (1) new school employees, coaches, and volunteers within the first year of employment or service;
- (2) all School employees, coaches, and volunteers at least once every three years after the initial training; and
- (3) all students (regardless of whether they are involved in athletics or extracurricular activities or clubs) at a frequency determined by the Principal.

In addition to the training requirements described above, any student, employee, or volunteer coach participating in a School sponsored athletic program, both curricular and extracurricular,

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

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

#### Distribution of Policy and Signed Acknowledgement

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

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

## Bylaws

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HighMark Charter School  
Policy: Bylaws  
Adopted: December 19, 2011

### Bylaws of HighMark Charter School

#### ARTICLE I NAME, PURPOSE

Section 1: The name of the organization is HighMark Charter School (the “corporation”).

Section 2: The corporation was formed to manage, operate, guide, direct and promote a Utah Public Charter School. The corporation is organized under the Utah Revised Nonprofit Corporation Act (the “Act”) for public purposes and is not organized for the private gain of any person.

#### ARTICLE II MEMBERS

Section 1: The corporation shall have no members. Any action which would otherwise by law require approval by a majority of all members or approval by the members shall require only approval of the Board. All rights which would otherwise by law vest in the members shall vest in the board.

#### ARTICLE III MEETINGS OF DIRECTORS

Section 1: Annual Meeting. The Board of Directors of the corporation (the “Board”) shall hold an annual meeting for the purposes of organization, selection of Directors and officers, and the transaction of other business.

Section 2: Regular Meetings. Regular meetings will be held as often as the Board determines is appropriate. Regular meetings of the Board, including the annual meeting, shall be held on such dates and at such times and places as may be from time to time fixed by the Board.

Section 3: Special Meetings. Special meetings of the Board for any purpose(s) may be called at any time by the President of the Board, Secretary, or one-third of the members of the Board.

Section 4: Notice. Special meetings of the Board and regular meetings that are held other than at the regularly scheduled time or place may be held only after each Director has received twenty-four (24) hours' notice given personally or by telephone, e-mail or other similar means of communication.

#### ARTICLE IV BOARD OF DIRECTORS, OFFICERS

Section 1: General Powers. Subject to the limitations of the Act, the corporation's Articles of Incorporation and these Bylaws, the activities and affairs of the corporation shall be conducted and all corporate powers shall be exercised by or under the direction of the Board. The Board may delegate the management of the corporation's activities to any person(s), company or committees, however composed, provided that the activities and affairs of the corporation shall be managed and all corporate powers shall be exercised under the ultimate direction of the Board. No assignment, referral or delegation of authority by the Board or anyone acting under such delegation shall preclude the Board from exercising full authority over the conduct of the corporation's activities, and the Board may, subject to contractual obligations as may exist, rescind any such assignment, referral or delegation at any time.

Section 2: Specific Powers. Without prejudice to its general powers, but subject to the same limitations set forth above, the Board shall have the following powers in addition to any other powers enumerated in these Bylaws and permitted by law:

- a. To select and remove all of the officers, agents and employees of the corporation; to prescribe powers and duties for them which are not inconsistent with law, the corporation's Articles of Incorporation or these Bylaws; and to fix their compensation;
- b. To conduct, manage and control the affairs and activities of the corporation and to make such rules and regulations therefore which are not inconsistent with the law, the corporation's Articles of Incorporation or these Bylaws, as it deems best;
- c. To adopt, make and use a corporate seal and to alter the form of the seal from time to time, as it deems best;
- d. To borrow money and incur indebtedness for the purpose of the corporation, and to cause to be executed and delivered therefore, in the corporate name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecations and other evidences of debt and securities therefore;
- e. To act as trustee under any trust incidental to the principal object of the corporation, and receive, hold, administer, exchange and expend funds and property subject to such trust;

- f. To acquire by purchase, exchange, lease, gift, devise, bequest, or otherwise, and to hold, improve, lease, sublease, mortgage, transfer in trust, encumber, convey or otherwise dispose of real and personal property;
- g. To assume any obligations, enter into any contracts or other instruments, and do any and all other things incidental or expedient to the attainment of any corporate purpose; and
- h. To carry out such other duties as are described in the Charter.

Section 3: Board Role, Size, Composition. The Board is responsible for overall policy and direction of the school and delegates responsibility for day-to-day operations to the Director/Principal and committees established by the Board. The Board shall consist of no fewer than five (5) and no more than seven (7) members. At least twenty-five percent (25%) of the Board members shall be parents of students attending HighMark Charter School. The Board members shall receive no compensation other than reasonable expenses.

Section 4: Meetings.

- a. The Board shall meet regularly at such times as may from time to time be determined by the Board. Meetings of the Board may be held at the principal office of the corporation or at any other place that has been designated in the notice of the meeting by resolution of the Board. Appropriate notices of the meeting complying with Utah law shall be posted.
- b. The Board shall hold an annual meeting for the purposes of organization, selection of Directors and officers, adoption of the budget, and the transaction of other business.
- c. Special meetings of the Board for any purpose(s) may be called at any time by the President or the Secretary. Special meetings of the Board may be held after each Director has received notice by mail, telecopy, e-mail or telephone and after proper notification as required by Law. Oral notice shall be deemed received at the time it is communicated, in person or by telephone or wireless, to the recipient or to a person at the office of the recipient whom the person giving the notice has reason to believe will promptly communicate it to the receiver.

Section 5: Quorum. A quorum consists of a majority of the current Board members. Every act or decision done or made requires a majority vote of the Directors present at a meeting duly held at which a quorum is present. A meeting at which a quorum is initially present may continue to transact business notwithstanding the withdrawal of Directors, if any action taken is approved by at least a majority of the required quorum for such meeting.

Section 6: Terms. Board members shall serve four (4) year terms, are not subject to term limits, and are eligible for re-election.

Section 7: Resignation, Removal. Resignation from the Board must be in writing and received by the Secretary. The resignation is effective upon receipt or at the time specified in the writing. If the resignation is effective at a future time, a successor may be selected before such time, to take office when the resignation becomes effective. A Board member may be removed with or without cause by the vote of two-thirds (2/3) of the remaining directors.

Section 8: Vacancies. Vacancies on the Board will exist (1) on the death, resignation, or dismissal of any member, or (2) when the term of a current Board member has expired.

Section 9: Board Elections. In order to fill a vacancy in the Board, the Board will solicit nominations and letters of application from the school community or members of the community at large. The Board may then elect an approved applicant to fill the vacancy. Board members will be elected by the vote of a majority of the remaining members of the Board. Board members elected to fill the seats of directors whose terms have expired shall be elected at the annual meeting of the Board of Directors.

Section 10: Fees and Compensation. Directors shall not receive compensation for their services; however, the Board may approve the reimbursement of a Director's actual and necessary expenses incurred in the conduct of the corporation's business.

Section 11: Standard of Care.

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

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

1. One or more officers or employees of the corporation whom the Director believes to be reliable and competent in the matters presented;
2. Legal counsel, independent accountants or other persons as to matters that the Director believes to be within such person's professional or expert competence; or
3. A committee of the Board upon which the Director does not serve as to matters within a designated authority, provided the Director believes that the committee merits confidence and the Director acts in good faith, after reasonable inquiry when the need therefore is indicated by the circumstances, and without knowledge that would cause such reliance to be unwarranted.

## ARTICLE V



## OFFICERS

Section 1: Officers. The officers of the corporation shall be President, Secretary, and Treasurer/Financial Coordinator. The corporation may also have, at the discretion of the Board, one or more Vice Presidents, one or more Assistant Secretaries, one or more Assistant Treasurers, and such other officers as may be elected or appointed. Any number of offices may be held by the same person.

Section 2: Election. The officers of the corporation shall be chosen at the annual meeting of the Board by and shall serve one (1) year terms at the pleasure of the Board and shall hold their respective offices until their resignation, removal, other disqualification from service, or until their term expires. Officers may be re-elected and are not subject to term limits.

Section 3: Subordinate Officers. The Board may elect, and may empower the President to appoint, such other officers as the business of the corporation may require, each of whom shall hold office for such period, have such authority, and perform such duties as are provided in these Bylaws or as the Board may from time to time determine.

Section 4: Removal. Any officer may be removed, either with or without cause, by the Board at any time or, except for an officer chosen by the Board, by any officer upon whom the Board may confer such power of removal. Any such removal shall be without prejudice to the rights, if any, of an officer under any contract of employment.

Section 5: Resignation. Any officer may resign at any time by giving written notice to the Board; such resignation may not prejudice the rights, if any, of the corporation under any contract to which the officer is a party. Any such resignation shall take effect at the date of the receipt of such notice or at any later time specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 6: Vacancies. A vacancy in any office because of death, resignation, removal, disqualification or any other cause shall be filled in the manner prescribed in these Bylaws for regular election or appointment to such office, provided that such vacancies shall be filled as they occur and not on an annual basis.

Section 7: President. The President shall preside at all meetings of the Board and shall exercise such powers and duties as the Board may prescribe from time to time.

Section 8: Vice Presidents. In the absence or disability of the President, the Vice President(s), if any are appointed shall, in order of their ranks as fixed by the Board or, if not ranked, the Vice President designated by the Board, perform all duties of the President and, when so acting, shall

have all the powers of, and subject to all the restrictions upon, the President. The Vice President(s) shall have such other powers and perform such other duties as the Board may prescribe from time to time.

Section 9: Secretary. The Secretary shall keep or cause to be kept, at the principal office or such other place as the Board may order, a book of minutes of all meetings of the Board and its committees, including the following information for all such meetings; the time and place of holding; whether regular or special; if special, how authorized; the notice thereof given; the names of those present and absent, and the proceedings thereof. The Secretary shall keep, or cause to be kept, at the principal office in the State of Utah, the original or a copy of the corporation's Articles of Incorporation and Bylaws, as amended to date, and a register showing the names of all directors and their respective addresses.

Section 10: Treasurer/Financial Coordinator. The Treasurer/Financial Coordinator of the corporation shall keep and maintain, or cause to be kept and maintained, adequate and correct accounts of the properties and business transactions of the corporation, including accounts of its assets, liabilities, receipts and disbursements. The books of account shall at all times be open to inspection by any Director. The Treasurer/Financial Coordinator shall deposit, or cause to be deposited, all money and other valuables in the name and to the credit of the corporation with such depositories as may be designated from time to time by the Board. The Treasurer/Financial Coordinator shall disburse, or cause to be disbursed, the funds of the corporation as may be ordered by the Board, and shall render, or cause to be rendered, to the Directors, upon request, an account of all transactions as Secretary or President and of the financial condition of the corporation. The Treasurer/Financial Coordinator shall have such powers and perform such other duties as may be prescribed from time to time by the Board.

## ARTICLE VI COMMITTEES

Section 1: The Board may, by resolution adopted by a majority of the Directors then in office, provided that a quorum is present, create one or more standing or ad hoc committees, each consisting of at least one (1) member of the Board, to serve at the pleasure of the Board.

## ARTICLE VII DIRECTOR/PRINCIPAL AND STAFF

Section 1: Director/Principal. The Director/Principal is hired by the Board. The Director/Principal has day-to-day responsibility of the school, including carrying out the school's goals and Board policy. The Director/Principal will attend Board meetings, report on the

progress of the school, answer questions of Board members and carry out the duties described in the job description. The Board can designate other duties as necessary.

## ARTICLE VIII AMENDMENTS

Section 1: These Bylaws may be amended when necessary by the vote of a majority of the Board.

## Capitalization and Expense Policy

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HighMark Charter School  
Adopted: March 18, 2010  
Amended: March 13, 2023

### Purpose

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

### Policy

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

## Cash Handling Policy

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HighMark Charter School  
Policy: Cash Handling Policy  
Adopted: October 16, 2017

HighMark Charter School (the “School”) adopts this policy to ensure that the School utilizes sound internal controls and properly handles cash received by School personnel.

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

All cash received by the School must be properly documented.

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

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

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

## Child Abuse and Neglect Reporting Policy

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HighMark Charter School

Policy: Child Abuse and Neglect Reporting Policy

Amended: July 16, 2020

### **Policy**

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

Utah law requires that whenever any person, including any school employee, contracted or temporary employee, or volunteer who has reason to believe that a child has been subjected to incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect, or observes a child being subjected to conditions or circumstances which would reasonably result in sexual abuse, physical abuse, or neglect, he/she shall immediately notify the nearest peace officer, law enforcement agency, or the Division of Child Family Service. The law provides serious penalties for failure to fulfill one’s duty to report.

The Principal shall establish administrative procedures that will comply with the provisions of Utah Code Ann. §§ 53E-6-701; 62A-4a-402, et seq. and Utah Administrative Rules R277-401 and will help the School’s personnel to understand and fulfill their legal responsibilities concerning child abuse.

## Administrative Procedures

### Child Abuse and Neglect Reporting Procedures

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

1. If a School employee *has reason to believe* that a child may have been subjected to incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect, or observes a child being subjected to conditions or circumstances which would reasonably result in such, the employee shall immediately make an oral report to the nearest peace officer, law enforcement agency or Division of Child Family Service (“DCFS”). The employee shall also make a report to the School’s Principal, but the requirement to notify the Principal does not satisfy the employee’s personal duty to report to law enforcement or DCFS.
  - a. The oral report to law enforcement or DCFS may be made with the Principal present, but must be made by the person making the report.
  - b. The reporting employee must record the name of the individual and the agency contacted to make the required report.
  - c. The reporting employee must complete and provide a copy of the Child Abuse and Neglect Reporting Form to the Principal within twenty-four (24) hours. The Principal will keep the form in a separate file, and it shall not be placed in the student’s permanent file. The form should also be sent to the agency to which the oral report was given.
  - d. The Principal will preserve the anonymity of the person making the report and any others involved in any investigation.
2. To determine whether or not there is *reason to believe* that abuse or neglect has occurred, school employees may (but are not required to) gather information only to the extent necessary to determine whether a reportable circumstance exists.
  - a. Investigations by staff prior to submitting a report shall not go beyond what is minimally necessary to support a reasonable belief that a reportable problem exists.

b. It is not the responsibility of the Principal or any other school employees to prove who the abuser is or that the child has been abused or neglected, or to determine whether the child is in need of protection.

c. School employees shall not contact the parents, relatives, friends, neighbors, etc. for the purpose of determining the cause of the injury and/or apparent neglect.

d. School employees shall not conduct interviews with the child or contact the suspected abuser.

e. Notes of voluntary or spontaneous statements by the child shall be given to the investigational agency.

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

a. School employees shall not contact the child's parents, relatives, friends, neighbors, etc. for the purpose of determining the cause of the injury and/or apparent neglect.

b. School personnel shall cooperate with DCFS and share all information with the division that is relevant to the division's investigation of an allegation of abuse or neglect. Additionally, School employees shall cooperate with DCFS and law enforcement employees authorized to investigate reports of alleged child abuse and neglect, including:

i. allowing appropriate access to students;

ii. allowing authorized agency employees to interview children consistent with DCFS and local law enforcement protocols;

iii. making no contact with the parents or legal guardians of children being questioned by DCFS or law enforcement authorities; and

iv. maintaining appropriate confidentiality.

c. If school officials are contacted by parents about child abuse reports, school personnel shall not confirm or deny that a contact or investigation is taking place. A school employee should refer the caller to law enforcement or DCFS.

d.



4. If the suspected perpetrator of child abuse or neglect is a School employee, the Principal shall immediately report the allegation to the Utah State Board of Education. Steps shall be taken to assure that further abuse or neglect is prevented by the suspected perpetrator.
5. Persons making reports or participating in good faith in an investigation of alleged child abuse or neglect are immune from any civil or criminal liability that otherwise might arise from those actions.
6. The Principal shall annually (a) provide each School employee with the written Child Abuse and Neglect Reporting Policy including a copy of the Child Abuse and Neglect Reporting Form and (b) notify each School employee of the mandatory reporting requirements of this Policy and Procedure and Utah Code Sections 53E-6-701 and 62A-4a-403.
7. The Principal will provide School personnel every other year with training and instruction on child sexual abuse and human trafficking prevention and awareness, including (a) responding to a disclosure of child sexual abuse in a supportive, appropriate, manner; (b) identifying children who are victims or may be at risk of becoming victims of human trafficking or commercial sexual exploitation; and (c) the mandatory reporting requirements of this Policy, Utah Code 53E-6-701 and 62A-4a-403. Newly hired staff will be provided with the same training and the written policy at the beginning of their employment.
8. The Principal will provide the parents or guardians of elementary school students with training and instruction every other year on child sexual abuse and human trafficking prevention and awareness, including (a) recognizing warning signs of a child who is being sexually abused or who is a victim or may be at risk of becoming a victim of human trafficking or commercial sexual exploitation and (b) effective, age-appropriate methods for discussing the topic of child sexual exploitation.
9. The training and distribution of materials will be documented.
10. Educational neglect means that, after receiving a notice of compulsory education violation under Utah Code Section 53G-6-202, the parent or guardian fails to make a good faith effort to ensure that the child receives an appropriate education.
  - a. When School personnel have reason to believe that a child may be subject to educational neglect, school personnel shall submit the report described in Utah Code Subsection 53G-6-202(8) to DCFS.
  - b. When School personnel have a reason to believe that a child is subject to both educational neglect and another form of neglect or abuse, School personnel may not wait to report the other form of neglect or abuse pending preparation of a report regarding educational neglect.

**\*\*\*CONFIDENTIAL\*\*\***

### Child Abuse and Neglect Reporting Form

<b>ORAL REPORT MADE TO PRINCIPAL:</b>	
<b>DATE:</b>	<b>Time:</b>

<b>CHILD'S INFORMATION:</b>			
<b>NAME:</b>	<b>Age:</b>	<b>Sex:</b>	<b>Birth Date:</b>
<b>ADDRESS:</b>			

<b>PARENT/GUARDIAN INFORMATION:</b>		
<b>FATHER NAME:</b>	<b>Mother Name:</b>	
<b>FATHER ADDRESS:</b>	<b>Mother Address:</b>	
<b>FATHER PHONE:</b>	<b>Mother Phone:</b>	
<b>GUARDIAN #1 NAME:</b>		<b>Guardian #2 Name:</b>
<b>GUARDIAN #1 ADDRESS:</b>		<b>Guardian #2 Address:</b>
<b>GUARDIAN #1 PHONE:</b>		<b>Guardian #2 Phone:</b>

<b>CIRCUMSTANCES LEADING TO THE SUSPICION THAT THE CHILD IS A VICTIM OF ABUSE OR NEGLECT:</b>

--

DATE AND TIME OF OBSERVATIONS	
DATE:	Time:

ADDITIONAL INFORMATION:

ORAL REPORT MADE TO:	WRITTEN REPORT MADE TO:
AGENCY:	Agency:
INDIVIDUAL'S NAME:	Individual's Name:
DATE:	Date:
TIME:	Time:

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

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

## **HighMark Charter School Policy**

### **Civil Rights Policy Amended: July 16, 2020**

#### **Policy Against Discrimination, Harassment and Sexual Harassment**

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

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

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

#### **Title VI of the Civil Rights Act of 1964**

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

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

2. Arbitrarily placing a student in a school or class with the intent of separating the student from the general population of students because of the student's race, color, or national origin.
3. Setting higher standards or requirements as a prerequisite before allowing minorities to enroll in a school, class, or activity.
4. Unequally applying disciplinary action based on a student's race, color, or national origin.
5. Failing to provide the necessary language assistance to allow limited English proficient students the same opportunity to learn as English proficient students. Administering tests or other evaluative measures, which by design or by grading do not allow minority students the same opportunity to present a true measure of their abilities.
6. Providing advice or guidance to minority with the intent to direct minority students away from schools, classes, or educational activities based on their race, color, or national origin.
7. Providing instructional and related services to minority students that are inferior to those provided to non-minority students.

## **Title IX of the Education Amendments of 1972**

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

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

discriminate against, or commit or seek reprisal against anyone who participates in any aspect of the discrimination complaint process associated with this policy.

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

### Response to Sexual Harassment

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

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

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

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

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

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

“Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

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

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

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

Personnel; Training Requirements

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

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

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

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

#### Grievance Process Time Frames

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

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



### Notice of Formal Complaints of Sexual Harassment

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

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

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

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

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

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

### Grievance Process for Formal Complaints of Sexual Harassment

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the School and not on the parties provided that the School cannot access, consider, disclose, or otherwise use medical and psychological records of the party without the party's consent, as provided in 34 C.F.R. § 106.45(b)(5)(i);
  
- (b) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
  
- (c) Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
  
- (d) Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the School may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
  
- (e) Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
  
- (f) Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the School will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) days to submit a written response, which the investigator will consider prior to completion of the investigative report. The School will make all such evidence subject to the

parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and

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

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

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

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

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

(c) Findings of fact supporting the determination;

- (d) Conclusions regarding the application of the School's policies to the facts;
  
- (e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the School imposes on the respondent, and whether remedies designed to restore or preserve equal access to the School's education program will be provided by the School to the complainant; and
  
- (f) The School's procedures and permissible bases for the complainant and respondent to appeal.

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

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

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

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

## Appeals

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

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

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

## Informal Resolution

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

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

- (i) Provides to the parties a written notice disclosing: the allegations; the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- (ii) Obtains the parties' voluntary, written consent to the informal resolution process; and
- (iii) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

### Recordkeeping

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

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



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

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

### Retaliation

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

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

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

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

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

### **Other Complaint Procedures**

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

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

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

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

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

### **Compliance Officer**

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

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## Computer Network Communications & Electronic Devices Policy

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HighMark Charter School

Policy: Computer Network Communications & Electronic Devices Policy

Adopted: August 20, 2018

### Acceptable Use Policy

Definition: Computer Network Communications include, but are not limited to, the use of local area networks, wide area networks, internet, online commercial communications, and all other computer communications provided by HighMark Charter School.

#### Purpose:

The purposes of computer network communications are to:

1. Computer networks are to be used for the educational purposes.
2. Computer network use in the school is a privilege and not a right.
3. Use of computer networks to support illegal, inappropriate or obscene purposes, is expressly prohibited and is grounds for disciplinary or legal action, account termination and monetary reimbursement for expenses incurred due to such activities.
4. Commercial use, product advertisement or political lobbying activities on computer networks are prohibited.
5. Each individual computer network account will be issued to one designated user only. Each user is ultimately responsible for all activity in the use of the account and will keep the password confidential.
6. Computer network users shall be committed to the efficient use of computer networks and use all practical measures to conserve time and storage space in their use of these resources.
7. Users who connect with other computer networks may also be subject to the acceptable use policies of those networks. It will be the responsibility of the ETS to keep school users informed of applicable operational procedures related to these policies.
8. The Administration is the final authority on the acceptable use of the networks and accounts under its jurisdiction.

9. Copyright law is strictly adhered to within the School District. Any violation of copyright law is prohibited.

10. Resources obtained through computer network communications shall be treated as confidential and private, and reasonable measures will be taken to protect the privacy rights of users. However, the School cautions users that no computer network communications should ever be considered as completely private, and are subject to monitoring by local, state, and federal agencies.

11. HighMark Charter School will take reasonable precautions to insure the security and appropriate use of the computer networks. However it does not accept responsibility for harm caused directly or indirectly through its use. HighMark Charter School is not liable for and disclaims any liability arising from any injury or damage caused by or stemming from unauthorized access to the network or inappropriate use of authorized access to the network. A student and the student's parents or guardians, by submitting their respective signatures in order to gain access to the computer network, agree to release the District from any liability for physical or emotional harm or damage resulting to the student that is caused by or related to the inappropriate use of the computer network.

#### Internet Safety

To the extent practical, technology protection measures (or "Internet filters") shall be used to block or filter internet, or other forms of electronic communications, access to inappropriate information, and blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors. To the extent practical, steps shall be taken to promote the safety and security of users of the school online computer network when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications. The wireless internet key will not be available to students.

As required by the Children's Internet Protection Act, prevention of inappropriate network usage includes:

(a) unauthorized access, including so-called "hacking" and other unlawful activities and Electronic Devices include, but not limited to; beepers, pagers, head phone sets, cell phones with or without video or picture-taking capability, MP3 players, iPods, and other electronic media, transmitters, receivers or players.

Electronic devices may be possessed and used during the school day and during school-sponsored activities as follows:

- The Principal, or teacher (with permission from the principal), may give permission for a student to possess and use an electronic device for good cause, including educational and medical

reasons, if the device does not distract from the instructional or educational process and is not otherwise used inappropriately.

- No headphone sets will be used in class, except for testing purposes. If music, video, etc. is to be played it will be only through the teacher's device, not the students'.
- Otherwise:
- All above electronic devices including headphone sets must remain out of sight in a bag or backpack and be turned off during the school day.
- Elementary students will turn off and put away in their backpacks all electronic devices (cellphones, watches, etc.) during the school day.
- Students may not use or respond to electronic devices during instructional time or during other times designated by teachers or administrators.
- Electronic devices must be turned off and put away, as determined by the individual teacher, during all class quizzes, tests and standardized assessments.
- Electronic toys are not allowed in the School.
- Electronic devices may not be used to bully, threaten, embarrass, harass, or intimidate other students, teachers, volunteers, School guests, or School employees.
- Picture taking or sound or video recording by students is prohibited in school unless authorized by a teacher or administrator. Picture taking or sound or video recording by students is prohibited in school private areas of the school such as locker rooms, counseling sessions, washrooms, and dressing areas.

### Consequences for Violation

#### Personal Devices:

A student will NOT receive a warning prior to discipline for violating this policy unless the violation involves cheating or constitutes a violation of the Student Conduct and Bullying Policy or at the discretion of administrators.

(1) On the first violation of this policy, the electronic device will be confiscated, labeled, and turned into the office. The principal, teachers, and other individuals designated by the principal may confiscate electronic devices according to this policy. The device will be given to the student at the end of the day.

(2) On the second offense, the device will be taken and parents will be notified. The device can be given to student at the end of the day.

(3) On the third offense, the device will be taken, and only a parent can pick up the device from the office.

(4) If more than three offenses, students cannot bring them to school or check them into the office at beginning of day and pickup at end of day.

*An individual other than a student that finds or confiscates an electronic device may search the device for the purpose of determining the device's owner. Students may not search electronic devices in order to determine the device's owner. Electronic devices that are used inappropriately may be subject to search by the principal only if there is a reasonable suspicion that the device contains obscene or pornographic material or has been used to cheat or to threaten, embarrass, harass, or intimidate other students, teachers, volunteers, school guests, or school employees.*

Students are responsible for their own electronic devices and may be jointly subject to discipline if their device is misused by another.

The school is not responsible for loss, damage or theft of any electronic devices.

The school will make reasonable efforts to notify parents/guardians that the School has a student's electronic device in its possession.

Parents/guardians who show identification may retrieve confiscated electronic devices during school hours or by appointment. *The school will retain un-retrieved electronic devices until the end of the school year, at which time all personal data will be cleared from the devices before their disposal.*

#### School Devices:

(1) It is the responsibility of the students to report immediately any damage to their assigned computer before using the device.

(2) Any damage to the computer will be charged to the student based upon the cost of repair or replacement.

(3) Students who damage or misuse computers or the school's networks will not be able to have access to either one for a time period determined by the principal.

Teachers and other school employees are encouraged to use electronic devices creatively in order to effectively communicate with students and parents/guardians and to enhance instruction.

## Concussion and Head Injury Policy

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HighMark Charter School

Policy: Concussion and Head Injury Policy

Adopted: January 16, 2012

### Policy

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

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



## Conflict of Interest Policy

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HighMark Charter School  
Policy: Conflict of Interest Policy  
Adopted: August 14, 2013

### Purpose

The purpose of this policy is to ensure that members of the Board of Directors (the “Board”) of HighMark Charter School (the “School”) conduct themselves in a manner that avoids actual or apparent conflicts of interest, and comply with all applicable regulations, rules and law. All business decisions must be made in the School’s best interest. A conflict of interest arises when the judgment of a Board member is or may be influenced by considerations of improper personal gain or benefit to the individual or to another person.

### Policy

A Board member shall not have any direct or indirect pecuniary interest in a contract with the School, nor shall he/she furnish directly and for compensation any labor, equipment, or supplies to the School.

In the event that a Board member is employed by a business entity that furnishes goods or services to the School, the Board member shall declare such facts and refrain from discussing or voting upon the question of contracting with the entity.

It is not the intent of this policy to prevent the School from contracting with corporations or businesses because a Board member is an employee of the firm. The policy is designed to prevent the placing of Board members in a position where their interest in the School and their interest in their places of employment might conflict and to avoid appearances of conflict of interest even if such conflict may not exist.

A member of the Board, or the spouse, parent, sibling, or child of a member of the Board, may not be an employee of the School. If any other relative of a Board member is considered for employment in the School, the Board member must (a) disclose the relationship in writing to the other Board members and the Principal, (b) submit the employment decision for the approval, by majority vote, of the Board, (c) abstain from voting on the issue, and (d) be absent from any meeting when the employment of the relative is being considered or determined.

Volunteer activities of a member of the Board, or any relative of a member of the Board, are not prohibited by this section but may be prescribed by policies developed and approved by the Board.

## Course Substitution Policy

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HighMark Charter School

Policy: Course Substitution Policy

Adopted: October 15, 2018

### Policy

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

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

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

### Appeal Process

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

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

## Credit Evaluation Standards and Guidelines Policy

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HighMark Charter School

Policy: Credit Evaluation Standards and Guidelines Policy

Adopted: December 19, 2011

### Purpose

The purpose of this policy is to ensure equity and fairness to all students when evaluating credit earned at institutions other than HighMark Charter School (the “School”) and to be in compliance with Utah State Rule R277-705-3.

### Policy

1. Pursuant with Utah Code § 53A-13-108.5, the School shall accept student credit and grades at face value from public and non-public schools accredited by Northwest Accreditation Commission (“NAC”) and by regional or third party accrediting associations recognized by NAC.
2. Requests for acceptance of credit from a school that is not accredited will be referred to the Credit Evaluation Committee for credit determination. The School’s Credit Evaluation Committee findings will be based on the following forms of evidence:
  - a. Course title and description
  - b. List of instructional materials used
  - c. Student achievement (progress)
    - i. Formative evaluations (sample)
    - ii. Summative evaluations (sample)
  - d. Correlation of course objectives with the Utah State Core Curriculum standards and objectives
  - e. Course length and student attendance
    - i. Number of days the class met
    - ii. Normal class length
    - iii. Number of classes attended by the student
  - f. Grading criteria used
  - g. Teacher name, qualifications, certifications, endorsements, etc.
  - h. Course requirements for credit (representative sample of student work)
  - i. Copy of student records

j. In addition to the forms of evidence listed above, students seeking credit may be required to demonstrate competency through end-of-level testing approved by the School in areas where competency tests are available.

3. The School will have the final decision-making authority for the awarding of credit and grades from non-accredited sources consistent with state law and due process.

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

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

## Donations and Fundraising Policy

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HighMark Charter School

Policy: Donations and Fundraising Policy

Adopted: September 16, 2013

Reviewed: May 27, 2023

Although HighMark Charter School (the “School”) does not typically engage directly in fundraising, it may do so on certain occasions in order to help advance the School’s mission. The School encourages the contributions of gracious donors who have the resources and the inclination to make donations for the benefit of the School and its students. This policy establishes guidelines and standards for the School’s acceptance of donations and gifts as well as for when the School engages in or sponsors fundraising activities.

### Donations and Gifts

The School may not transfer or expend donated property in a manner contrary to donor restrictions imposed as a condition of making the donation. The Director is also responsible for ensuring that donor restrictions of accepted donations are complied with and that compliance can be verified. The Director will ensure that charitable donation receipts are provided to donors as necessary.

The Director must approve voluntary donations from private individual or organization in excess of \$1,000 and any donation involving donor restrictions prior to accepting the donation. The Board of Directors must approve any voluntary donations from private individual or organization in excess of \$10,000. The School may not accept donations with the condition that the donation provide direct benefit to specific School employees, students, vendors, or name brand goods or services.

If advertising or other services are offered to a donor in exchange for a donation or gift, the School will objectively value the donation or gift in order to ensure the School receives at least fair value.

The Director must ensure that any applicable fiscal policies of the School are complied with in connection with donations. The School will comply with other applicable laws and regulations, including but not limited to procurement requirements, rules related to construction of improvements, IRS regulations, and Title IX requirements.

## Fundraising

Fundraising is defined as an organized effort to solicit individuals, businesses or foundations for money or in-kind gifts to be given directly to the School.

For the purposes of this policy, “school sponsored” means activities that are expressly authorized by the School’s Director or Board of Directors that support the School or authorized curricular clubs, activities, sports, classes, or programs that are themselves school sponsored. School-sponsored activities must be managed or supervised by School employees. Activities sponsored by the School’s parent organization are not school-sponsored activities, but the parent organization may be involved in and provided assistance in connection with school-sponsored activities.

The following guidelines must be followed in connection with School fundraising:

1. The fundraising activity must be undertaken with the intent of obtaining a benefit consistent with the School’s mission.
2. The fundraising activity must not violate the School’s charter, Board policies, or applicable law.
3. Proposals for fundraising activities must be submitted to the School’s Director for approval.
4. The Director may restrict the time, place, and manner of any approved fundraising activity.
5. Fundraising activities should be planned and scheduled in a manner that does not create conflict, confusion, or excessive fundraising pressures on students, families or potential donors.
6. Fundraising activities that may expose the School to risk of financial loss or liability if the activity is not successful should not be approved.
7. The participation of School employees, students and parents in any fundraising activity must be voluntary. However, School employees may be assigned to supervise students in connection with School-sponsored fundraising activities in connection with their employment. Such employees may be compensated for such work as appropriate as determined by the Director.
8. Students may not be required to participate in a fundraising activity as a condition for belonging to a team, club or group, and a student’s fundraising efforts may not affect his or her participation time or standing in any team, club or group.
9. Competitive enticements for student participation in fundraising efforts are generally discouraged, and any such rewards or prizes must be approved by the Director.

10. The Director will ensure that the School's Fee Waiver Policy is complied with in connection with all School-sponsored fundraising activities that involve fees. Any fee waivers must be granted in accordance with the Fee Waiver Policy.
11. All funds raised through school-sponsored fundraising activities are considered public funds and will be handled accordingly. The Director will ensure that all other applicable fiscal policies are complied with in connection with fundraising activities.
12. Any fundraising activities that are related to the School but not school sponsored, such as fundraising activities of the parent organization, should clearly inform School patrons that the activity is not school sponsored. School employees may participate in such activities as volunteers but must not represent that they are acting as employees or representatives of the School.
13. The Director will ensure that charitable donation receipts are provided as necessary.
14. The School's employer identification number and sales tax exemption number may only be used by School personnel in connection with school-sponsored activities. No other entity, including the School's parent organization, may use these numbers.
15. Any School employee involved in managing or overseeing non-School-sponsored fundraising must disclose to the Director any financial or controlling interest in or access to bank accounts of the fundraising organization or company.
16. The School may cooperate with outside entities such as the parent organization in connection with non-school-sponsored fundraising activities. The School may allow these groups to use School facilities at little or no charge. At the Director's discretion, the School may provide some level of support or pay for portions of these activities. The details of the arrangements for non-school-sponsored fundraising activities shall be understood and agreed to by the Director and the representatives of the outside entity. This must take into consideration the School's fiduciary responsibility for the management and use of public funds and assets.
17. The School is committed to principles of gender equity and compliance with Title IX guidance. The School commits to use all facilities, unrestricted gifts and other available funds in harmony with these principles. The School reserves the right to decline or restrict donations, gifts, and fundraising proceeds, including those that might result in gender inequity or a violation of Title IX. Fundraising opportunities should be equitable for all students, comply with Title IX, and be in harmony with Article X of the Utah Constitution.

The Director will ensure that School employees receive appropriate training in connection with these policies. Training shall be provided at least annually to employees whose job duties are affected by the School's fiscal policies.

The Board will review this policy at least bi-annually.



## Dress Code Policy

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HighMark Charter School  
Policy: Dress Code Policy  
Amended: June 24, 2021

### Dress Standard for HighMark

The purpose of the HighMark Charter School dress code policy is to help promote school spirit and unity, prevent socio-economic discrimination, and create a learning environment free of unnecessary distractions. HMCS's objective in establishing a business casual dress code is to allow our students and employees to work comfortably while projecting a professional image that will enhance the learning environment, encourage appropriate school behavior and prepare the students for appropriate dress in the workplace.

**Policy:** The dress standard at HighMark Charter School will require all students to adhere to this policy during school hours, games and field trips. Clothing must be clean, in good condition, and sized appropriately. Anytime students are presenting in class or representing the school, they need to dress appropriately in business attire. Part of the grade for presenting will be to dress in business attire.

### **Shirts:**

- Sheer or lace clothing need a sleeved shirt underneath
- Long enough to tuck in
- No tank tops, sleeveless, halter tops, pajamas, hoodies and midriff tops
- Modest dresses
  - Jumpers with modest length with sleeves can be worn as a dress
  - Coats/jackets may not be worn in class

### **Bottoms:**

- No frays or holes
- Underclothing may not be visible
- Dresses and skirts are modest length – 2 inches above knee
- Shorts or leggings are recommended under skirts or dresses
- Skirts and jump suits
- No athletic bottoms: basketball shorts, running shorts, bike shorts, yoga or parachute pants; no exercise pants with logos, stripes, sheer, etc.
- No sweats, warm-ups, pajamas or leather material will be worn

**Accessories:**

Jr. High students will wear a lanyard with their scan card attached at all times. 3rd-6th elementary students will have a lanyard with a scan card and follow the teachers' directions in wearing it. K-2nd will have a scan card, but kept by the teacher in a book to be shared with library and lunch. *JUST a thought: put cards in book like library and teacher can scan quickly and aide takes it to lunchroom.*

All accessories should complement the outfit without distracting from the educational process. Scarves can be worn. No hats, hoods, bandanas, headbands with ears/unicorns, etc., or sunglasses will be allowed. Distracting hairstyles and hair colors are not permitted. No shoes with wheels, slippers, open-toed (elementary only), or high heels will be permitted. Body piercing is limited to one pair of earrings only. Coats/jackets may not be worn in class. No torn, frayed or cut-off clothing is allowed. No gang related items, colors, etc. are allowed.

**Junior High Physical Education Classes:**

Black athletic shorts or pants. Plain grey t-shirt with or without school logo and with sleeves. Appropriate sports bras, leotards, and other undergarments may be worn as underclothing, but underclothing may not be visible. Tennis or athletic shoes required.

### **Casual Friday & School Spirit Days:**

- Spirit Days: Home Game days will be Spirit Days or when authorized by administration. Students should wear a HighMark t-shirt, collared shirt, or hoodie.
  
- Casual Fridays: Each Friday is a free dress day. All grooming, modesty and other standards will still apply. Tank tops, sleeveless tops, halter tops, hoodies, midriff tops, sweats, warm-ups, pajamas, athletic shorts, etc. are not allowed.

### **Dress for Success Days:**

An important role at HighMark is teaching students how to dress professionally. An interview would be a perfect example of when you should dress professionally. Students are required to Dress for Success on the 4th Monday of each month. Additional guidelines for Dress for Success Days will be provided.

## Dropout Prevention and Recovery Policy

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HighMark Charter School

Policy: Dropout Prevention and Recovery Policy

Approved: May 27, 2023

### **Policy**

HighMark Charter School (the “School”) adopts this policy in accordance with the requirements of Utah Code § 53G-9-801 *et seq.* and Utah Administrative Code R277-606.

For purposes of this policy, a “designated student” is a ninth-grade student:

1. Who has withdrawn from the School before completing ninth grade, who was dropped from average daily membership, and whose cohort has not yet graduated; or
2. Who is at risk of meeting the above criteria as determined by the School using the following risk factors:
  - a. Low academic performance, as measured by grades, test scores, or course failure;
  - b. Poor behavior, as measured by office disciplinary referrals, suspensions, or expulsions; and
  - c. Absenteeism, whether excused or unexcused absences, and including days tardy or truant.

The School will engage with or attempt to engage with designated students in order to offer dropout prevention and recovery services to them. Designated students may choose whether to enroll in the School’s dropout prevention and recovery program. The services provided to designated students who enroll in this program will include:

1. Consulting with designated students and developing a learning plan to identify:
    - a. Barriers to regular school attendance;
    - b. An attainment goal; and
    - c. Means for achieving the attainment goal.
  
  2. Monitoring a designated student's progress toward reaching the designated student's attainment goal. The attainment goal will be measurable and correlated with what would be considered a year's worth of progress.
  
  3. Providing tiered interventions and flexible enrollment options for a designated student who is not making progress toward reaching the student's attainment goal, including meeting regularly with the designated student. Membership days for the student will be determined according to the School's attendance and enrollment policies and procedures.
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## Dual Enrollment Policy

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HighMark Charter School  
Policy: Dual Enrollment Policy  
Adopted: October 17, 2011

### Purpose

The purpose of this policy is to articulate HighMark Charter School's (the "School") position on the dual enrollment of private school and home schooled students in the School.

### Policy

Pursuant to Utah Code Ann. § 53A-11-102.5, students may be dually enrolled in both the School and in a private school or home school under the conditions set forth herein.

A parent seeking to dually enroll a student must certify that the student will receive instruction (a) in the subjects the State Board of Education requires to be taught in public schools and (b) for the same length of time as minors are required to receive instruction in public schools, as provided by rules of the State Board of Education.

All students of the School must be enrolled in the School for at least  $\frac{3}{4}$  of each school day. Therefore, no student of the School will be allowed to dually enroll if they do not plan to attend at least  $\frac{3}{4}$  of each school day.

Requests for dual enrollment should be provided to the School's Director using the Application for Home School Dual Enrollment.

Students who are dually enrolled in the School and in a private school or home school will only take the state Criterion Referenced Tests ("CRTs") and other assessments for the subjects for which they receive instruction at the School.

## E-Rate Gift Policy

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HighMark Charter School  
Policy: E-Rate Gift Policy  
Adopted: September 16, 2013

It is the policy of HighMark Charter School (the “School”) to comply with the gift rules outlined in the FCC’s 6<sup>th</sup> Report and Order. Specifically, as an E-Rate applicant, the School and its employees and agents will not solicit or accept any gift or other thing of value from a service provider participating in or seeking to participate in the E-Rate program. This policy is applicable at all times regardless of whether a competitive bidding process is taking place. Notwithstanding the foregoing, this policy is not intended to discourage charitable giving.

## E-Rate Procurement Policy

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HighMark Charter School

Policy: E-Rate Procurement Policy

Adopted: September 16, 2013

In selecting service providers for all eligible goods and/or services for which Universal Service Fund (“E-Rate”) support will be requested, HighMark Charter School (the “School”) shall:

Make a request for competitive bids for all eligible goods and/or services for which E-Rate support will be requested and comply with all applicable state procurement processes.

Wait at least twenty-eight (28) days after the posting date of the FCC Form 470 on the USAC Schools and Libraries website before making commitments with the selected service providers.

Consider all bids submitted and select the most cost-effective service offering, with price being the primary factor considered.

Maintain control over the competitive bidding process; shall not surrender control of the process to a service provider who is participating in the bidding process; and shall not include service provider contact information on the FCC Forms 470.

If a situation is not addressed by this policy, the School will follow 47 C.F.R., section 54.503.



## E-Rate Record Retention Policy

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HighMark Charter School

Policy: E-Rate Record Retention Policy

Adopted: September 16, 2013

It is the policy of HighMark Charter School (the “School”) to retain all e-Rate records for a period of five (5) years after the last date of service in accordance with FCC Fifth Report and Order (Para. 47, FCC 04-190, Adopted August 4, 2004).

## Electronic Meetings Policy

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HighMark Charter School  
Policy: Electronic Meetings Policy  
Amended: October 17, 2022

### Purpose

The purpose of this policy is to establish the means and procedures by which the Board of Directors (the "Board") may conduct electronic meetings in accordance with the provisions of the Utah Open and Public Meetings Act (hereinafter "the Act"), including Utah Code Ann. § 52-4-207.

### Policy Definitions

The Board adopts for application in this policy the definitions in the Act at § 52-4-103.

### Electronic Meetings

The Board may, from time to time as needed, convene and conduct Board meetings in which one or more members attend and participate in the meeting through electronic means.

Electronic Board meetings include meetings convened and conducted in accordance with the Act by means of a conference using electronic communications.

The Board will establish one or more anchor locations for the electronic board meeting, at least one of which is the building where the Board would normally meet if they were not holding an electronic meeting.

The Board will provide space and facilities at the anchor location so that interested persons and the public may attend and monitor the open portions of the meeting. If public comments will be accepted during the electronic meeting, the Board will provide space and facilities at the anchor location so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

Board members who are able to both hear and verbally participate in the meeting electronically are considered present for purposes of determining the presence of a quorum at an electronic meeting.

The Board shall take all votes by roll call during an electronic meeting, with the exception of a unanimous vote.

#### Notice

Prior to conducting an electronic meeting, the Board shall provide advance notice of the meeting in accordance with the Act.

Notice shall be provided to all Board members, as well as to members of the public in accordance with the provisions of the Act.

Each notice shall describe the means of communication, anchor location, and the means by which members of the public will be able to monitor and, when appropriate, participate in the electronic meetings.

## Electronic Resources Policy

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HighMark Charter School

Policy: Electronic Resources Policy

Adopted: July 16, 2020

Reviewed: May 27, 2023

### Purpose

HighMark Charter School (the “School”) recognizes the value of computer and other electronic resources to facilitate student learning and help the School’s employees accomplish the School’s mission. The School has therefore made substantial investments to establish a network and provide various electronic resources for its students’ and employees’ use. Because of the potential harm to students and the School from misuse of these resources, the School requires the safe and responsible use of computers; computer networks, including e-mail and the Internet; and other electronic resources. This policy is intended to ensure such safe and responsible use and to comply with Utah Administrative Rule R277-495, the Children’s Internet Protection Act, and other applicable laws.

### Electronic Devices

The School recognizes that various forms of electronic devices are widely used by both students and employees and are important tools in today’s society. The School seeks to ensure that the use of electronic devices, both privately-owned devices and devices owned by the School, does not cause harm or otherwise interfere with the learning, safety, or security of students or employees. The Principal shall therefore establish reasonable rules and procedures regarding the use of electronic devices at School and School-sponsored activities in compliance with applicable laws.

### Internet Safety

It is the School’s policy to: (a) prevent user access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communications; (b) prevent unauthorized access and other unlawful online activity; (c) prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and (d) comply with the Children’s Internet Protection Act (section 254(h) of title 47, United States Code). The Principal shall establish procedures to accomplish these objectives and ensure compliance with applicable laws.

### Student Acceptable Use of School Electronic Resources

The School makes various electronic resources available to students. These resources include computers and other electronic devices and related software and hardware as well as the School's network and access to the Internet. The School's goal in providing such electronic resources to students is to enhance the educational experience and promote the accomplishment of the School's mission.

Electronic resources can provide access to a multitude of information and allow communication with people all over the world. Along with this access comes the availability of materials that may be considered inappropriate, unacceptable, of no educational value, or even illegal.

The Principal shall ensure that rules and procedures regarding students' use of the School's electronic resources are established and clearly communicated to students and their parents/guardians. The Principal will ensure that safeguards are in place to restrict access to inappropriate materials and that the use of the Internet and other electronic resources is monitored. The Principal shall ensure that students receive appropriate training regarding these rules and procedures.

#### Staff Acceptable Use of School Electronic Resources

Improper use of the School's electronic resources by employees has the potential to negatively impact students, damage the School's image, and impair the School's electronic resources. Therefore, this policy is intended to govern employees' and volunteers' use of the School's electronic resources, and employees must agree to these terms as a condition of employment. The Principal shall establish rules and procedures regarding employees' use of the School's electronic resources.

This policy will be reviewed periodically to ensure that it continues to meet the School's needs.

## Emergency Preparedness Plan

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HighMark Charter School  
Policy: Emergency Preparedness Plan  
Amended: August 17, 2020

### **HIGHMARK CHARTER SCHOOL**

### **EMERGENCY RESPONSE**

### **AND PREPAREDNESS PLAN**

Last Reviewed by Committee: 7/20/20

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## **APPROVAL STATEMENT**

The Emergency Response and Preparedness Plan for HighMark Charter School has been reviewed and found to comply with known applicable requirements.

## **INTRODUCTION**

HighMark Charter School is a K-9 charter school located at 2467 E. South Weber Drive, South Weber, Utah 84405. The school site consists of one building. The school regularly enrolls over 600 students each year and employs over 60 employees.

An emergency is the existence of conditions of disaster or extreme peril to the safety of persons or property caused by air pollution, fire, flood or floodwater, storm, epidemic, riot, earthquake, intruder or other causes. An emergency may require a response that is beyond the capability of the services, personnel, equipment and facilities of the school and require the combined efforts of the State or other political subdivisions.

School facilities must be prepared to respond to an emergency or traumatic event in an organized and timely manner so that students and staff can continue to function effectively without additional trauma or the development of additional emergencies. Every school emergency must be managed in a way that ensures the safety of everyone involved. In order to provide a safe and secure teaching and learning environment, personnel must plan for the management of emergency events that cannot be predicted or prevented.

## **PURPOSE**

This plan is adopted pursuant to Utah Code § 53G-4-402(18) and R277-400.

One of the greatest mistakes school personnel make in emergencies is not knowing what to do and when to do it. Planning, training and drills will help prevent mistakes. This plan provides specific steps to take in the most likely emergency situations.

A. Preparation and procedures are necessary for the safety of students and school personnel. Planning, preparation, and training will help school personnel learn the proper course of action in an emergency. This plan will provide step-by-step guidelines to help deal with emergencies.

B. The school's emergency plan must be well organized, and all staff members must be trained in order to effectively prepare for an emergency.

C. This plan cannot foresee all possible circumstances of an emergency. Staff must be prepared to evaluate all the circumstances and make sound judgments based on the situation.

D. Procedures will be developed to provide for disabled and non-English speaking students and staff.

## **GENERAL**

### **DIRECTION AND CONTROL**

The school's Board of Directors, through the school's Principal/Director, is the chief officer for school emergencies. The Principal/Director has the primary responsibility for implementing this plan and any related policies and procedures.

Site personnel will handle less serious emergencies on site with the assistance of local fire and law enforcement agencies as necessary.

In case of a more serious emergency that is beyond the capabilities of school personnel to handle, site personnel will coordinate with local emergency response agencies. This may include having a school staff member act as liaison with responding agencies.

### **COMMITTEE – PLAN DEVELOPMENT AND MAINTENANCE**

A committee will be established to develop and periodically review this plan. The committee may consist of individuals such as the Principal/Director, maintenance personnel/custodian, office staff, teachers, school counselors, and parent volunteers. Local law enforcement, fire/EMS, and other governmental agencies/bodies vested with responsibility for directing and coordinating emergency services on local and state levels will also be invited to participate.

The school's committee will review this plan at least every three (3) years as well as update information and assignments and suggest any changes that may be necessary to maintain this plan's usefulness. Part of the review will include reviewing the school's existing security measures and procedures and recommending any necessary adjustments as funding permits.

### **FILING OF PLAN AND PROVIDING NOTICE OF PLAN**

A copy of this plan will be filed with the Principal/Director.

The school will provide parents and staff of the school written notice of this plan at the beginning of each school year via the school's website and registration packet.

The school will also annually provide parents, as part of its registration and enrollment process, a summary of parental expectations and notification procedures related to the school's parent and

student reunification plan in the event of an evacuation (see the evacuation procedures and its parent and parent and student reunification sections in this plan).

### **PLAN CERTIFICATIONS**

Upon request, by July 1 of each year the school shall certify to the State Superintendent that this plan has been (a) practiced at the school level; and (b) presented to and reviewed by the school's teachers, administrators, students and guardians, local law enforcement, and public safety representatives consistent with Utah Code § 53G-4-402(18).

### **EDUCATIONAL SERVICES, SUPERVISION OF STUDENTS, AND BUILDING ACCESS DURING EMERGENCIES**

The school will, to the extent reasonably possible, provide educational services during school hours to students whose regular school program has been disrupted by an extended emergency. The school's ability to provide educational services will depend on the nature and extent of the emergency, including the school's ability to locate a facility if the building has been damaged, the impact of the emergency on the school's staff members, and the availability of other resources necessary to service students.

In the event of such an emergency, the school will provide notice to parents regarding the details of the arrangements that have been made to provide educational services.

In emergency situations where it is necessary to evacuate the school, the school will follow the evacuation procedures set forth in this plan. Teachers or other school personnel will provide reasonable care and supervision of students until students are released in accordance with this plan and the evacuation procedures. All visitors at the school will also be instructed to evacuate the school during such emergency situations.

During emergency situations, administrators, teachers, and contractors are entitled to use their access cards/keys to the school building:

In non-emergency situations, all doors to the building are generally locked until 7:45 a.m. Staff may access entrance to the building at any time with their access card. The front door is generally unlocked from 7:45 a.m. to 3:45 p.m. The time may be extended if there is an activity at the school. It is generally the only door that is unlocked.

## **TRAINING**

Each year the school will provide students with emergency preparedness training appropriate to their ages. This training may include items such as evacuation, rescue techniques, first aid, safety measures for specific emergencies, and other emergency skills.

In addition, the school will designate an emergency preparedness/emergency response week prior to April 30 each year for the purpose of providing emergency preparedness or response training, distributing current and relevant safety information, and conducting emergency related activities such as those described in R277-400-4((4)(3).

The school will also provide annual training for staff on their roles, responsibilities and priorities under this plan.

## **DRILLS**

During the school year, the school will conduct emergency drills at least once each month during school time. Fire drills will occur every other month during the school year, with the first fire drill occurring in the first 10 days of the school year. Flow tests will be done quarterly. Fire drills will be initiated by activation of the fire alarm system and will include the complete evacuation of all persons from the school building or portion of the building used for educational purposes, with the exception of staff members responsible for notifying the fire department and handling emergency communication. The school will notify the local fire department prior to each fire drill if notice is required by the local fire chief.

The school will alternate doing one of the following practices or drills in the months where no fire drills are conducted: shelter in place; earthquake; lock down or lock out for violence; bomb

threat; civil disturbance; flood; hazardous materials spill; utility failure; wind or other types of severe weather; parent and student reunification; shelter and mass care for natural and technological hazards; or another emergency drill appropriate for the school's location.

No later than October 1 each year, the school will conduct at least one annual drill for school emergencies in addition to the emergency drills described above.

The school will coordinate with local law enforcement and other public safety representatives in appropriate drills for school safety emergencies.

### **FUNDS FOR EMERGENCIES**

The Principal/Director will ensure that, in the event of an emergency, all funds expended in connection with the emergency will be documented as such. The Principal/Director will coordinate with the school's property and casualty insurer regarding the filing of any insurance claims and seeking reimbursement for losses and emergency expenditures.



## **SAFETY PROCEDURES**

## **PICK-UP AND DROP-OFF PROCEDURES**

### Drop-off / Pick-Up

Students should be dropped off no earlier than 8:05 am. Students should be picked up no later than 3:20pm MON-THU and 1:50 pm on FRI.

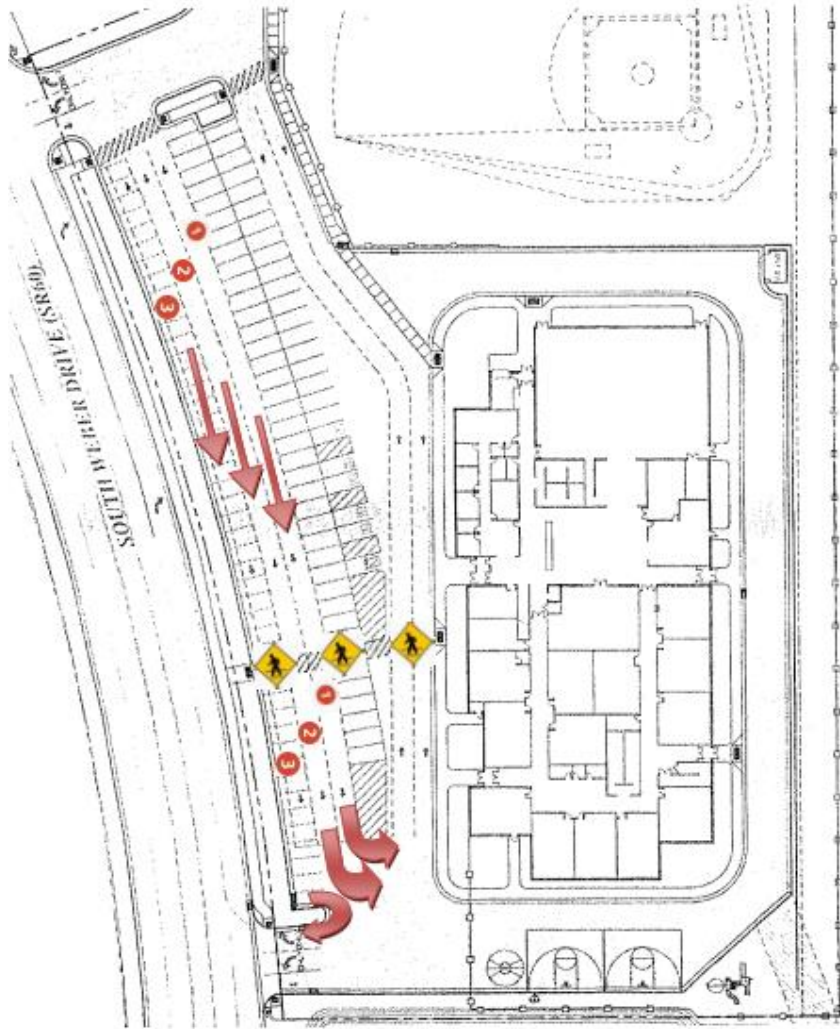
#### **MON-THU**

Pick up time: 3:05-3:20 pm

#### **FRI**

Pick up time: 1:35-1:50 pm

Exceptions allowed for appointments made with teachers, administration, or staff



## **SAFE WALKING/BIKING PROCEDURES**

The following procedures are established to help ensure the safety of students who walk or ride bikes to school.

- The school is only responsible for students while they are on school grounds.***

- Parents should review their children's walking/biking route with them and teach them to be safe.
  
- Some routes to school may have stretches with no sidewalk, and/or intersections with no crossing guard. Students should use caution, stay well off the street, and cross roadways only after looking both ways.
  
- Bikers should wear a helmet and stay to the far right side of the street.
  
- If possible, students should not walk or bike to and from school alone. Students should avoid talking to strangers and never approach their cars. Students should scream and run away if they feel they are in danger. They should then tell a crossing guard, another mother with kids, or a teacher or other adult at school what happened as soon as possible.
  
- Once on school grounds, students should walk their bike and stay on sidewalks.

## **SAFE ROUTES UTAH PLAN**

Please see the school's Safe Routes Utah Map at <https://www.saferoutesutahmap.com>

## VISITORS ON CAMPUS

A key aspect of school safety involves controlling who comes on the campus and what they bring with them. The school will therefore require all visitors to enter through the front entrance and sign in at the office. In the event of an emergency requiring evacuation, the front office must have an accurate accounting of everyone on the campus so they can inform first responders.

- Authorized Visitors register their presence with the school office, wear school-issued stickers, and comply with school procedures to conduct campus business.
  
- Unauthorized Visitors do not register in the office, but their presence is perceived as non-threatening. These persons, when approached, will immediately comply with visitation procedures.
  
- Intruders are unauthorized visitors who do not cooperate with school staff, who refuse to comply with visitation procedures, and whose presence is perceived as hostile or threatening to students or staff.
  
- ANYONE seen on campus without a visitor or volunteer sticker should be asked about his or her presence. “May I help you?” is an appropriate question when greeting someone without a nametag. Parents and volunteers may politely ask about someone’s presence when they are not wearing a visitor or volunteer sticker.
  
- If someone does not have an appropriate sticker displayed, they should be directed to the front office for proper sign in.
  
- Parents should sign in all younger children and infants who accompany them in order to allow the office to account for everyone in the building in the event of an emergency.

Visitors who sign in and wear a sticker may become a campus “intruder” depending on their actions while on campus. Visitors should state their business when signing in. Straying from campus business can be a disruption to classroom instruction and should be avoided.

Visitors should always sign out when leaving campus.

Notices will be posted on all door to the school outlining the required check-in procedure for parents.

## **OFF CAMPUS STUDENTS**

The school's office staff will ensure that they are able to identify all students who are off campus during the school day participating in a school-related activity or excused from school for a period of time to participate in religious instruction at the request of the student's parent. Office staff will ensure that they have contact information for the staff member responsible for the school-related activity and for the individual responsible for the religious instruction and will, to the extent practicable, notify those students in the event of an emergency at school, including a school violence emergency.

## MEDIA

**All school staff must refer media inquiries to the school spokesperson.**

**The Principal/Director and Law Enforcement assume responsibility for issuing public statements during an emergency.**

- The Principal/Director typically serves as the school spokesperson unless he/she or the Board of Directors designates another spokesperson. If the spokesperson is unavailable, an alternate assumes responsibilities.
  
- The Principal/Director or his/her designee also coordinates with emergency responders.

School Spokesperson: Mary Johnston: (801) 476-4627

Alternate School Spokesperson: Richard Bigler: (801) 476-4627

**During an emergency, adhere to the following procedures:**

- Principal/Director prepares a written statement to use when responding to media inquiries.
- Be brief and focus only on facts.
- Respect privacy of victim(s) and family of victim(s). **Do not release names to media.**
- Emphasize safety of students and staff first.
- Briefly describe school's plan for responding to emergency.
- Avoid exaggerating or sensationalizing situation.
- Adapt statement as needed.
  
- Staff members who receive media inquiries should note the individual's contact information and what information they are seeking, let them know that the school spokesperson will be contacting them, and forward the information to the school spokesperson to respond.



- Establish a media information center away from school if necessary.
  
- Update media regularly. **Do not say "No comment"**.
  
- Do not argue with media.
  
- Maintain log of all telephone inquiries.

**SAMPLE PUBLIC STATEMENT FORM**

Check ( ) as appropriate:

School: \_\_\_\_\_

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

NOTE: If this is used as a script, read only those items checked. Make no other comments.

(Check off, fill in, and cross off as appropriate.)

\_\_\_\_\_ has just experienced \_\_\_\_\_

\_\_\_\_\_

\_\_\_ The (students/employees) [(are being) or (have been)] accounted for.

\_\_\_ No further information is available at this time.

\_\_\_ Emergency medical services [(are here) or (are on the way) or (are not available to us)].

\_\_\_ Police [(are here) or (are on the way) or (are not available to us)].

\_\_\_ Fire Dept. /paramedics [(are here) or (are on the way) or (are not available to us)].

\_\_\_ \_\_\_\_\_ [(are here) or (are on the way) or (are not available to us)].

\_\_\_ Communication center(s) for parents (is/are) being set up at \_\_\_\_\_  
\_\_\_\_\_ to answer questions about individual students.

\_\_\_ Communication center(s) for families (is/are) being set up at \_\_\_\_\_  
\_\_\_\_\_ to answer questions about individual employees.

\_\_\_ Injuries have been reported at \_\_\_\_\_ and are being treated at the site by (Staff/professional medical responders). (#) \_\_\_\_\_ reported injured.

\_\_\_ Students have been taken to a safe area at \_\_\_\_\_ and are with [(classroom teachers/staff) or (\_\_\_\_\_)].

\_\_\_ (#) Students have been taken to the local emergency room for treatment of serious injury. Parents of injured students should go to the emergency room at \_\_\_\_\_

\_\_\_\_\_.

\_\_\_ (#) Confirmed deaths have been reported at \_\_\_\_\_. Names cannot be released until families have been notified.

\_\_\_ Structural damage has been reported at \_\_\_\_\_

Release restrictions \_\_\_\_\_ No \_\_\_\_\_ Yes

If yes, what? \_\_\_\_\_

Released to the public as Public Information Release # \_\_\_\_\_

Date/Time: \_\_\_\_\_

## **EMERGENCY PROCEDURES**

### **ASSAULT/FIGHTS**

- Ensure the safety of students and staff first.
  
- Notify Principal/Director.
  
- Call 911 or police if necessary. Principal/Director must notify police if weapon was used, victim has physical injury causing substantial pain or impairment of physical condition, or assault involved sexual contact (Defined as intentional touching of anus, breast, buttocks or genitalia of another person in a sexual manner without consent. This includes touching areas covered by clothing.).
  
- Defuse situation, if possible.
  
- Notify CPR/first aid certified persons in school building of medical emergencies (names of CPR/first aid certified persons are listed in the appendix).
  
- Assemble necessary Crisis Team Members as applicable.
  
- Seal off area where assault took place.
  
- Principal/Director notifies parents of students involved in assault.
  
- Document all activities. Ask victim(s)/witness(es) for their account of incident.

- Assess counseling needs of victim(s) or witness(es). Implement any necessary post-crisis procedures.

## **BOMB THREAT**

### **Upon receiving a message that a bomb has been planted in school:**

- Use bomb threat checklist below.
  
- Ask the caller the questions in the checklist.
  
- Listen closely to caller's voice and speech patterns and to noises in background.  
E.
- After hanging up phone, immediately dial \*69 to trace call.  
F.
- Notify Principal/Director.  
G.
- Call 911.  
H.
- Principal/Director orders evacuation of all persons inside school building(s).

### **Evacuation procedures:**

- Use standard fire drill procedures. Evacuation prompt: "Please begin our school wide fieldtrip."
  
- Do not mention "Bomb Threat".

Direct students to take their belongings.

Students and staff must be evacuated a safe distance from school building(s).  
Principal/Director may move students to the secondary relocation center, the Church of Jesus Christ of Latter-day Saints located at 2620 E. 8200 S. if weather is inclement or the school building is damaged.

Teachers take roll after being evacuated.

I.

No one may re-enter the building(s) until fire or police personnel declare them safe.

J.

Principal/Director notifies students and staff of termination of emergency.

K.

Resume normal operations.

**Signal: “Fire Alarm Sound”**

**Action: Evacuate the building**



**BOMB THREAT CHECKLIST**

**Description Detail Report**

**Questions to ask:**

- 1) When is the bomb going to explode?
- 2) Where is it right now?
- 3) What does it look like?
- 4) What kind of bomb is it?
- 5) What will cause it to explode?
- 6) Did you place the bomb?
- 7) Why?
- 8) What is your address?
- 9) What is your name?

Exact wording of the threat:

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Sex of Caller: Race:

Length of call: Age:

Date: Time:

Number at which call was received:

**Callers Voice - Circle as applicable:**

- Calm
- Angry
- Excited
- Slow
- Rapid
- Soft
- Loud
- Nasal
- Stutter
- Lisp
- Raspy
- Deep
- Ragged
- Clearing Throat
- Laughter
- Crying
- Normal
- Distinct
- Slurred
- Deep Breathing
- Cracked Voice
- Disguised
- Accent
- Familiar

If voice is familiar, who did it sound like?

**Background Sounds:**

- Street Noises
- Animal Noises
- Clear
- Static
- Music
- House Noises
- Motor
- Other
- Factory Machinery
- Voices
- PA System
- Local Call
- Long Distance
- Phone Booth
- Office Machinery

**Threat Language:**

- Well Spoken (educated)
- Incoherent
- Taped
- Message read

## **COMMUNICATION (EMERGENCY)**

When an emergency condition exists, the Principal/Director will notify personnel to respond to their area of assignment. The methods of communication listed below may be used. Notifications will be given in plain language.

- Intercom
- Hand Radio
- Telephone
- Runners

## **EARTHQUAKE**

### **When an earthquake strikes:**

- Call 911.
  
  - Assume the preferred defensive position: kneeling under a desk or table while holding tightly to its legs.
  
  - If it is not possible to respond in the preferred manner, an appropriate defensive position may be up against a wall or in a doorway, squatting and covering one's head.
  
  - If possible, stay away from windows.
- L.
- Remain in these positions until reasonably certain the quaking has stopped or until further instructions have been given from the school office.
  
  - Follow evacuation procedures to evacuate the school building when it has been deemed safe and appropriate by the Principal/Director.
  
  - Once outside, stay clear of building, trees, poles, and power lines.
- M.
- Assemble in predetermined areas and account for all students.
- N.
- Remain in assembly areas until situation is assessed and further directions are given.

O.

Principal/Director may move students to the secondary relocation center, The Church of Jesus Christ of Latter-day Saints located at 2620 E. 8200 S. if weather is inclement or the school building is damaged.

No one may re-enter building(s) until fire or police personnel declare entire building(s) safe.

P.

Principal/Director notifies students and staff of termination of emergency.

Resume normal operations.

**Signal: Over the intercom – “This is an Earthquake, following procedures”**

**Action: Duck and cover, evacuate the building when safe**

## **EVACUATION**

In some emergency scenarios, it may be necessary to evacuate the school.

### **1. Evacuation**

- Principal/Director is responsible for assessing situation and issuing evacuation order.
  
- Principal/Director will determine whether to evacuate to primary relocation center outside of building or to secondary relocation center, The Church of Jesus Christ of Latter-day Saints located at 2620 E. 8200 S.
  
- In the event of evacuation to secondary relocation center, Principal/Director will ensure that personnel at secondary location are notified.
  
- Students and staff will follow standard evacuation drill procedures and route. Follow alternate route if normal route is too dangerous.
  
- Close all doors and windows.
  
- Turn off lights, electrical equipment, gas, water faucets, air conditioning and heating system.
  
- Place evacuation sign in window.
  
- Lock doors.

## **2. Relocation Centers**

- Primary Relocation Center – along the east fence between the north fence and south fence as pictured on the school’s Emergency Evacuation Map.
  
- Secondary Relocation Center – The Church of Jesus Christ of Latter-day Saints located at 2620 E. 8200 S.

## **3. Teachers**

- Direct students to follow normal evacuation drill procedures unless Principal/Director alters route.
  
- Take classroom roster and emergency kit.
  
- Close classroom doors and turn out lights.
  
- When outside building, account for all students. Inform Principal/Director immediately of missing student(s).
  
- Teachers will travel to evacuation site with their students. Take roll again upon arrival at the relocation center.

## **4. Parents**

Parents should not drive to the school if an evacuation is announced. Roads must be kept clear for emergency vehicles.

In case of an emergency evacuation, students may be excused to individuals identified in the SIS. It is the parents' responsibility to keep SIS emergency contacts updated. In addition, the school may release a student who is under 15 years old only if a parent or other responsible person has been notified and assumed responsibility for the student. School personnel may release a student who is 15 years old or older without such notification if authorized by the school and the school personnel determines (a) the student is reasonably responsible; and (b) notification is not practicable.

When allowed, parents will be asked to sign their children out. Parents and others allowed to pick up students should bring photo ID.

## **5. Parent and Student Reunification**

Requesting adult fills out Student Release Form, gives it to staff member, and shows identification.

Staff verifies identification, pulls Emergency Card from file, and verifies that the requester is listed on the card.

Staff instructs the requester to proceed to the Release Gate.

Runner takes the Emergency Card with the Student Release Form to the designated classroom/location for the requested student(s).

Staff files a blank card with the student's name on it in the "out box".

If Student Is with Class:

- Runner shows Student Release Form to the teacher
  
- Teacher marks “Sent with Runner” on the Student Release Form.
  
- If appropriate, teacher marks “First Aid” and sends parent copy of Notice of First Aid Care Form with runner.
  
- Runner walks student(s) to Release Gate.
  
- Runner hands paperwork to release personnel.
  
- Release personnel match student to requester, verify proof of identification, ask requester to fill out and sign the lower portion of Student Release Form, and release student to requester.
  
- Parents are given the Notice of First Aid Care Form, if applicable.

If Student Is Not with the Class:

- Teacher makes appropriate notation on Student Release Form: “Absent” if student was never in school that day; “First Aid” if student is in Medical Treatment area; “Missing” if student was in school but now cannot be located.
  
- Runner takes Student Release Form to Command Post.
  
- Command Post verifies student location if known and directs runner accordingly.



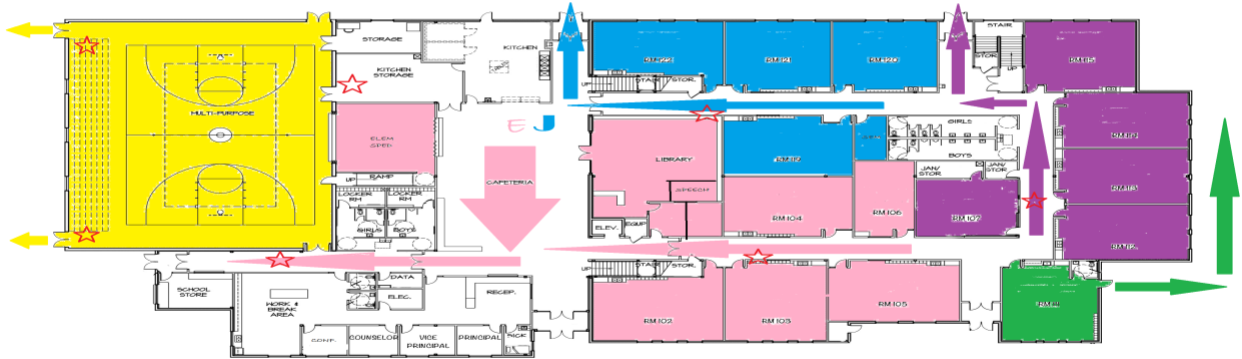
- If runner is retrieving multiple students and one or more are missing, walk available students to Release Gate before returning “Missing” forms to Command Post for verification.
  
- Parent should be notified of missing student status and escorted to crisis counselor.
  
- If student is in first aid, parent should be escorted to Medical Treatment Area.
  
- If student was marked absent, parent will be notified by staff member.

# EVACUATION MAPS

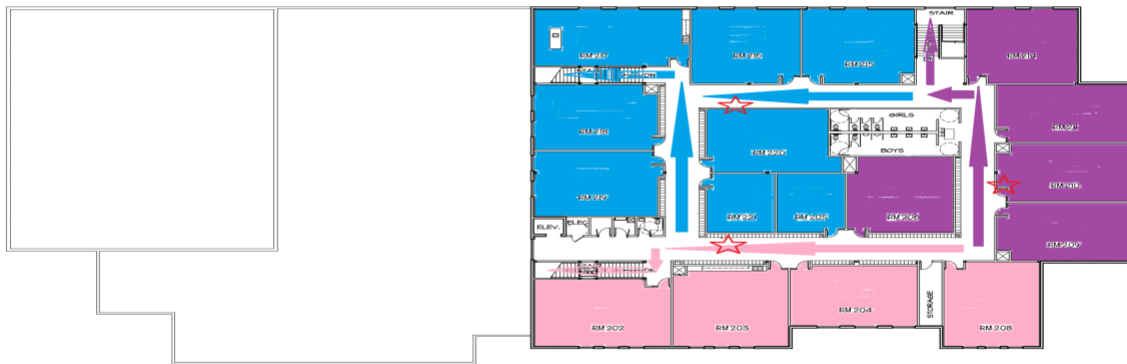
## Primary Relocation Center:

		East Fence											
		LOCKWOOD ZONE				DAHL ZONE			SCOV ZONE				
North Fence		B. Nauta	Denos (Comp/Bus)	Germer (PE)	S-Hill (Spanish)	Strait (Music)	Spear (English)	Ericksen (English)	Mecham (Science)	Diaz (Science)	Mosley (Math)	Behind Middle Line	
		Mendenhall (Art)	Hadley (History)	Whitt	Lammers (4th)	Brown (4th)	Larrabee (6th)	West (6th)	B. Roghaar (6th)	Vandenbo sch (Math)	Anderson (History)	Behind Front Line	
		McClune	Thomson (3rd)	Larson (3rd)	Shore (2nd)	B. Johnston (2nd)	T-Hill (1st)	Schroeder (1st)	Patchett (5th)	L. Roghaar (5th)	Fawbush (K)	Soccer Half Line	
		Command Center: Jen Davis, Donna Gileman, AJ Scov, Kathy Griffin, Cassie Moon, Christine Thompson, Jen Kofford, Brooke Buchanan, Veronica Miehke, Torie Styers, Sharon Hodge, Tiffani Berger, Beth Clemenger						How classes should be lined up: s s s s T					
		<b>Gate</b>											
		S=students		T=Teachers									
												Command Center (Dumpster)	

## HIGHMARK CHARTER SCHOOL MAIN FLOOR PLAN



## HIGHMARK CHARTER SCHOOL UPPER FLOOR PLAN



Secondary Relocation Center:



## **REVERSE EVACUATION/SHELTER-IN-PLACE**

Reverse evacuation/shelter-in-place provides refuge for students, staff and public within school building during an emergency. Shelters are located in areas that maximize the safety of inhabitants. Safe areas may change depending on the emergency. Be prepared to go into lockdown once inside.

- Identify safe areas in the school building.
- 
- Principal/Director warns students and staff to assemble in safe areas. Bring all persons inside building(s).
- 
- Teachers take class roster.
- 
- Close all exterior doors and windows.
- 
- Turn off any ventilation leading outdoors.
- 
- Cover up food not in containers or put it in the refrigerator.
- 
- If advised, cover mouth and nose with handkerchief, cloth, paper towels or tissues.
- 
- Teachers should account for all students after arriving in the safe area.
- 
- Office personnel must contact each teacher/classroom for a headcount.

- 
- Notify Principal/Director immediately of any missing students.
- 
- All persons must remain in safe areas until notified by Principal/Director or emergency responders.

## **FIRE**

### **If a fire or smoke from a fire is detected:**

- Activate fire alarm.
  
- Call 911.
  
- Evacuate students and staff a safe distance from the building.
  
- Follow normal fire drill route unless it is too dangerous.
  
- Teachers take class roster.
  
- Teachers take roll after being evacuated.
  
- Notify Principal/Director immediately of any missing students.
  
- Principal/Director may move students to Secondary Relocation Center, The Church of Jesus Christ of Latter-day Saints located at 2620 E. 8200 S. if weather is inclement or the school building is damaged.
  
- No one may re-enter building(s) until entire building(s) is declared safe by fire or police personnel.

Principal/Director notifies students and staff of termination of emergency.

Resume normal operations.

**Signal: Fire alarm**

**Action: Follow evacuation plan**



## **GAS LEAK**

### **If gas odor is detected in the building:**

- Call 911.
  
- Evacuate students and staff a safe distance from the building.
  
- Follow normal fire drill route unless normal route is too dangerous.
  
- Teachers take class roster.
  
- Teachers take roll after being evacuated.
  
- Notify Principal/Director immediately of any missing students.
  
- Principal/Director may move students to Secondary Relocation Center, The Church of Jesus Christ of Latter-day Saints located at 2620 E. 8200 S. if weather is inclement or the school building is damaged.
  
- No one may re-enter building(s) until fire or police personnel declare entire building(s) safe.
  
- Principal/Director notifies students and staff of termination of emergency.
  
- Resume normal operations.

**If gas odor has been detected outside the building:**

- Principal/Director calls 911.
  
- Principal/Director determines whether to shelter in place or evacuate. Fire personnel will assist with decision.
  
- Principal/Director may move students to Secondary Relocation Center, The Church of Jesus Christ of Latter-day Saints located at 2620 E 8200 S. if weather is inclement or the school building is damaged.
  
- No one may re-enter building(s) until fire or police personnel declare entire building(s) safe.
  
- Principal/Director notifies students and staff of termination of emergency.
  
- Resume normal operations.

**Signal: Over the intercom – Please evacuate the building or blue lights flashing with fire alarm sound.**

**Action: Follow evacuation plan**

## **GENERAL EMERGENCY**

- Call 911 if the Principal/Director determines it is necessary.
  
- Notify CPR/first aid certified persons in school building of medical emergencies, if necessary. Names of CPR/first aid certified persons are listed in the appendix.
  
- Seal off high-risk area.
  
- Take charge of area until incident is contained or relieved.
  
- Assemble Crisis Team members as necessary.
  
- Preserve evidence.
  
- Keep detailed notes of incident.
  
- Refer media inquiries to Principal/Director.

## **HAZARDOUS MATERIALS EVENT**

### **Incident occurred in school:**

- Call 911.
  
- Notify Principal/Director.
  
- Seal off area of leak/spill.
  
- Take charge of area until fire personnel contain incident.
  
- Fire officer in charge will recommend shelter or evacuation actions.
  
- Follow procedures for sheltering or evacuation.
  
- Notify parents if students are evacuated.
  
- Resume normal operations after instructed by fire officials.

### **Incident occurred near school property:**

- Fire or police will notify Principal/Director.

- Fire officer in charge of scene will recommend shelter or evacuation actions.
  
- Follow procedures for sheltering or evacuation.
  
- Notify parents if students are evacuated.
  
- Resume normal operations after instructed by fire officials.

**Signal: Announcement from office over intercom**

**Action: Follow evacuation or sheltering procedures**

## **INTRUDER/HOSTAGE**

### **Intruder: An unauthorized person who enters school property:**

- Notify Principal/Director.
  
- Ask another staff person to accompany you before approaching guest/intruder.
  
- Politely greet guest/intruder and identify yourself.
  
- Ask guest/intruder the purpose of his/her visit.
  
- Inform guest/intruder that all visitors must register at the main office.
  
- If intruder's purpose is not legitimate, ask him/her to leave.
  
- Accompany intruder to exit.

### **If intruder refuses to leave:**

- Warn intruder of consequences for staying on school property.
  
- Notify Principal/Director if intruder still refuses to leave. Give full description of intruder.  
**(Keep intruder unaware of call for help if possible)**

- Walk away from intruder if he/she indicates a potential for violence. Be aware of intruder's actions at this time (where he/she is located in school, whether he/she is carrying a weapon or package, etc).
  
- Maintain visual contact with intruder from a safe distance.
  
- Principal/Director may order lock-down (*see Lock-Down Procedures section*) and call 911.

**Hostage:**

- If hostage taker is unaware of your presence, do not intervene.
  
- Notify Principal/Director.
  
- Call 911 immediately; give dispatcher details of situation; ask for assistance from hostage negotiation team.
  
- Seal off area near hostage scene.
  
- Give control of scene to police and hostage negotiation team.
  
- Keep detailed notes of events.

**If taken hostage:**

- Follow instructions of hostage taker.
  
- Try not to panic.
  
- Calm students if they are present.
  
- Treat the hostage taker as normally as possible.
  
- Be respectful to hostage taker.
  
- Ask permission to speak and do not argue or make suggestions.



## **LOCKDOWN**

Lockdown procedures may be issued in situations involving dangerous intruders or other incidents that may result in harm to persons inside school building.

- Principal/Director will issue lockdown order by announcing a warning over PA system, sending a messenger to each classroom or other alternate method.
  
- Call 911 if campus safety reaches a level where students, staff and visitors are in direct danger.
  
- Campus visitor, faculty and staff members are not to use cell phones or other communication devices to contact the outside during a lock down. School emergency information must come from designated school officials.
  
- Direct all students, staff and visitors into classrooms. Grab any extra students (if they are lost, etc.) and bring them into nearest classroom.
  
- Lock classroom doors.
  
- Put paper down to cover window next to door.
  
- Cover windows of classrooms.
  
- Move all persons to corner of room away from windows and doors.

- Turn off lights.
  
- Have all persons get down on the floor.
  
- Take attendance, email the front office indicating if you have everyone, missing a student, or have extra students (do not call!)
  
- Keep students quiet and calm (read a book, etc)
  
- Allow no one outside of classrooms until the Principal/Director gives the “all-clear” signal. Follow any additional directions from Administration or emergency response personnel.

**Signal: Announcement of “Staff lockdown the building”**

**Action: Initiate lockdown procedures—lock doors, move away from windows and doors, close blinds**

## **SOFT LOCKDOWN**

Lockdown procedures may be issued in situations involving dangerous intruders or other incidents that may result in harm to persons inside school building.

- Principal/Director will issue lockdown order by announcing a warning over PA system, sending a messenger to each classroom or other alternate method.
  
- Call 911 if campus safety reaches a level where students, staff and visitors are in direct danger.
  
- Campus visitor, faculty and staff members are not to use cell phones or other communication devices to contact the outside during a lock down. School emergency information must come from designated school officials.
  
- Direct all students, staff and visitors into classrooms. Grab any extra students (if they are lost, etc.) and bring them into nearest classroom.
  
- Lock classroom doors.
  
- Put paper down to cover window next to door.
  
- Cover windows of classrooms.
  
- Move all persons to corner of room away from windows and doors.

Take attendance, email the front office indicating if you have everyone, missing a student, or have extra students (do not call!)

Continue teaching classes. Do not release students at breaks or for bells.

Allow no one outside of classrooms until the Principal/Director gives the “all-clear” signal. Follow any additional directions from Administration or emergency response personnel.

**Signal: Announcement of “Stay in Place”**

**Action: Initiate lockdown procedures—lock doors,**

### **SERIOUS INJURY/DEATH**

**If incident occurred in school:**

Call 911.

- Notify Principal/Director.
  
- Notify CPR/first aid certified persons in school building of medical emergencies (names of CPR/first aid certified persons are listed in the appendix).
  
- If possible, isolate affected student/staff member.
  
- Activate school crisis team.
  
- Designate staff person to accompany affected person to hospital.
  
- Principal/Director notifies parent(s) or guardian(s) of affected student.
  
- Direct witness(es) to school psychologist/counselor. Contact parents if students are sent to psychologist/counselor.
  
- Determine method of notifying students, staff and parents.
  
- Refer media inquiries to Principal/Director.

**If incident occurred outside of school:**

- Activate school crisis team.

- Notify staff before normal operating hours.
- Determine method of notifying students and parents.
- Announce availability of counseling services for those who need assistance.
- Refer media inquiries to Principal/Director.

**Post-crisis intervention:**

- School crisis team meets to determine level of intervention for staff and students.
- Contact other school counselors in the area to ask for assistance with the counseling and debriefing of students and staff.
- Designate rooms as private counseling areas.
- Escort affected students, siblings, close friends, and other “highly stressed” students to counselors.
- Debrief all students and staff.
- Assess stress level of all students and staff.

- Recommend professional counseling services to overly stressed students and staff.
  
- Follow-up with students and staff who received counseling.
  
- Designate staff person(s) to attend funeral as applicable.
  
- Allow for changes in normal routines or test schedules.

## **SUICIDE**

### **Suicide Attempt in School:**

- Verify information.
  
- Call 911.
  
- Notify Principal/Director and school counselor.
  
- Principal/Director notifies parent(s) or guardian(s) if suicidal person is student. Principal/Director may schedule meeting with parents and school counselor to determine course of action.
  
- Calm suicidal person.
  
- Try to isolate suicidal person from other students.
  
- Ask suicidal person to sign a “no suicide contract”.
  
- Stay with person until counselor or parent arrives. Do not leave suicidal person alone.
  
- Determine best method of notifying staff, students and parents.



- Hold daily staff debriefings before and after normal operating hours as needed.
  
- Activate school crisis team to implement post-crisis intervention. Determine level of intervention.

**Suicidal Death/Serious Injury:**

- Verify information.
  
- Activate school crisis team.
  
- Notify staff in advance of next school day following suicide or attempted suicide.
  
- Determine best method of notifying students and parents. Do not mention “suicide” or details about death in notification. Do not hold memorials or make death appear heroic. Protect privacy of family.
  
- Implement post-crisis intervention.

***Post-crisis Intervention:***

- School crisis team meets to determine level of intervention for staff and students.

- Contact other school counselors in the area to ask for assistance with the counseling and debriefing of students and staff.
  
- Designate rooms as private counseling areas.
  
- Escort siblings, close friends, and other “highly stressed” students to counselors.
  
- Assess stress level of staff. Recommend counseling to overly stressed staff.
  
- Refer media inquiries to Principal/Director.
  
- Follow-up with students and staff who received counseling.
  
- Resume normal routines as soon as possible.

## **STUDENT UNREST**

- Notify Principal/Director.
  
- Notify police, if necessary.
  
- Ensure the safety of students and staff first.
  
- Contain unrest. Seal off area of disturbance.
  
- Warn staff. Principal/Director may order lock-down (see Lockdown Procedures section).
  
- Shut off bells.
  
- Move students involved in disturbance to an isolated area.
  
- Meet with student representatives to address issues.
  
- Document incidents with audio recording or take detailed notes.

### **Teachers:**

- Keep students calm.

- Lock classroom doors.
  
- Do not allow students to leave the classroom until Principal/Director gives an all-clear signal.
  
- Make a list of students that are absent from classroom. Document all incidents.

## **WEAPONS**

- Call police if a weapon is suspected to be in school.
  
- Ask another staff member to join you in questioning suspected student or staff member.
  
- Accompany suspect to private office to wait for police.

Q.

- Police will conduct search and question the suspect.

R.

- Keep detailed notes of all events and why search was conducted.

S.

- Notify parent(s) or guardian(s) if suspect is a student. Explain why search was conducted and results of the search.

- If suspect threatens you with a weapon, do not try to disarm them. Back away with your arms up. Remain calm.

**Signal: Announcement of “Staff lockdown the building” depending on need.**

**Action: Initiate lockdown procedures—lock doors, move away from windows and doors, close blinds**

## **WEATHER**

### **Severe Weather Watch has been issued in an area near school:**

- Monitor Emergency Alert Stations on radio or television or NOAA Weather Stations (National Weather Service, Weather Channel).
  
- Bring all persons inside building(s).
  
- Close windows and blinds.
  
- Review severe weather shelter-in-place procedures and location of safe areas. Severe weather safe areas are under desks and in hallways away from windows and large rooms.
  
- Review "drop, cover and hold" procedures with students.

### **Severe Weather Warning has been issued in an area near school or severe weather has been spotted near school:**

- Shut off gas.
  
- Move students and staff to safe areas.
  
- Teachers take class rosters.

- Ensure that students are in "drop, cover and hold" positions.
  
- Account for all students.
  
- Inform Principal/Director immediately of any missing students.
  
- Remain in safe area until warning expires or until emergency personnel have issued an all-clear signal.

**Signal: Announcement from office**

**Action: Duck and cover or shelter-in-place**

## **TERRORIST EVENT**

Weapons of mass destruction likely to be employed by terrorists fall into four basic categories: Nuclear, Biological, Chemical, and Conventional. The below outlined procedures will protect students and staff should such attacks occur.

### **Nuclear:**

Defense against nuclear weapons depends primarily on distance from the point of detonation. If time permits:

- Move students and staff to interior hallways or away from outside windows.
- Close all doors leading into hallways to minimize flying glass.
- All people assume the **duck, cover and hold** position on the ground.
- Shut down all utility systems to the building. (Gas and electricity are the priorities)
- Shelter in place to protect from fall out if attack is far enough away.
- Keep students and staff inside buildings. Allow parents to pick up their children at their own discretion once cleared to do so by public safety, emergency management, or military authorities

### **Biological:**

Defense against biological attacks is difficult. Awareness of an attack is usually not possible for days or weeks. The first signs may emerge as personnel notice a higher than usual incidence of various symptoms. Should an attack be discovered while in progress the school should:

- Reverse-evacuate all people into school buildings.
- Shelter in place. (**Do not use basements or low lying areas**)
- Close all doors and windows.
- Shut down the HVAC system. (Limit airflow from outside)
- Seal doors, windows, and vents with plastic and duct tape.



- Keep students and staff inside buildings. Allow parents to pick up their children at their own discretion once cleared to do so by public safety, emergency management, or military authorities.

### **Chemical:**

- Reverse-evacuate all people into school buildings.
- Shelter in place. **(Do not use basements or low lying areas)**
- Close all doors and windows.
- Shut down the HVAC system. (Limit airflow from outside)
- Seal doors, windows, and vents with plastic and duct tape,
- Be prepared to treat students and staff who experience a reaction to the chemical agent.
- The decision to evacuate should be made after consulting with public safety, emergency management, or military authorities.

### **Conventional:**

The danger from the blast effect of conventional explosive devices is similar to nuclear devices with a higher rate of survivability. If responding to the threat of an imminent blast nearby:

- Move students and staff to specifically identified basement or lower level rooms. Interior hallways may be used as an alternate.
- Close all doors leading into hallways to minimize flying glass.
- All people assume the *duck, cover, and hold* position on the ground.
- Shut down all utility systems to the building. (Gas and electricity are the priorities)
- Shelter in place to protect from fall out if attack is far enough away.
- Keep students and staff inside buildings. Allow parents to pick up their children at their own discretion once cleared to do so by public safety, emergency management or military authorities

## **STAFF RESPONSIBILITIES**

### **Principal/Director (Incident Commander):**

- Verify information.
  
- Identify Command Post
  
- Call 911 (if necessary).
  
- Seal off high-risk area.
  
- Convene school crisis team and implement crisis response procedures.
  
- Notify students and staff (depending on emergency; students may be notified by teachers).
  
- Evacuate students and staff if necessary.
  
- Refer media to school spokesperson (or designee).
  
- Notify community agencies (if necessary).
  
- Implement post-crisis procedures.

- Keep detailed notes of crisis event.

**Teachers:**

- Verify information.
- Lock classroom doors, unless evacuation orders are issued.
- Warn students, if advised.
- Stay with students during an evacuation.
- Bring class roster, take roll, notify Principal/Director immediately of missing students.
- Refer media to school spokesperson (or designee).
- Keep detailed notes of crisis event.

## APPENDICES AND ATTACHMENTS

### EMERGENCY AND OTHER IMPORTANT PHONE NUMBERS

<b><i>Public Safety Agencies</i></b>	<b><i>NUMBERS</i></b>
General Emergency	<b>911</b>
Police/ Sheriff/ Fire	<b>911</b>
Poison Control	<b>(800) 222-1222</b>
Emergency Medical Services	<b>911</b>
Local Hospital – McKay-Dee Hospital	<b>801-387-2800</b>
Davis County Health Department	<b>801-525-5000</b>
Davis Behavioral Health	<b>801-773-7060</b>
Davis County Sheriff’s Department	<b>801-451-4150</b>
South Weber Fire Department	<b>801-476-8907</b>
<b><i>Other Agencies</i></b>	
Juvenile Court	<b>801-451-4900</b>
Juvenile Justice Services	<b>801-447-0958</b>
South Weber City	<b>801-479-3177</b>
Division of Child and Family Services	<b>801-629-5800</b>
Service for People with Disabilities	<b>801-538-4200</b>

**FACULTY/STAFF ROSTER (emergency numbers)**

The Head Secretary will maintain the faculty/staff roster and the cell phone numbers at which each faculty/staff can be reached.

**FACULTY/STAFF WHO ARE CPR/FIRST AID CERTIFIED**

**David Strait (Jr High)**

**Alex Shore (Elementary)**

**Erin Denos (Jr High)**

**Tani Larsen (Elementary)**

**Melodee Schroeder (Elementary)**

**Blake Nauta (Jr High)**

**Ali Germer (Jr High)**

# MASTER SCHOOL SCHEDULE

## Daily Schedule

Success at HighMark starts with a proper schedule.

### AM Kindergarten

Mon - Thur 8:20 A.M - 11:25 AM  
Friday 8:20 A.M - 10:40 AM

### PM Kindergarten

Mon - Thur 12:00 P.M - 3:05 PM  
Friday 11:15 A.M - 1:35 PM

### 1st-9th Grades

Mon - Thur 8:20 A.M - 3:05 PM  
Friday 8:20 A.M - 1:35 PM

**NOTICE OF FIRST-AID CARE FORM**

DATE: \_\_\_\_\_

SCHOOL: \_\_\_\_\_

Dear Parent:

Your child, \_\_\_\_\_, was injured at school and has been given first aid. If you feel further care is necessary, please consult your family physician.

Destination: (If not presently on site)

\_\_\_\_\_

Transporting Agency: (if not presently on site)

\_\_\_\_\_

Time: \_\_\_\_\_

Remarks:

Please sign and return one copy to school. Retain a copy for your records.

\_\_\_\_\_

PARENT'S SIGNATURE      SCHOOL REPRESENTATIVE'S SIGNATURE

Note: 1 copy goes home with student



1 copy stays with teacher or medical treatment team records

## **RESOURCE INVENTORY**

### **- INVENTORY OF EMERGENCY EQUIPMENT-**

- Communications equipment
- 4 walkie-talkie's
  
- First aid supplies
- Wheelchair
- Slings
- Fracture Braces
- AED
- Band-Aids
- Neosporin
  
- Firefighting equipment
- 4 extinguishers
  
- Lighting
- 6 flash lights
  
- Classroom emergency kits
- 1 per room and 1 in the office

**IDENTIFY ANY AND ALL AVAILABLE RESOURCES THAT MAY BE USED OR MAY BE NEEDED IN THE EVENT OF AN EMERGENCY**

## **SAMPLE EMERGENCY LETTER TO PARENTS**

Dear Parents:

If an emergency or disaster situation ever arises in our area while school is in session, we want you to be aware that the school has made preparations to respond effectively to such situations. The school has a detailed emergency plan that has been formulated to respond to such situations. Please become familiar with the school's plan.

If we have a major disaster during school hours, your student(s) will be cared for at school until it is safe and feasible for them to be picked up. Your cooperation is essential in any emergency.

1. Please do not telephone the school. Telephone lines may be needed for emergency communication.
  
2. The decision to keep students at school will be based upon what is safest for students and whether travel to and from the school is safe. If this occurs, we will notify local media. Listen to local radio or television for emergency announcements.
  
3. Following an emergency, students may be released to a responsible adult who has been identified by the parent or guardian in SIS. You may want to consider the following criteria when you authorize another person to pick up your child at school:
  - He/she is 18 years of age or older.
  - He/she is usually home during the day.
  - He/she could walk to school, if necessary.
  - He/she is known to your child.
  - He/she is both aware and able to assume this responsibility.
  - Because local telephone service may be disrupted, please also list an out-of-state emergency contact, since outgoing calls may still be made out of the area while incoming calls are affected.

In addition, please be aware that the school may release a student who is under 15 years old only if a parent or other responsible person has been notified and assumed responsibility for the student. School personnel may release a student who is 15 years old or older without such notification if authorized by the school and the school personnel determines (a) the student is reasonably responsible; and (b) notification is not practicable.

4. During a serious emergency, students will be released at designated reunion points located on school grounds or at the school's secondary relocation point at The Church of Jesus Christ of Latter-day Saints located at 2620 E. 8200 S. Please be patient and understanding with the student release process.

5. Please impress upon your children the importance of following the directions of school personnel during emergencies and instruct them to remain at school until you or a designee arrives.

Please discuss these matters with your family. Familiarity and planning ahead will help alleviate concern during emergencies. We appreciate your help in ensuring the safety of our students.

Sincerely,

Principal/Director

**SEARCH AND RESCUE TEAM FORM**

SEARCH AND RESCUE (S & R) TEAM LEADER:

		NAMES	Radio	Keys	Hard Hat	Goggles	Bucket	Vest	Clip	Board	Backpack
S & R TEAM #1	1										
	NOTES:	2									
S & R TEAM #2	1										
	NOTES:	2									
S & R TEAM #3	1										
	NOTES:	2									
S&RTEAM#4	1										
	NOTES:	2									
S & R TEAM #5	1										
	NOTES:	2									

**Note:** Number of teams will vary depending on size of campus.

- Assign teams based on available manpower; minimum 2 persons. Attempt to place one experienced person on each team.
- Perform visual check of outfitted team leaving Command Post (CP); include radio check. Advise teams of known injuries.

- Remain at Command Post.
- Be attentive to all S&R related communications.
- Utilize boxes above to record location of injured students. Example: report of 2 injured students in Room 20 would be recorded as “S/2 = RM 20” in box under team #3.
- Utilize manpower pool to aid S&R (i.e., request for backboard and carryout or request for rescue equipment).

**SITE STATUS REPORT**

TO: FROM: (name) LOCATION:

DATE: TIME: PERSON IN CHARGE AT SITE:

Message via: 2-way Radio Telephone \_\_\_\_\_ Messenger

**EMPLOYEE/STUDENT STATUS**

	Absent	Injured	# Sent to Hosp/med	Dead	Missing	Unaccounted for (Away from site)	# Released To parents	# Being supervised
Students								
Site staff								
Others								

**STRUCTURAL DAMAGE** Check damage/problem and indicate location(s).

Check	Damage/Problem	Location(s)
	Gas leak	
	Water leak	
	Fire	
	Electrical	
	Communications	
	Heating/cooling	
	Other (list):	

**MESSAGE:** (include kind of immediate assistance required; can you hold out without assistance/how long? overall condition of campus, neighborhood and street conditions; outside agencies on campus and actions; names of injured, dead, missing and accounted for ASAP)



**STAFF SKILLS SURVEY AND INVENTORY**

Name and School / Room

Name School

During any disaster situation, it is important to be able to draw from all available resources. The special skills, training and capabilities of the staff will play a vital role in coping with the effects of any disaster incident. These will be of paramount importance during and after a major or catastrophic disaster. The purpose of this survey/inventory is to pinpoint those staff members with equipment and the special skills that might be needed. Please indicate the areas that apply to you and return this survey to the Principal/Director.

**PLEASE CHECK ANY OF THE FOLLOWING IN WHICH YOU HAVE EXPERTISE AND TRAINING. CIRCLE YES OR NO, WHERE APPROPRIATE.**

\_\_\_\_\_ First Aid (current card y/n) \_\_\_\_\_ CPR (current y/n) \_\_\_\_\_ Triage

\_\_\_\_\_ Emergency planning \_\_\_\_\_ Emergency Management

\_\_\_\_\_ Search & Rescue \_\_\_\_\_ Law Enforcement \_\_\_\_\_ Mechanical Ability

\_\_\_\_\_ Shelter Management \_\_\_\_\_ Survival Training & Techniques

\_\_\_\_\_ Food Preparation \_\_\_\_\_ Running/jogging

\_\_\_\_\_ Ham Radio Operator      \_\_\_\_\_ CB Radio      \_\_\_\_\_ Journalism

\_\_\_\_\_ Camping      \_\_\_\_\_ Waste Disposal      \_\_\_\_\_ Recreational Leader

\_\_\_\_\_ Structural Engineering      \_\_\_\_\_ Bus/Truck Driver (class 1 or 2 license y/n)

\_\_\_\_\_ Construction (electrical, plumbing, carpentry, etc.)      \_\_\_\_\_ Firefighting

\_\_\_\_\_ Bi/Multi-lingual (what language(s): \_\_\_\_\_)

DO YOU KEEP A PERSONAL EMERGENCY KIT?      in your car?      in your room?

DO YOU HAVE MATERIALS IN YOUR ROOM THAT WOULD BE OF USE DURING AN EMERGENCY? (i.e., athletic bibs, traffic cones, carpet squares) \_\_\_\_\_ Yes \_\_\_\_\_ No

DO YOU HAVE EQUIPMENT OR ACCESS TO EQUIPMENT OR MATERIALS AT YOUR SCHOOL SITE THAT COULD BE USED AN IN EMERGENCY? \_\_\_\_\_ YES \_\_\_\_\_ NO

PLEASE LIST EQUIPMENT AND MATERIALS.

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COMMENTS

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WHAT WOULD MAKE YOU FEEL MORE PREPARED SHOULD A DISASTER STRIKE WHILE YOU WERE AT SCHOOL?

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**STUDENT ACCOUNTING FORM**

Room No:     Date:

Enrolled per register: Reported by:

Not in school today: Received by:

Present now: \_\_\_\_\_

1. Students or classroom volunteers elsewhere (off campus, left in room, other location, etc.)

Name	Location	Problem
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. Students on playground needing more first aid than you can handle:

Name	Location	Problem
_____	_____	_____

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Additional comments: (report fire, gas/water leaks, blocked exits, structural damage, etc.)

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**STUDENT RELEASE FORM**

**Please Print**

Student's Name

Teacher      Grade

Requested By

\*\*\*\*\*  
\*\*\*\*\*

**To be filled in by Request Gate staff**

Proof of I.D.    Name in SIS \_\_\_\_\_

(yes) (no)

\*\*\*\*\*  
\*\*\*\*\*

**Student's Status**

**To be filled in by teacher**

Sent with Runner      Absent First Aid

Missing \_\_\_\_\_

\*\*\*\*\*  
\*\*\*\*\*

**To be filled in by Request Gate staff**

Proof of I.D. Name in SIS \_\_\_\_\_

(yes) (no)

\*\*\*\*\*  
\*\*\*\*\*

**To be filled in by Requester  
At Release Gate**

Requester Signature \_\_\_\_\_

Destination:

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

Time: \_\_\_\_\_

\*\*\*\*\*  
\*\*\*\*\*

**Notes:**

**STUDENT ROSTER (with parent phone numbers)**

The Head Secretary will bring a copy in the event of an emergency.



## UPDATE REPORTS

Update Report

Name            Time \_\_\_\_\_

\_\_\_\_\_ # children remaining at school

\_\_\_\_\_ # staff members remaining to care for children

Assistance required:    water    food    blankets            # people to help

Update Report

Name            Time \_\_\_\_\_

\_\_\_\_\_ # children remaining at school

\_\_\_\_\_ # staff members remaining to care for children

Assistance required:    water    food    blankets            # people to help

Update Report

Name            Time \_\_\_\_\_

\_\_\_\_\_ # children remaining at school

\_\_\_\_\_ # staff members remaining to care for children

Assistance required:  water  food  blankets  .    # people to help

#### Update Report

Name            Time \_\_\_\_\_

\_\_\_\_\_ # children remaining at school

\_\_\_\_\_ # staff members remaining to care for children

Assistance required:  water  food  blankets        # people to help

## Emergency Response Plan Policy

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HighMark Charter School

Policy: Emergency Response Plan Policy

Adopted: March 19, 2012

### Policy

It is the policy of HighMark Charter School (the “School”) to develop and maintain an up-to-date plan for responding to emergencies involving the School. Accordingly, the School’s Director will ensure that the School adopts and keeps updated an Emergency Response Plan that provides adequately for the safety of students and staff members.

## Employee Compensation During School Closure Policy

HighMark Charter School

Policy: Employee Compensation During School Closure

Adopted: June 18, 2020

### Policy

HighMark Charter School (the “School”) Board of Directors (the “Board”) adopts this policy in order to authorize compensation to employees during school closure and other temporary extraordinary circumstances when employees are not able to perform all of the duties that they would normally be assigned to do and/or work all of the hours they would normally be scheduled to work in exchange for their agreed-upon compensation.

The Board delegates to the Director the authority to assess all relevant factors, including but not limited to the anticipated availability and security of state and federal funding over the short and long term, and implement this policy when the situation warrants.

This policy may be applied retroactively.

### Continued Employment and Compensation

The Board recognizes that closures and other temporary extraordinary circumstances impact normal school operations in many different ways, some of which are not foreseeable. The School nonetheless intends to keep employees employed and engaged in serving the School’s students to the maximum extent possible during such circumstances. The School also desires to pay employees in full, as provided for in their employment agreements, to the maximum extent possible during such circumstances, including by providing paid time off when necessary.

### Paid Time Off

### Criteria for Paid Time Off

All of the following criteria must be met before paid time off may be given to an employee under this policy for any portion of an employee's compensation:

- The employee and the Director or the Director's designee have explored all reasonable alternatives for the employee to provide services in connection with their current position(s) and have determined that there are none;
- The employee and the Director or the Director's designee have determined that the employee has completed all possible training and professional development opportunities that can be conducted online or through self-directed opportunities; and
- The employee and the Director or the Director's designee have determined that there are no other reasonable work opportunities available for the employee—including work opportunities in other programs and work from home.

Substitute teachers are not eligible for paid time off under this policy. However, the school will explore opportunities for substitute teachers to provide services for their regular rate of pay during a closure or other extraordinary circumstances.

### Documentation

For each employee receiving paid time off under this policy, the Director and the employee will identify the expectations for what duties the employee will perform, the hours the employee will work, and the amount of paid time off the employee will receive.

### Other Paid Time Off and Leave

This policy does not apply to or affect other paid time off or leave an employee may receive or be eligible for under other School policies or applicable law.

### Compensation Expenditures Charged to Federal & State Grants & Programs

Compensation-related expenditures for employees who qualify for paid time off under this policy will be charged to the employee's regular position and program. This includes compensation-related expenditures for Federal and State grants and programs.

Only the portion of the employee's compensation that would normally be associated with a program will be charged to such program. Compensation charged to a program during extraordinary circumstances, including paid time off under this policy, will be calculated based upon the employee's employment agreement and normal average hours per day/week the employee worked before the extraordinary circumstances occurred.

If an employee is not able to complete all of his or her normal average hours by working in the employee's regular position and program but is able to make up the difference by working in a different program, the School will charge the employee's compensation to both programs in accordance with the hours the employee worked in each program. However, the employee will not be compensated beyond the normal average hours that the employee worked before the extraordinary circumstances began.

Notwithstanding the foregoing, if an employee receives paid time off under this policy and that paid time off is charged to the employee's regular position and program, the employee may not be compensated for additional time worked in another program.

#### Maximum Compensation

The School will pay employees in full, as provided in employment agreements, for all work performed under extraordinary circumstances, including any overtime as required by law.

However, paid time off under this policy is intended to make employees whole and reduce the financial burden caused by the extraordinary circumstances. This policy is not intended to provide an employee with a windfall.

Therefore, an employee's total compensation that includes paid time off under this policy may not exceed the amount provided for in the employee's employment agreement and may not exceed what the employee typically earned prior to when the extraordinary circumstances began.

The School will treat all employees the same under this policy, regardless of whether they are compensated through Federal or State grants or programs.

## Employee Handbook Policy

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HighMark Charter School

Policy: Employee Handbook Policy

Adopted: March 19, 2012

### Policy

The purpose of this policy is to ensure that HighMark Charter School (the “School”) operates in accordance with applicable employment laws.

The School’s Director will adopt and keep updated an Employee Handbook and establish administrative procedures that comply with federal and state employment laws.



## Employment of Relatives Policy

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HighMark Charter School

Policy: Employment of Relatives Policy

Adopted: May 23, 2015

### Purpose

HighMark Charter School (the "School") wishes to avoid the perception of preferential treatment and also avoid placing employees in difficult situations that could prevent them from most effectively carrying out their job duties. The School recognizes the risk posed by such family relationships; does not want family issues to be brought into the workplace; and does not want the workplace to cause family issues for employees. On the other hand, the School is committed to recruiting, selecting, employing and promoting the best-qualified candidate for all positions (full and part time, regular and temporary) at the School.

### Policy

For purposes of this policy, a "relative" is defined as:

- Spouse
- Parent or grandparent or spouse or anyone who took the place of a parent or grandparent, including step-parents and step-grandparents
- Child or child's spouse, including step-children and current foster children
- Grandchild or grandchild's spouse, including step grandchildren
- Sibling or sibling's spouse, including step and half-siblings
- Aunt or uncle or their spouse
- Niece or nephew or their spouse
- First cousin or their spouse
- Brother-in-law, sister-in-law, son-in-law, or daughter-in-law or their spouse

The recruitment, selection and advancement of School employees will be made on the basis of demonstrated work, knowledge, skills, and abilities. As such, the School will comply with the following guidelines regarding employment of relatives:

- An employee may not directly supervise a relative of the employee.
- Relatives should not work on the same team.
- If a family relationship between two employees develops during employment, the Principal should ensure that a subordinate/supervisor relationship does not exist between the employees.
- Applicants must disclose the names of relatives currently employed by the

School on the employment application.

- An employee will not participate in any part of the employee evaluation process for their relative.

- During the hiring process, relative(s) of the applicant participating on the hiring committee may only participate passively: 1) he/she cannot score the applicant during the screening process; 2) he/she cannot ask questions of the applicant during the interview process; 3) he/she cannot score the applicant during the interview.

- If a relative of the Principal is to be considered for employment in the School, the Principal shall:

- (i) disclose the relationship, in writing, to the Board of Directors;
- (ii) submit the employment decision to the Board of Directors for the approval, by majority vote; and
- (iii) be absent from any meeting when the employment is being considered and determined.

## Enrollment and Lottery Policy

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HighMark Charter School

Policy: Enrollment and Lottery Policy

Adopted: June 18, 2012

### Purpose

To provide guidelines on appropriate procedures on enrollment and lottery processes.

### Policy

In regards to applications, enrollment, and lottery procedures, HighMark Charter School (the “School”) will follow all state and federal laws and guidelines.

### Past Disciplinary Issues

Any student seeking enrollment in the School who was suspended from another school for disciplinary reasons within the previous twelve (12) months will not be admitted to the School until a thorough review of the student’s prior conduct is evaluated by the administration. In order to comply with Utah law and the School’s Safe Schools Policy, any student seeking admission to the School who has been convicted of drug, alcohol, theft or other serious infraction of the law will be subject to the School’s discipline provisions, which may include non-admission to the School. Parents of students seeking admission to the School must disclose to the School information about past disciplinary actions and any of the foregoing convictions. If this information is not disclosed in connection with a student’s application for enrollment in the School and is discovered after the student is enrolled in the School, the student will be immediately suspended until the administration investigates the matter and reaches a final disciplinary decision in accordance with School policy. Situations involving students receiving special education and related services under the Individuals with Disabilities Education Act (“IDEA”) will be handled in a manner consistent with applicable laws and School policy.

## Ethics Policy

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HighMark Charter School  
Policy: Ethics Policy  
Adopted: August 20, 2018

HighMark Charter School adopts this policy to ensure that individuals associated with the School, including Board Members and employees, conduct themselves consistent with high standards of ethics and with applicable law.

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

- No Board Member or School employee may violate Utah Code 76-8-105, which precludes the solicitation or receipt of a bribe.
- No Board Member or School employee may violate the Utah Public Officers' and Employees' Ethics Act (Utah Code 67-16-1, et seq.), which, among other requirements, precludes Board Members and School employees from:
  1. accepting employment or engaging in any business or professional activity that he/she might reasonably expect would require or induce him/her to improperly disclose controlled information that he/she has gained by reason of his/her official position;
  2. disclosing or improperly using controlled, private, or protected information acquired by reason of his/her official position or in the course of official duties in order to further substantially his/her personal economic interest or to secure special privileges or exemptions for himself/herself or others;
  3. using or attempting to use his/her official position to:
    - a. further substantially his/her personal economic interest; or
    - b. secure special privileges or exemptions for himself/herself or others;
  4. accepting other employment that he/she might expect would impair his/her independence of judgment in the performance of his/her public duties;

5. accepting other employment that he/she might expect would interfere with the ethical performance of his/her public duties; or
6. except as otherwise allowed in the law, knowingly receiving, accepting, taking, seeking, or soliciting, directly or indirectly for himself/herself or another a gift of substantial value or a substantial economic benefit tantamount to a gift:
  - a. that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties;
  - b. that he/she knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding him/her for official action taken; or
  - c. if he/she recently has been, is now, or in the near future may be involved in any governmental action directly affecting the donor or lender, unless a disclosure of the gift, compensation, or loan and other relevant information has been made in the manner provided in Utah Code 67-16-6.

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

## Family Education Rights and Privacy Policy

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HighMark Charter School

Policy: Family Education Rights and Privacy (FERPA) Policy

Adopted: November 14, 2011

### Policy

The purpose of this policy is to encourage positive parental involvement in the education of children attending HighMark Charter School (the “School”). The School will comply with State and federal laws concerning family educational rights and privacy, including but not limited to the federal Family Educational Rights and Privacy Act and the Utah Educational Rights and Privacy Act.

The School’s Principal will establish administrative procedures that provide standards for the protection of private information within the curriculum and other school activities and in the administration of psychological or psychiatric examinations, tests, or treatments, or any survey, analysis or evaluation of students. The procedures will also address the management of student educational records.

**HighMark Charter School**  
**Policy: Fee Waiver Policy**  
**Approved: January 22, 2024**

**Purpose**

HighMark Charter School (the “School”) must abide by the Utah State Board of Education rules which direct the School’s Board of Directors (the “Board”) to implement a policy regarding student fees. The purpose of this policy is to provide educational opportunities for all students. This allows the School to establish a reasonable system of fees, while prohibiting practices that would exclude those unable to pay from participation in School-sponsored activities.

**Policy**

Under the direction of the Board, the School’s Director (the “Director”) is authorized to administer this policy and is directed to do so fairly, objectively, and without delay, and in a manner that avoids stigma and unreasonable burdens on students or parents/guardians.

**Definitions**

"Co-curricular activity" means an activity, course, or program that:

- (a) is an extension of a curricular activity;
- (b) is included in an instructional plan and supervised or conducted by a teacher or educational professional;
- (c) is conducted outside of regular School hours;
- (d) is provided, sponsored, or supported by the School;
- (e) includes a required regular School day activity, course, or program.

“Curricular activity” means an activity, course, or program that is:

- (a) intended to deliver instruction;
- (b) provided, sponsored, or supported by the School; and
- (c) conducted only during School hours.

"Extracurricular activity"

- (a) means an activity, a course, or a program that is:
  - (i) not directly related to delivering instruction;
  - (ii) not a curricular activity or co-curricular activity; and

- (iii) provided, sponsored, or supported by the School.
- (b) does not include a noncurricular club as defined in Section 53G-7-701.

"Fee" means something of monetary value requested or required by the School as a condition to a student's participation in an activity, class, or program provided, sponsored, or supported by the School. This includes money or something of monetary value raised by a student or the student's family through fundraising.

"Instructional equipment"

- (a) means an activity-related, course-related, or program-related tool or instrument that:
  - (i) is required for a student to use as part of an activity, course, or program in a secondary school;
  - (ii) typically becomes the property of the student upon exiting the activity, course, or program, and
  - (iii) is subject to a fee waiver;
- (b) includes:
  - (i) shears or styling tools;
  - (ii) a band instrument;
  - (iii) a camera;
  - (iv) a stethoscope; or
  - (v) sports equipment, including a bat, mitt, or tennis racket.
- (c) does not include school equipment.

"Instructional supply" means a consumable or non-reusable supply that is necessary for a student to use as part of an activity, course, or program in a secondary school and includes:

- (a) prescriptive footwear;
- (b) brushes or other art supplies, including clay, pain, or art canvas;
- (c) wood for wood shop;
- (d) Legos for Lego robotics;
- (e) film; or
- (f) filament used for 3D printing.

"Maintenance of School equipment" means a cost, payment, or expenditure related to storing, repairing, or keeping School equipment in good working condition. It does not include the cost related to end-of-life replacement.

"Non-waivable charge" means a cost, payment, or expenditure that:

- (a) is a personal discretionary charge or purchase, including:
  - (i) a charge for insurance, unless the insurance is required for a student to participate in an activity, class, or program;
  - (ii) a charge for college credit related to the successful completion of:



- (A) a concurrent enrollment class; or
  - (B) an advanced placement examination; or
  - (iii) except when requested or required by the School, a charge for a personal consumable item such as a yearbook, class ring, letterman jacket or sweater, or other similar item;
- (b) is subject to sales tax as described in Utah State Tax Commission Publication 35, Sales Tax Information for Public and Private Elementary and Secondary Schools; or
- (c) by Utah Code, federal law, or State Board of Education rule is designated not to be a fee, including:
- (i) a school uniform as provided in Utah Code § 53G-7-801;
  - (ii) a school lunch; or
  - (iii) a charge for a replacement for damaged or lost School equipment or supplies.

"Provided, sponsored, or supported by the School"

- (a) means an activity, class, program, fundraiser, club, camp, clinic, or other event that:
- (i) is authorized by the School; or
  - (ii) satisfies at least one of the following conditions:
    - (A) the activity, class, program, fundraiser, club, camp, clinic, or other event is managed or supervised by the School, or a School employee in the employees School employment capacity;
    - (B) the activity, class, program, fundraiser, club, camp, clinic, or other event uses, more than inconsequentially, the School's facilities, equipment, or other School resources; or
    - (C) the activity, class, program, fundraising event, club, camp, clinic, or other event is supported or subsidized, more than inconsequentially, by public funds, including the School's activity funds or minimum school program dollars.
- (b) does not include an activity, class, or program that meets the criteria of a noncurricular club as described in Title 53G, Chapter 7, Part 7, Student Clubs.

"Provision in lieu of fee waiver"

- (a) means an alternative to fee payment or waiver of fee payment; and
- (b) does not include a plan under which fees are paid in installments or under some other delayed payment arrangement.

"Requested or required by the School as a condition to a student's participation" means something of monetary value that is impliedly or explicitly mandated or necessary for a student, parent, or family to provide so that a student may:

- (a) fully participate in school or in a School activity, class, or program;

- (b) successfully complete a School class for the highest grade; or
- (c) avoid a direct or indirect limitation on full participation in a School activity, class, or program, including limitations created by:
  - (i) peer pressure, shaming, stigmatizing, bullying, or the like; or
  - (ii) withholding or curtailing any privilege that is otherwise provided to any other student.

“School equipment” means a durable school-owned machine, equipment, or tool used by a student as part of an activity, course, or program in a secondary school and includes a saw or 3D printer. “School equipment” includes a saw or 3D printer.

“Something of monetary value”

(a) means a charge, expense, deposit, rental, fine, or payment, regardless of how the payment is termed, described, requested or required directly or indirectly, in the form of money, goods or services; and

(b) includes:

- (i) charges or expenditures for a School field trip or activity trip, including related transportation, food, lodging, and admission charges;
- (ii) payments made to a third party that provide a part of a School activity, class, or program;
- (iii) classroom textbooks, supplies or materials;
- (iv) charges or expenditures for school activity clothing; and
- (v) a fine, except for a student fine specifically approved the School for:
  - (A) failing to return School property;
  - (B) losing, wasting, or damaging private or School property through intentional, careless, or irresponsible behavior; or
  - (C) improper use of School property, including a parking violation.

(c) does not include a payment or charge for damages, which may reasonably be attributed to normal wear and tear.

“Textbook”

(a) means instructional material necessary for participation in an activity, course, or program, regardless of the format of the material;

(b) includes:

- (i) a hardcopy book or printed pages of instructional material, including a consumable workbook;
- (ii) computer hardware, software, or digital content; and
- (iii) the maintenance costs of School equipment.

(c) does not include instructional equipment or instructional supplies.

“Waiver” means a full release from the requirement of payment of a fee and from any provision in lieu of fee payment.

### **General School Fees Provisions**

The School may only collect a fee for an activity, class, or program provided, sponsored, or supported by the School consistent with School policies and state law.

Beginning with the 2021-2022 school year:

(a) if the School imposes a fee, the fee shall be equal to or less than the expense incurred by the School in providing for a student the activity, course, or program for which the School imposes a fee; and

(b) the School may not impose an additional fee or increase a fee to supplant or subsidize another fee.

Beginning with the 2022-23 school year, the School may not sell textbooks or otherwise charge a fee for textbooks or the maintenance costs of School equipment as provided in Section 53G-7-602, except for a textbook used for a concurrent enrollment or advanced placement course.

All fees are subject to the fee waiver requirements of this policy.

### **Fees for Classes & Activities During the Regular School Day**

#### **Fees for Students in Kindergarten through Sixth Grade**

No fee may be charged in kindergarten through sixth grade for materials, textbooks, supplies (except as provided below), or for any class or regular school day activity, including assemblies and field trips.

Elementary students cannot be required to provide their own student supplies. However, the School or teacher may provide to a student’s parent or a suggested list of student supplies for use during the regular school day so that a parent or guardian may furnish on a voluntary basis student supplies for student use. The list provided to a student’s parent or guardian 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."

The School may charge a fee to a student in grade six if all of the following are true:

- (a) the School has students in any of the grades seven through twelve;
- (b) the School follows a secondary model of delivering instruction to the School's grade six students; and
- (c) The School annually provides notice to parents that the School will collect fees from grade six students and that the fees are subject to waiver.

### Fees for Students in Seventh through Ninth Grade

Fees may be charged in grades 7-9 in connection with an activity, class, or program provided, sponsored, or supported by the School that takes place during the regular school day if the fee is approved as provided in this policy and state law. All such fees are subject to waiver. In addition, if an established or approved class requires payment of fees or purchase of items (i.e., tickets to events, etc.) in order for students to fully participate and to have the opportunity to acquire all skills and knowledge required for full credit and highest grades, the fees or costs for the class are subject to waiver.

In project related courses, projects required for course completion will be included in the course fee.

Secondary students may be required to provide their own student supplies, subject to the fee waiver requirements of this policy.

### Fees for Optional Projects

The School may require students at any grade level to provide materials or pay for an additional discretionary project if the student chooses a project in lieu of, or in addition to a required classroom project. A student may not be required to select an additional project as a condition to enrolling, completing, or receiving the highest possible grade for a course. The School will avoid allowing high cost additional projects, particularly when authorizing an additional discretionary project results in pressure on a student by teachers or peers to also complete a similar high cost project.

### Fees for Activities Outside of the Regular School Day

Fees may be charged in all grades for any School-sponsored activity that does not take place during the regular school day if participation in the activity is voluntary and does not affect the student's grade or ability to participate fully in any course taught during the regular school day. Fee waivers are available for such fees.

A fee related to a co-curricular or extracurricular activity may not exceed the maximum fee amounts for the co-curricular or extracurricular activity adopted by the Board, as provided below.

Activities that use the School facilities outside the regular school day but are not provided, sponsored, or supported by the School (i.e., programs sponsored by the parent organization and/or an outside organization) may charge for participation, and fee waivers are not available for these charges.

An activity, class, or program that is provided, sponsored, or supported by the School outside of the regular School day or School year calendar is subject to this policy and state law regardless of the time or season of the activity, class, or program.

### **Fee Schedule**

The Board will approve a Fee Schedule at least once each year on or before April 1. The Fee Schedule will establish the maximum fee amount per student for each activity and the maximum total aggregate fee amount per student per school year. No fee may be charged or assessed in connection with an activity, class, or program provided, sponsored, or supported by the School, including for a curricular, co-curricular or extracurricular activity, unless the fee has been set and approved by the Board, is equal to or less than the established maximum fee amount for the activity, and is included in the approved Fee Schedule.

The School will encourage public participation in the development of the Fee Schedule and related policies.

Before approving the School's Fee Schedule, the School will provide an opportunity for the public to comment on the proposed Fee Schedule during a minimum of two public Board meetings. In addition to the standard notice of Board meetings under the Open and Public Meetings Act, the School will provide notice of these Board meetings using the same form of communication regularly used by the administration to communicate with parents.

After the Fee Schedule is adopted, the Board may amend the Fee Schedule using the same process.

### **Maximum Fee Amounts**

In connection with establishing the Fee Schedule, the Board will establish a per student annual maximum fee amount that the School may charge a student for the student's participation in all courses, programs, and activities provided, sponsored, or supported by the School for the year. This is a maximum total aggregate fee amount per student per School year.

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

The amount of revenue raised by a student through an individual fundraiser for an activity, as well as the total per student amount expected to be received through required group fundraising for an activity, will be included as part of the maximum fee amount per student for the activity and maximum total aggregate fee amount per student.

### **Notice to Parents**

The Director will annually provide written notice of the School's Fee Schedule and Fee Waiver Policy to the parent or guardian of each student in the School by ensuring that a written copy of the School's Fee Schedule and Fee Waiver Policy is included with all registration materials provided to potential or continuing students each year.

The School will also post the following on its website each school year:

- (a) The School's Fee Schedule, including maximum fee amounts, and Fee Waiver policy;
- (b) The School's fee waiver application;
- (c) The School's fee waiver decision and appeals form; and
- (d) The School's fee notice(s) for families.

### **Donations**

The School may not request or accept a donation in lieu of a fee from a student or parent unless the activity, class, or program for which the donation is solicited will otherwise be fully funded by the School and receipt of the donation will not affect participation by an individual student.

A donation is a fee if a student or parent is required to make the donation as a condition to the student's participation in an activity, class, or program.

The School may solicit and accept a donation or contribution in accordance with the School's policies, including the Donation and Fundraising Policy, but all such requests must clearly state that donations and contributions by a student or parent are voluntary.

If the School solicits donations, the School: (a) shall solicit and handle donations in accordance with policies and procedures established by the School; and (b) may not place any undue burden on a student or family in relation to a donation.

### **Fee Collection**

The School may pursue reasonable methods for obtaining payment for fees and for charges assessed in connection with a student losing or willfully damaging school property.

The School may not exclude students from school, an activity, a class, or a program that is provided, sponsored, or supported by the School during the regular school day; refuse to issue a course grade; or withhold official student records, including written or electronic grade reports, class schedules, diplomas, or transcripts, as a result of unpaid fees.

The School may withhold the official student records of a student responsible for lost or damaged School property consistent with Utah Code § 53G-8-212 until the student or the student's parent has paid for the damages, but may not withhold a student's records required for student enrollment or placement in a subsequent school.

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

Consistent with Utah Code § 53G-6-604, the School will forward a certified copy of a transferring student's record to a new school within 30 days of the request, regardless of whether the student owes fees or fines to the School.

Students shall be given notice and an opportunity to pay fines prior to withholding issuance of official written grade reports, diplomas and transcripts. If the student and the student's parent or guardian are unable to pay for damages or if it is determined by the School in consultation with the student's parents that the student's interests would not be served if the parents were to pay for the damages, then the School may provide

for a program of voluntary work for the student in lieu of the payment. A general breakage fee levied against all students in a class or school is not permitted.

### **Fee Refunds**

Student fees are non-refundable.

### **Budgeting and Spending Revenue Collected Through Fees**

The School will follow the general accounting standards described in Rule R277-113 for treatment of fee revenue.

Beginning with the 2020-2021 school year, the School will establish a spend plan for the revenue collected from each fee charged. The spend plan will (a) provide students, parents, and employees transparency by identifying a fee's funding uses; (b) identify the needs of the activity, course, or program for the fee being charged and include a list or description of the anticipated types of expenditures, for the current fiscal year or as carryover for use in a future fiscal year, funded by the fee charged.

### **School Fee Collections & Accounting Procedures**

It is the responsibility of the Director to ensure that all student fees collected are in compliance with the Fee Schedule and applicable financial policies and procedures.

Fees must be received and deposited in a timely manner.

Money may only be collected by staff authorized by the Director. Students may not collect fees.

Beginning in the 2020-21 school year, the School may not use revenue collected through fees to offset the cost of fee waivers by requiring students and families who do not qualify for fee waivers to pay an increased fee amount to cover the costs of students and families who qualify for fee waivers. However, the School may notify students and families that the students and families may voluntarily pay an increased fee amount or provide a donation to cover the costs of other students and families.

### **Fee Waiver Provisions**

To ensure that no student is denied the opportunity to participate in a class or activity that is provided, sponsored, or supported by the School because of an inability to pay a



fee, the School provides fee waivers or other provisions in lieu of fee waivers. Fee waivers or other provisions in lieu of fee waivers will be available to any student whose parent cannot pay a fee.

All fees are subject to waiver.

Non-waivable charges are not subject to waiver.

### **Fee Waiver Administration**

The Director will administer this policy and will review and grant fee waiver requests. The process for obtaining waivers or pursuing alternatives will be administered in accordance with this policy, fairly, objectively, and without delay, and in a manner that avoids stigma, embarrassment, undue attention, and unreasonable burdens on students and parents.

The School will not treat a student receiving a fee waiver or provision in lieu of a fee waiver differently from other students. The process for obtaining waivers or pursuing alternatives will create no visible indicators that could lead to identification of fee waiver applicants.

The process for obtaining waivers or pursuing alternatives will comply with the privacy requirements of The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA). The School may not identify a student on fee waiver to students, staff members, or other persons who do not need to know. As a general rule, teachers and coaches do not need to know which students receive fee waivers. Students may not assist in the fee waiver approval process.

### **Fee Waiver Eligibility**

A student is eligible for a fee waiver if the School receives verification that:

- (a) In accordance with Utah Code § 53G-7-504(4), family income falls within levels established annually by the State Superintendent and published on the Utah State Board of Education website;
- (b) The student to whom the fee applies receives Supplemental Security Income (SSI). If a student receives SSI, the School may require a benefit verification letter from the Social Security Administration;
- (c) The family receives TANF or SNAP funding. If a student's family receives TANF or SNAP, the School may require the student's family to provide the School an electronic copy or screenshot of the student's family's eligibility determination or eligibility status covering the period for which the fee waiver is sought from the Utah Department of Workforce Services; or
- (d) The student is in foster care through the Division of Child and Family Services or is in state custody. If a student is in state custody or foster care, the School

may rely on the youth in care required intake form or school enrollment letter provided by a caseworker from the Utah Division of Child and Family Services or the Utah Juvenile Justice Department.

The School will not maintain copies of any documentation provided to verify eligibility for a fee waiver.

The School will not subject a family to unreasonable demands for re-qualification.

The School may grant a fee waiver to a student, on a case by case basis, who does not qualify for a fee waiver under the foregoing provisions but who, because of extenuating circumstances, is not reasonably capable of paying the fee.

The School may charge a proportional share of a fee or a reduced fee if circumstances change for a student or family so that fee waiver eligibility no longer exists.

The School may retroactively waive fees if eligibility can be determined to exist before the date of the fee waiver application.

### **Fee Waiver Approval Process**

The Director will inform patrons of the process for obtaining waivers and will provide a copy of the standard fee waiver application on the School's website and in registration materials each year.

The Director will review fee waiver applications within five (5) school days of receipt. If the School denies a request for a fee waiver, the School will provide the decision to deny a waiver in writing and will provide notice of the procedure for appeal in the form approved by the Utah State Board of Education.

Any requirement that a student pay a fee will be suspended during any period in which the student's eligibility for a waiver is being determined or during the time a denial of waiver is being appealed.

Each year the School will maintain documentation regarding the number of School students who were given fee waivers, the number of School students who worked in lieu of fee waivers, the number of School students who were denied fee waivers, the total dollar value of student fees waived by the School, and the total dollar amount of all fees charged to students at the School, as this information may be requested by the Utah State Board of Education as part of its monitoring of the School's school fees practices.

### **Appeal Process**

Denial of eligibility for a waiver may be appealed in writing to the Director within ten (10) school days of receiving notice of denial. The School shall contact the parent within two (2) weeks after receiving the appeal and schedule a meeting with the Director to discuss

the parent's concerns. If, after meeting with the Director, the waiver is still denied, the parent may appeal, in writing, within ten (10) school days of receiving notice of denial to the Board.

In order to protect privacy and confidentiality, the School will not retain information or documentation provided to verify eligibility for fee waivers.

### **Alternatives to Fees and Fee Waivers**

The School may allow a student to perform service or another approved task (as described in Utah Code § 53G-7-504(2)) in lieu of paying a fee or, in the case of an eligible student, in lieu receiving a fee waiver, but such alternatives may not be required. If the School allows an alternative to satisfy a fee requirement, the Director will explore with the interested student and his or her parent/guardian the alternatives available for satisfying the fee requirement, and parents will be given the opportunity to review proposed alternatives to fees and fee waivers. However, if a student is eligible for a waiver, textbook fees must be waived, and no alternative in lieu of a fee waiver is permissible for such fees.

The School may allow a student to perform service in lieu of paying a fee or receiving a fee waiver if: (a) the School establishes a service policy or procedure that ensure that a service assignment is appropriate to the age, physical condition, and maturity of the student; (b) the School's service policy or procedure is consistent with state and federal laws, including Section 53G-7-504 regarding the waiver of fees and the federal Fair Labor Standards Act, 29 U.S.C. 201; (c) the service can be performed within a reasonable period of time; and (d) the service is at least equal to the minimum wage for each hour or service.

A student who performs service may not be treated differently than other students who pay a fee.

The service may not create an unreasonable burden for a student or parent and may not be of such a nature as to demean or stigmatize the student.

The School will transfer the student's service credit to another LEA upon request of the student.

The School may make an installment payment plan available for the payment of a fee. Such a payment plan may not be required in lieu of a fee waiver.

### **Annual Review, Approval, and Training**

The Board will review and approve this policy annually.

The School will develop a plan for at least annual training of School employees on fee-related policies specific to each employee's job functions.

## Financial Reporting Policy

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HighMark Charter School  
Policy: Financial Reporting Policy  
Adopted: October 16, 2017

### Purpose

The purpose of this policy is to ensure that HighMark Charter School (the “School”) practices sound financial reporting in accordance with state and federal law and applicable accounting standards.

### Policy

The School will ensure that financial reporting for the School is performed in accordance with GAAP and that audits of the School’s financial reporting are performed in accordance with GAAS.

The School will provide financial reporting in a manner consistent with the basis of accounting as required by GAAP, as applicable to the School.

The School will provide reconciliation between the accrual basis of accounting and modified accrual basis of accounting, as applicable.

The School will provide data and information consistent with budgeting, accounting (including the uniform chart of accounts for LEAs), and auditing standards for Utah LEAs provided online annually by the Utah State Superintendent of Public Education.

## Grading and Parent Notification Policy

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HighMark Charter School

Policy: Grading and Parent Notification Policy

Adopted: August 20, 2018

The Board supports the concept that grades reflect academic performance and are based upon a fair and equitable measurement of achievement.

Elementary and Jr High teachers will be required to do the following:

- At the beginning of each course of study, the teacher should notify the students of current grading practices.
- It is the responsibility of each individual teacher to notify the student and the parent or guardian of any impending failure or credit loss (citizenship included) in sufficient time for corrective action to take place (approximately two weeks).
- At least once a week, grades will be updated in SIS for parents/students to be able to track their grades.
- Grades should be accurate, but if corrections are needed, teachers are to update quickly in order to help parents/students track their grades.

## Government Records Access Management Act (GRAMA)

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HighMark Charter School  
Policy: GRAMA Policy  
Adopted: October 15, 2018

### Purpose

The purpose of this policy is to establish criteria for managing, classifying, accessing, disposing and retaining records of HighMark Charter School (the “School”) in compliance with the Government Records Access and Management Act (GRAMA). It is the policy of the School’s Board of Directors to provide fair and timely public access to information contained in the School’s records and at the same time protect individual privacy rights in relation to personal data gathered by the School. This policy does not apply to student records. Student records are governed by the Family Education Privacy Act (FERPA) and the School’s FERPA Policy.

### Records Officer

The School’s Director is designated as the Records Officer for all records requests. The Director may delegate responsibility for complying with GRAMA and responding to records requests to other individuals as appropriate.

The records officer shall perform the duties set forth in Utah Code § 63G-2-103 and review and respond to requests for access to records.

### Records Classification

As records requests are made, the records officer shall evaluate School records and make designations and classifications as set forth in Utah Code § 63G-2-307.

Records shall be classified under the following general categories:

- Public records as described in Utah Code § 63G-2-301;
- Private records as described in Utah Code § 63G-2-302;
- Controlled records as described in Utah Code § 63G-2-304;
- Protected records as described in Utah Code § 63G-2-305; and
- Limited records as described in Utah Code § 63G-2-201 (3)(b).

### Record Access

A person requesting a record must make a written request directed to the records officer. Upon request, records classified as public may be inspected by any person during normal working hours in accordance with Utah Code § 63G-2-201.

Upon request, private, controlled and protected records shall be disclosed in accordance with Utah Code § 63G-2-202.

The records officer (or designee) shall respond to requests for access to records within established time limits described in Utah Code § 63G-2-204.

#### Fees

The records officer (or designee) may charge up to ten cents (10¢) per page to cover the actual costs, as described in Utah Code § 63G-2-203(1), of duplicating a record.

Fees for duplication and compilation of a record may be waived by the records officer under certain circumstances described in Utah Code § 63G-2-203(4).

#### Appeals

If a requester is dissatisfied with the records officer's (or designee's) initial decision, the requester may appeal the decision in writing to the School's Board President according to time limits and provisions of Utah Code § 63G-2-401.

If the denial of access is affirmed in whole or part, the requester may then appeal the decision to the State Records Committee as outlined under Utah Code § 63G-2-403, or petition for judicial review in district court as provided in Utah Code § 63G-2-404.

An individual may contest the accuracy or completeness of a document pertaining to that individual pursuant to Utah Code § 63G-2-603. The request should be made to the records officer (or designee).

#### Approval of Board Meeting Minutes

The Board of Directors will approve minutes of board meetings at the next regularly scheduled meeting of the Board as set forth on the annual board meeting calendar.



## Home School Student Participation in Statewide Assessments Policy

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HighMark Charter School

Policy: Home School Student Participation in Statewide Assessments Policy

Amended: October 26, 2020

### **Purpose**

The purpose of this policy is to set forth the responsibilities of HighMark Charter School (the “School”) in the event a home school student requests to participate in statewide assessments at the School.

### **Policy**

A home school student may participate in statewide assessments at the School if each of the following conditions are met:

- (1) The student is a Utah resident as defined in Utah Code Ann. § 53G-6-302 and proof of residency has been provided to the School;
- (2) The student has satisfied the home schooling requirements of Utah Code Ann. § 53G-6-204 and a copy of the certificate from a local school board excusing the student from attendance at school during the applicable school year has been provided to the School; and
- (3) The request for the student to participate in statewide assessments at the School is provided to the School at least thirty (30) days prior to the opening of the applicable state assessment window.
- (4) The parent or guardian of the student, or a responsible adult designated by the student’s parent or guardian, will remain at the School in a designated area while School personnel administer and

proctor the test. The parent or guardian of the student agree that they will not participate in the monitoring or proctoring of the student's statewide assessments at the School.

The School will respond to a home school student's request to participate in statewide assessments at the School in a timely manner. If the request is approved, the School will notify the student's parent or guardian of the date(s) and time(s) of the applicable statewide assessments at the School in which the student may participate and any other information deemed relevant by the School.

The School may not require a home school student to pay a fee for participating in statewide assessments at the School that is not charged to traditional students.

A home school student or the student's parent or guardian may request from the School an annual schedule of statewide assessment dates at the School, the location of the School campus(es) at which home school students may be tested, and a copy of the School's written policies for home school student participation in statewide assessments at the School. The School will provide such requested information in a timely fashion.

The School will comply with Utah Administrative Code R277-404 and the Standard Test Administration and Testing Ethics Policy described therein when administering statewide assessments to its students and home school students who participate in statewide assessments at the School in accordance with this policy and applicable law.

The School intends for this policy to be consistent with the provisions of Utah Administrative Code R277-604-4.

## Health and Safety Policy

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HighMark Charter School  
Policy: Health and Safety Policy  
Adopted: March 19, 2012

### Policy

It is the policy of HighMark Charter School (the “School”) to develop and maintain up-to-date procedures to ensure the health and safety of students and staff of the School. Accordingly, the School’s Principal will ensure that the School adopts and keeps updated procedures that provide adequate protection for the health and safety of students and staff members.

## Information Technology Security Policy

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HighMark Charter School

Policy: Information Technology Security Policy

Adopted: October 16, 2017

### Purpose

HighMark Charter School (the “School”) has a duty to ensure the security of the School’s computer equipment, systems, and networks so that the sensitive data maintained or stored on them is protected. The purpose of this policy is to explain how the School will perform this duty in compliance with state and federal law.

### Policy

The School will protect sensitive data, including personally identifiable student data, in accordance with reasonable data industry best practices and state and federal law. Applicable state and federal law includes but is not limited to the Utah Student Data Protection Act, the Utah Family Educational Rights and Privacy Act, Utah Administrative Code Rule R277-487 Public School Data Confidentiality and Disclosure, the federal Family Educational Rights and Privacy Act, and the Government Records Access and Management Act.

### Information Technology Systems Security Plan

Utah Administrative Code Rule R277-487 requires the School to, among other things, have an Information Technology Systems Security Plan that addresses the following:

- (1) System Administration;
- (2) Network Security;
- (3) Application Security;
- (4) Endpoint, Server, and Device Security;
- (5) Identity, Authentication, and Access Management;
- (6) Data Protection and Cryptography;

- (7) Monitoring, Vulnerability, and Patch Management;
- (8) High Availability, Disaster Recovery, and Physical Protection;
- (9) Incident Responses;
- (10) Acquisition and Asset Management; and
- (11) Policy, Audit, and E-Discovery Training.

The Principal shall establish an administrative Information Technology Systems Security Plan that complies with Utah Administrative Code Rule R277-487 and other applicable law.

The Information Technology Systems Security Plan shall work in conjunction with this policy and the School's Student Data Privacy and Security Policy, Data Governance Plan, metadata dictionary, and any other School policy, procedure, or plan concerning data privacy and security.

#### Training

On an annual basis, the School shall provide appropriate training to its employees, aides, and volunteers regarding information technology security matters.



## Language Access Policy

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HighMark Charter School  
Policy: Language Access Policy  
Approved: May 27, 2023

### **Purpose**

The purpose of this policy is to help ensure that HighMark Charter School (the “School”) provides access to its services, programs, and activities to persons who have limited English proficiency and understand languages other than English.

### **Definitions**

For purposes of this policy, the following terms have the following meanings:

“Primary language” means the first language spoken by a student and a student’s parent/guardian.

“Interpretation” means simultaneous communication between a speaker of English and a speaker of another language.

“Translation” means written communication wherein the written words of one person are communicated to others in writing in a different language.

### **Policy**

Language Access Coordinator

The School's Principal shall designate a Language Access Coordinator who is responsible for implementing this policy at the School and ensuring that any necessary training on the policy is provided. The Language Access Coordinator may also recommend updates or changes to this policy in an effort to make the policy more effective.

### Notification to Employees

The School shall notify its employees of this policy, the rights of parents/guardians and students to receive language assistance services, and the proper procedures to access language assistance services as outlined in this policy.

### Determination of Primary Language

Within thirty (30) calendar days of a student's enrollment (or re-enrollment) in the School, the School shall determine the primary language spoken by the student and the student's parent/guardian, and if such language is not English, whether the student and parent/guardian require language assistance to communicate effectively with the School.

The School shall maintain a current record of the primary language of each parent/guardian of students enrolled in the School.

### Obligation to Provide Language Assistance Services

The School shall, consistent with this policy and applicable law, provide translation and interpretation services to students and parents/guardians who require language assistance in order to communicate effectively with the School.



### *Interpretation Services*

The School shall provide interpretation services during regular business hours to parents/guardians and their students who require such services in order to communicate with the School regarding critical information about the students' education. Depending upon availability, such interpretation services may be provided at the School, a reasonable location agreed upon by the School and a student's parent/guardian, or virtually.

The School shall provide the interpretation services described above for School activities, including but not limited to:

- (a) classroom activities;
- (b) impromptu and scheduled office visits or phone calls;
- (c) enrollment or registration processes;
- (d) the Individualized Education Program (IEP) process;
- (e) student educational and occupational planning processes;
- (f) fee waiver processes;
- (g) parent engagement activities;
- (h) student disciplinary meetings;
- (i) community councils (if any);
- (j) board meetings;
- (k) other School activities; and
- (l) other interactions between the parents/guardians of a student learning English and educational staff at the School.

### *Translation Services*

The School shall provide translations of School materials to parents/guardians and their children who require them to communicate effectively with the School, and such materials include, but are not limited to:

- (a) registration or enrollment materials, including home language surveys and English learning program entrance and exit notifications;
- (b) assignments and accompanying materials;
- (c) report cards or other progress reports;
- (d) student discipline policies and procedures;

- (e) grievance procedures and notices of rights and nondiscrimination;
- (f) parent or family handbooks;
- (g) requests for parent permission; and
- (h) any other guidance, including guidance on when oral interpretation is preferable to written translation, to improve instruction and assistance by teachers, counselors, and administrators to a student learning English and the student's parents/guardians and family.

### *Centrally Produced Critical Communications*

The School shall identify documents that it distributes or electronically communicates to parents/guardians containing critical information regarding their child's education, including, but not limited to, documents pertaining to:

- (a) registration, application, and selection;
- (b) standards and performance (e.g., standard text on report cards);
- (c) conduct, safety, and discipline;
- (d) special education and related services; and
- (e) transfers and withdrawals.

The School shall procure translations of the applicable critical communications listed above in a timely manner, in each of the covered languages, and work to make such translations available to parents/guardians and students of the School.

### *Student-Specific Critical Documents*

Where required under this policy, the School shall provide parents/guardians with a translation of important documents that contain individual, student-specific information regarding, but not limited to, their student's:

- (a) health;
- (b) safety;
- (c) legal or disciplinary matters; and
- (d) entitlement to public education or placement in any special education, English language learner or non-standard academic program.

## Qualifications of Interpreters and/or Translators

Individual interpreters and translators provided by the School do not have to be certified unless certification is required by law. However, they should be competent and, where possible, have experience providing interpretation or translation services for school activities and materials listed in this policy. Where deemed appropriate by the School's Principal or Language Access Coordinator, the School may utilize online translation services such as Google Translate or Microsoft Translator to translate School materials or documents described in this policy.

The School shall follow its Special Education Policies and Procedures Manual when providing interpretation and translation services for students with disabilities.

## **Complaints**

If any parent/guardian or student feels that they are not receiving the language assistance services set forth in this policy, they may address those concerns through the School's Parent Grievance Policy.

## **Annual Review of Policy**

The School shall review this policy for efficacy on an annual basis. As part of this review, and for purposes of evaluating the effectiveness of this policy, the School may consult with its stakeholders and community members, refugee resettlement agencies, immigration services organizations, ethnic based community organizations.

## LEA Specific Licenses Policy

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HighMark Charter School  
Policy: LEA Specific Licenses Policy  
Adopted: August 17, 2020

### **Purpose**

HighMark Charter School (the “School”) is committed to employing educators who are properly licensed and qualified for their positions. This policy is adopted in accordance with Rule R277-301 and governs the School’s application for LEA-specific educator licenses and its employment of educators on such licenses.

The School acknowledges that the purpose of LEA-specific educator licenses is to allow the School to hire otherwise qualified educators during the period that they are preparing and completing requirements to qualify for an associate educator license or a professional educator license.

### **Policy**

#### Applying for an LEA-Specific Educator License

The School’s administration will propose to the Board of Directors (the “Board”) candidates for an LEA-specific educator license as the need arises.

When the administration proposes a candidate for an LEA-specific license, they will follow the procedures below and provide the Board with an explanation and rationale for requesting an LEA-specific educator license under the criteria contained in this policy.

When the Board determines that it is appropriate under this policy, the Board will approve the request for an LEA-specific educator license in a public meeting. Approval will take place no more than 60 days prior to submitting the application to the USBE on behalf of the candidate.

The Board will apply for the LEA-specific educator license for one, two, or three years as requested by the administration and approved by the Board, and in accordance with R277-301-7.

The School may not issue an LEA-specific license area of concentration to an educator for the license areas identified in R277-301-7, including special education, pre-school special education, deaf education, school psychologist, school social worker, audiologist, speech language therapist, or speech language pathologist.

In accordance with R277-301-8, the Board may request an eminence designation for an LEA-Specific license, license area, or endorsement for a teacher whose employment with the School is no more than 37% of a teacher's regular instruction load.

#### Criteria for Employing Educators with an LEA-Specific Educator License

The School will use the following processes and consider the following criteria in determining whether to employ an educator and apply for an LEA-specific educator license:

1. Vet each candidate and contact references in order to verify that they are a strong candidate. In particular, ensure that the candidate does not have any prior misconduct that would impair their success in teaching.
2. Interview each candidate and verify that they support the School's IB focus.
3. Consider the extent to which each candidate has training in the content area and the ability to facilitate student learning in that content area.

4. Consider the extent to which each candidate has experience and the ability to effectively teach courses.

5. Consider whether the LEA-specific educator license is sought in a content area in which there is a shortage of qualified educators in the state.

When an LEA-specific license, license area, or endorsement is sought for an educator for a subject that comprises less than 50% of the educator's course load, the following criteria will also be considered:

1. Consider whether the educator is a certified teacher in other content areas.

2. Consider whether the number of periods to be taught under the LEA-specific license, license area, or endorsement constitutes a full teaching load.

3. Consider whether the School currently employs or is hiring a teacher who does not have a degree or endorsement in the content area but who can also teach other areas in which they are licensed.

4. Consider whether the educator has demonstrated proficiency in teaching these courses.

5. Consider whether the administration has identified other qualified candidates with the necessary dual licensing.

The School will also ensure that a candidate for an LEA-specific educator license has completed (or will timely complete) the required criminal background check and educator ethics review described in R277-301-7.

### Educator Preparation and Support

Within the first year of employment, the School will train each educator holding an LEA-specific educator license on:

- (a) educator ethics;
- (b) classroom management and instruction;
- (c) basic special education law and instruction; and
- (d) the Utah Effective Teaching Standards described in R277-530.

### Website Posting

This policy will be posted on the School's website.

The School will also prominently post the following information on its website:

- (a) disclosure of the fact that the School employs individuals holding LEA-specific licenses, license areas, or endorsements;
- (b) an explanation of the types of licenses issued by the USBE;

(c) the percentage of the types of licenses, license areas, and endorsements held by educators employed in the School based on the employees' FTE as reported to the USBE Superintendent;  
and

(d) a link to the Utah Educator Look-up Tool provided by the USBE Superintendent in accordance with Subsection R277-312-7(6).





## Library and Materials Policy

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HighMark Charter School

Policy: Library and Materials Policy

Adopted: August 15, 2022

### **Purpose**

The purpose of this policy and its accompanying procedures is to help ensure that HighMark Charter School (the “School”) provides appropriate library materials that support and enhance student academic learning and personal development.

This policy and its accompanying procedures are intended to satisfy the requirements of Utah Administrative Code Rule R277-628.

### **Policy**

The School’s library shall promote intellectual and academic freedom by providing students with thoughtful access to a wide range of balanced, relevant, age-appropriate materials. The library shall serve as a learning environment for students and help them acquire the critical thinking and problem-solving skills needed in a pluralistic society. The library shall provide students an opportunity to learn beyond their regular classroom instruction.

The School shall comply with state and federal law and Utah State Board of Education rule in connection with its library collection and program. The School’s library collection shall not contain any “sensitive material” as that term is defined by Utah Code § 53G-10-103; that is, the School’s library collection shall not contain any instructional material that is pornographic or indecent material as that term is defined in Utah Code § 76-10-1235.

The School's criteria for selecting and removing materials from its library collection, as well as the School's process for handling challenges or other requests for review of such materials, shall be consistent with this policy, applicable law and rule, and the School's mission and vision.

### **Procedures**

The Director shall establish administrative procedures that set forth the criteria and process by which the School will select, remove, and handle challenges or other requests for review of materials in the School's library collection.

## Offensive Language Policy

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HighMark Charter School  
Policy: Offensive Language Policy  
Adopted: March 19, 2012

### Policy

The purpose of this policy is to articulate HighMark Charter School's (the "School") position on offensive language.

### Policy

The School's mission is to integrate Business Education into the curriculum. Offensive language has no place and should not be tolerated or encouraged in any business environment. It is therefore the School's policy that no offensive language, including but not limited to, obscenities and profanity, be used in the school or on its grounds by any student, teacher, or staff member.

To the extent practical, steps shall be taken by the Director, students and staff to promote an environment on school property and at school-sponsored activities where offensive language is not used and not condoned.

It shall be the responsibility of all members of the school staff to educate, supervise and monitor appropriate use of language.



## Parent Compact Elementary

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HighMark Charter School  
Parent Compact Elementary  
Adopted: April, 15, 2011

### PARENT/GUARDIAN RESPONSIBILITIES

I want my child to achieve, therefore I will:

- Make certain my child attends school regularly and on time.
- See that my child is well rested and has breakfast each day.
- Set aside a specific time and place for homework, assisting as necessary.
- Attend two of the three parent-teacher conferences and communicate regularly with my child's teacher to ensure his/her academic success.
- Support the school and staff in maintaining proper discipline.
- Read with my child and let him/her see me read regularly.
- Encourage positive attitudes toward school.
- Parents are encouraged to fulfill twenty (20) hours of volunteer time.
- Subscribe to school and classroom blogs and respond as necessary.
- Drive safely and courteously during car pool, and follow established procedures.
- Ensure that my child abides by the dress code.

### STUDENT RESPONSIBILITIES

It is important that I learn, therefore I will:

- Attend school regularly and on time.
- Complete assignments and homework.
- Be prepared for class, bringing homework and supplies to school each day.
- Work to the best of my ability.
- Work cooperatively with classmates, teachers and staff.
- Respect other people, my school, and myself.
- Follow all school rules.
- Accept responsibility for my own actions.
- Help support school spirit and unity and create a learning environment free of distractions.
- Abide by the dress code.

### TEACHER RESPONSIBILITIES

It is important that my students achieve, therefore I will:

- Hold high expectations for all students, believing all students can learn.
- Provide high-quality instruction in a supportive and non-threatening environment.
- Provide meaningful homework.
- Communicate regularly with my students and their families through conferences, email, blog, notes, phone calls, etc.
- Provide opportunities for parents to assist in the classroom in meaningful ways.

- Promote and model 'Respect'.

**PRINCIPAL RESPONSIBILITIES**

I support this compact, therefore I will:

- Provide a positive and equitable learning environment for all children.
- Provide parents and staff with the information about the total school program.
- Encourage our staff to provide avenues for positive and meaningful parent involvement.

DATE: \_\_\_\_\_

PARENT/GUARDIAN SIGNATURE: \_\_\_\_\_

STUDENT SIGNATURE: \_\_\_\_\_

TEACHER SIGNATURE: \_\_\_\_\_

PRINCIPAL SIGNATURE: \_\_\_\_\_

## Parent Compact Jr. High

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HighMark Charter School

Parent Compact Jr. High

Adopted: April, 15, 2011

### PARENT/GUARDIAN RESPONSIBILITIES

I want my child to achieve, therefore I will:

- Make certain my child attends school regularly and on time.
- See that my child is well rested and has breakfast each day.
- Set aside a specific time and place for homework, assisting as necessary.
- Attend two of the three parent-teacher conferences and communicate regularly with my child's teacher to ensure his/her academic success.
- Support the school and staff in maintaining proper discipline.
- Encourage positive attitudes toward school.
- Parents are encouraged to fulfill twenty (20) hours of volunteer time.
- Subscribe to school and classroom blogs and respond as necessary.
- Drive safely and courteously during car pool, and follow established procedures.
- Ensure that my child abides by the dress code.

### STUDENT RESPONSIBILITIES

It is important that I learn, therefore I will:

- Attend school regularly and on time.
- Complete assignments and homework.
- Be prepared for class, bringing homework and supplies to school each day.
- Work to the best of my ability.
- Work cooperatively with classmates, teachers and staff.
- Respect other people, my school, and myself.
- Follow all school rules.
- Accept responsibility for my own actions.
- Help support school spirit and unity and create a learning environment free of distractions.
- Abide by the dress code.

### TEACHER RESPONSIBILITIES

It is important that my students achieve, therefore I will:

- Hold high expectations for all students, believing all students can learn.
- Provide high-quality instruction in a supportive and non-threatening environment.
- Provide meaningful homework.
- Communicate regularly with my students and their families through conferences,



email, blog, online gradebook, notes, phone calls, etc.

- Provide opportunities for parents to assist in the classroom in meaningful ways.
- Promote and model 'Respect'.

**PRINCIPAL RESPONSIBILITIES**

I support this compact, therefore I will:

- Provide a positive and equitable learning environment for all children.
- Provide parents and staff with the information about the total school program.
- Encourage our staff to provide avenues for positive and meaningful parent involvement.

DATE: \_\_\_\_\_

PARENT/GUARDIAN SIGNATURE: \_\_\_\_\_

STUDENT SIGNATURE: \_\_\_\_\_

**TEACHER SIGNATURES**

1<sup>st</sup> Period: \_\_\_\_\_

2<sup>nd</sup> Period: \_\_\_\_\_

3<sup>rd</sup> Period: \_\_\_\_\_

4<sup>th</sup> Period: \_\_\_\_\_

5<sup>th</sup> Period: \_\_\_\_\_

6<sup>th</sup> Period: \_\_\_\_\_

7<sup>th</sup> Period: \_\_\_\_\_

8<sup>th</sup> Period: \_\_\_\_\_

PRINCIPAL SIGNATURE: \_\_\_\_\_

## Parent Grievance Policy

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HighMark Charter School  
Policy: Parent Grievance Policy  
Adopted: October 17, 2011

### Purpose

The purpose of this policy is to clarify for parents a process by which concerns can be addressed. The Board of Directors of HighMark Charter School (the “School”) values open communication between parents, faculty, staff, administration, and the Board. The Board encourages active parent participation in their children’s education, and hopes that parents will feel empowered to voice their opinions, volunteer in and out of the classroom for the School, and work as a team to provide the best education for their children. The Board also believes that individuals can generally resolve their own disputes through open, respectful communication. If a situation arises that cannot be resolved between the parties involved, then this policy will be used. The purpose of this policy is to ensure that parents understand how to pursue the resolution of grievances, concerns and disputes involving the School.

### Concerns Involving School Personnel

A parent who has a complaint involving a teacher, staff member or member of the School’s administration (including the Director) must first address the issue with the other individual involved and work reasonably and in good faith to resolve the concern.

A parent that is not able to resolve the dispute himself or herself may then raise the issue with the School’s Director. The parent should first send to the Director a written complaint specifying the individual(s) involved, details of the incident(s) giving rise to the complaint, including dates and approximate times, details of an attempt to rectify the situation, and the requested solution. After sending the written complaint, the parent and the Director should schedule a time to discuss the concern in person or via telephone.

If a parent’s complaint involves the Director, the parent must first address the issue with the Director and work reasonably and in good faith to resolve the problem. The parent is not required to send the Director a written complaint in this situation.

In the event the parent and the Director are unable to resolve a complaint and the parent wishes to bring the issue to the Board’s attention, the complaint may be directed to the Board in writing.

Complaints shall specify the individual(s) involved, details of the incident(s) giving rise to the complaint, including dates and approximate times, details of attempts to resolve the problem, and the requested solution. The Board will then consider the complaint and take whatever action it deems appropriate.

#### Concerns Involving Board Policy

If a parent has a concern regarding Board policy, the parent may communicate with any or all members of the Board in person, via telephone, or through e-mail and may address the Board during the “public comment” portion of a Board of Directors meeting. Parents may also request to be added to the Board meeting agenda by contacting the President of the Board of Directors at least three (3) working days prior to the scheduled meeting date. However, the Board President has discretion over the Board meeting agenda items and may elect not to place the item on the agenda.

Concerns that involve administrative practices or procedures should be addressed with the Director rather than the Board.

## Parent and Family Engagement Policy

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HighMark Charter School

Policy: Parent and Family Engagement Policy

Adopted: October 15, 2018

Amended: October 17, 2022

### Purpose

In support of strengthening student academic achievement, HighMark Charter School (the “School”) receives Title I, Part A funds and must jointly develop with, agree on with, and distribute to parents and family members of participating children a written parent and family engagement policy that contains information required by Section 1116 of the Every Student Succeeds Act (the “ESSA”). This policy establishes the School’s expectations and objectives for meaningful parent and family involvement, describes how the School will implement a number of specific parent and family engagement activities, and is incorporated into the School’s plan submitted to the state pursuant to Section 1112 of the ESSA. The purpose of an effective parent and family engagement policy is to improve all students’ academic achievement.

### Policy

The School agrees to implement the following requirements as outlined by Section 1116 of the ESSA:

- Involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under Title I, Part A, including the planning, review, and improvement of this policy and the joint development of the targeted assistance or schoolwide program plan.
- Update this policy periodically to meet the changing needs of parents and the School, distribute it to the parents and family members of participating children, and make this policy available to the local community.
- Provide full opportunities, to the extent practicable, for the participation of parents and family members with limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children, including providing information and

school reports required under Section 1111 of the ESSA in an understandable and uniform format and, to the extent practicable, in a language parents understand.

- If the targeted assistance or schoolwide program plan under Section 1114(b) of ESSA is not satisfactory to the parents of participating children, submit any parent comments with such plan when the School submits the plan to the state.
- Be governed by the following statutory definition of parent and family engagement and will carry out programs, activities, and procedures in accordance with this definition:

Parent and family engagement means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring:

- o That parents play an integral role in assisting their child's learning;
- o That parents are encouraged to be actively involved in their child's education at school;
- o That parents are full partners in their child's education and are included, as appropriate, in decision-making and on advisory committees (if any) to assist in the education of their child; and
- o The carrying out of other activities, such as those described in Section 1116 of the ESSA.

#### Required Policy Components

Below is a description of how the School will implement or accomplish each of the following components required by Section 1116 of the ESSA:

- **Joint Development of Policies, Plans, Compact, and Programs.** The School will take the following actions to involve parents and family members in an organized, ongoing, and timely manner in the planning, review, and improvement of Title I policies, plans, compact, and programs:
  - o Distribute a copy of this policy and the school-parent compact to parents and family members at the beginning of each school year through appropriate channels, such as the

registration packet. The policy and school-parent compact will also be posted on the School's website.

- o Notify parents and family members of an annual meeting where parents and family members will be informed about the School's participation in and the requirements of Title I programs.
- o Hold other parent and family meetings during the school year to provide parents and family members with ongoing information, training, and materials to help them work with their children in the areas such as literacy, numeracy, and technology.
- o Hold parent-teacher conferences at least annually, where student achievement, behavior, and/or the school-parent compact will be reviewed and discussed.
- o The School and state websites will provide parents with information related to expected student proficiency levels.
- o The School website will provide parents with a description and explanation of the School's curriculum, mission, calendar information, policies, and opportunities for school and parent interaction.
- o Conduct an annual review and evaluation of this policy, the school-parent compact, and targeted assistance or schoolwide program plan. As part of the annual review and evaluation, the School will consider, and implement if appropriate, any suggestions or feedback provided by parents and family members on how the School can improve this policy and the associated compact and plan. Suggestions or feedback may be provided to the School in the form of results from the School's needs assessment and evaluation given to parents, comments made by parents and family members in meetings at the School and during parent-teacher conferences, or through other means.
- Communications. The School will take the following actions to provide parents and family members timely information about the Title I programs in which the School participates:
  - o Distribute a copy of the updated version of this policy and the school-parent compact to parents and family members at the beginning of each school year through appropriate channels, such as the registration packet.
  - o Provide information related to the Title I programs, meetings, and other activities to the parents of participating children in an understandable and uniform format and, to the extent practicable, in a language that the parents can understand.

- **School-Parent Compact.** The School’s school-parent compact outlines how parents, the entire School staff, and students will share the responsibility for improved student academic achievement and the means by which the School and parents will build and develop a partnership to help children achieve the state’s high standards. The School will review the school-parent compact with parents of participating children by doing the following:
  - o Distributing a copy of the updated version of the school-parent compact to parents and family members at the beginning of each school year through appropriate channels, such as the registration packet.
  - o Obtaining all parties’ signatures (electronic or written) on each school-parent compact on an annual basis.
  - o Encouraging parents to review the school-parent compact with their children on a regular basis.
  - o Considering, and implementing, if appropriate, any suggestions or feedback provided by parents and family members on how the School can improve its school-parent compact.
  
- **Reservation of Funds.** The School currently does not receive Title I allocations of \$500,000 or more. In the event the School’s Title I allocations reach or exceed \$500,000 in the future, the School will follow the requirements in Section 1116(a)(3) of the ESSA.
  
- **Coordination of Services.** The School will, to the extent feasible and appropriate, coordinate and integrate parent and family engagement programs and activities with other federal, state, and local programs, including public preschool programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children.
  
- **Building Capacity of Parents.** The School will build the parents’ capacity for strong parent and family engagement to ensure effective involvement of parents and to support a partnership among the School and the community to improve student academic achievement through the following:
  - o Providing opportunities for discussion with parents about the School’s curriculum, forms of academic assessment used to measure student progress, and achievement levels of the challenging state academic standards.



- o Engaging parents with materials and training to help parents to work with their child to improve their child's achievement, such as literacy training and using technology (including education about the harms of copyright piracy), as appropriate, to foster parent and family engagement.
- o Giving parents information at parent-teacher conferences about their student's state core testing and other appropriate curriculum based assessments.
- o Providing progress reports to parents to communicate their student's academic performance throughout the school year.
- o Facilitating communication between parents and School personnel through the School's LAND Trust Committee.
- o Scheduling School meetings, as well as parent-teacher conferences, in a way that will maximize parent and family member involvement and participation.
- o Gathering, on an annual basis, input from parents through a variety of methods. For example, parent surveys, needs assessments, conversation, parent-teacher conferences, and School activities.
- o Providing assistance to parents, as appropriate, in understanding topics such as the following:
  - The challenging state's academic standards;
  - The state and local academic assessments, including alternate assessments;
  - The requirements of Title I, Part A;
  - How to monitor their child's progress; and
  - How to work with educators to improve the achievement of their child.
- **Building Capacity of School Staff.** The School will, with the assistance of parents, provide training to educate teachers, specialized instructional support personnel, principals/directors and other School leaders, and other staff on the value and utility of contributions of parents; how to reach out to, communicate with, and work with parents as equal partners; how to implement and coordinate parent programs; and how to build ties between parents and the School. The School may accomplish this training through in-person trainings and/or through the utilization of online print and video resources. The School may also provide

other reasonable support for parent and family engagement activities under Section 1116 as parents may reasonably request.

### Parents and Family Members of Children Learning English

Any time this policy references “parents,” “family,” or “family members,” it includes parents and family members of students who are English language learners, regardless of the prevalence of children English language learners in the geographic area in which the School is located.

The School may seek assistance from community organizations to assist the School in communicating with parents and family members of students who are English language learners. If the School provides such assistance, it will try to determine the method of communication preferred by the parents and family members of students who are English language learners.

### Review

The School will annually review and evaluate this policy, the school-parent compact, and the targeted assistance or schoolwide program plan to determine their effectiveness in improving the academic quality of the School and academic achievement of its students. Results of the annual review and evaluation will be used to design strategies for more effective parent and family engagement.

## Pest Management Policy

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HighMark Charter School  
Policy: Pest Management Policy  
Adopted: November 18, 2014

### Policy

HighMark Charter School (the “School”) is committed to providing a safe environment for our students and staff. We recognize that, to provide a safe environment, is important to protect students from exposure to both pests and pesticides. The School has therefore adopted the Integrated Pest Management (“IPM”) approach to pest control in accordance with Utah state law. IPM is an ecologically-based pest management strategy that seeks to provide long-term solutions to pest problems with minimum impact on human health and the environment. The IPM approach minimizes the exposure of students and staff to pesticides by incorporating a variety of non-chemical and chemical methods to prevent and eradicate pests. The Principal is responsible for ensuring that the IPM approach is implemented in accordance with Utah Administrative Code R392-200-7(12).

## Political Signs on School Property Policy

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HighMark Charter School

Policy: Political Signs on School Policy

Adopted: September 21, 2015

### Purpose

The purpose of this policy is to address the posting of political signs on HighMark Charter School's (the "School") property.

### Policy

In accordance with Utah Code 20A-17-103, the School will not allow the posting of any political signs on School property.

## Procurement Policy

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HighMark Charter School  
Policy: Procurement Policy  
Approved: 06.04.2022

### Policy

HighMark Charter School (the “School”) will follow applicable state and federal laws in connection with the procurement of services, supplies and equipment, including but not limited to the provisions of the Utah Procurement Code at Utah Code § 63G-6a-101, *et seq.* and the administrative rules in Title R33 of the Utah Administrative Code.

### Procurement Processes

The School will follow the procurement processes below unless an exception applies.

#### Quotes or Bids Not Required

No procurement process is required for purchases of items up to \$5,000. The School may make such purchases from any vendor without obtaining competitive bids or quotes. However, the School may only purchase up to \$10,000 worth of items each costing \$5,000 or less from one vendor at one time without obtaining competitive bids or quotes. The School may also only purchase up to \$50,000 worth of items each costing \$5,000 or less from one vendor during one year without obtaining competitive bids or quotes.

#### Quotes or Bids Required

For small purchases as defined in R33-5-107, which will typically include purchases of items between \$5,000.01 and \$50,000 other than professional services or construction projects, the School will obtain at least two competitive bids or quotes that include minimum specifications and purchase from the responsible vendor offering the lowest bid or quote meeting the specifications. The School will also record and maintain as a governmental record the names of the vendors offering bids or quotes and the date and amount of each bid or quote.

#### Formal Procurement Process Necessary

For purchases of items over \$50,000 other than professional services or construction projects, the School will conduct a formal procurement process, such as an Invitation for Bids or a Request for Proposals.

### Professional Services

For small purchases of professional service providers and consultants as defined in R33-5-108, which will typically include purchases of such services up to \$100,000 per project, the School will first review the qualifications of at least three companies, firms, providers, and/or individuals and then select one through direct negotiation. Obtaining competitive bids or quotes for the above-described small purchases is not required.

For small purchases of design professional services as defined in R33-5-105, which will typically include purchases of such services up to \$100,000 per project, the School will first review the qualifications of at least three design professional firms and then select one through direct negotiation. The School will also include minimum specifications when doing a small purchase of design professional services as defined in R33-5-105. Obtaining competitive bids or quotes for the above-described small purchases is not required.

However, if the cost of a professional service provider's, consultant's, or design professional's services exceeds \$100,000, the School will conduct a formal procurement process for such services, such as an Invitation for Bids or a Request for Proposals.

### Construction Projects

For small purchases of construction projects as defined in R33-5-106, the School may procure a small construction project up to \$25,000 from a contractor without obtaining competitive bids or quotes after documenting that all building code approvals, licensing requirements, permitting, and other construction related requirements are met. When procuring a small construction project costing between \$25,000.01 and \$100,000, the School will obtain at least two competitive bids or quotes that include minimum specifications and will award the project to the contractor with the lowest bid or quote that meets the specifications after documenting that all applicable building code approvals, licensing requirements, permitting, and other construction related requirements are met.

The School will include minimum specifications when doing a small purchase of a construction project as defined in R33-5-106. Contractors selected by the School to do a small construction project must certify that they are capable of meeting the minimum specifications of the project.

If the cost of a construction project exceeds \$100,000, the School will conduct a formal procurement process, such as an Invitation for Bids or a Request for Proposals.

### **Other Requirements**

The School will not artificially divide purchases or otherwise take steps in order to avoid the requirement to obtain competitive bids or quotes or conduct a formal procurement process.

School personnel will comply with the provisions of the Procurement Code prohibiting the acceptance of gratuities or kickbacks from vendors during the procurement process.

The School's contracts with vendors, including any renewal or extension periods, will not have a term that is longer than five years unless an exception applies or the School complies with the requirements of the Procurement Code governing any contract with a term that is longer than five years.

The School will comply with the requirements of the Procurement Code in connection with any construction or real property improvements undertaken by the School.

When entering into a contract, the School will ensure that the contract includes appropriate language regarding the scope of work to be performed, adequately addresses any applicable federal requirements, and includes language regarding data privacy and use, where appropriate. The School will ensure that the appropriate legal review of contract language is performed prior to entering into the contract.

Any alleged violations of this policy or applicable law shall be reported in writing to the School's Director or Board of Directors.

### **Review**

The School shall review this policy annually.





## Proper Use of Public Funds Policy

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HighMark Charter School

Policy: Proper Use of Public Funds Policy

Adopted: January 23, 2023

### **Purpose**

The purpose of this policy is to establish that HighMark Charter School (the “School”) will not misuse its public funds or assets to try to persuade students to enroll in the School or participate in any of the School’s programs.

### **Policy**

The School shall comply with Utah Administrative Code Rule R277-417 regarding providing incentives, disbursements, or equipment to its students or potential students.

The School may use public funds to provide its students with equipment as set forth in R277-417. However, if the School or a third-party provider of the School purchases equipment and provides the equipment to a student or a student’s parent or guardian, the equipment remains the property of the School. Upon receipt of such equipment, the student and the student’s parent or guardian shall take reasonable precautions to protect the equipment. If the equipment is damaged or lost while under the care of the student or the student’s parent or guardian, they may be financially responsible for the cost of repair or replacement.

The School shall use, manage, and dispose of equipment and other assets in accordance with applicable law and rule.

## Public Education Materials Development Policy

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HighMark Charter School

Policy: Public Education Materials Development Policy

Amended: May 27, 2023

### **Purpose**

The purpose of this policy is to establish rules related to the sharing of public education materials developed by employees with HighMark Charter School (the “School”) funds or on contract time. The School intends for this policy to comply with the applicable requirements in Utah Administrative Code Rule R277-120.

### **Policy**

#### Definitions

For purposes of this policy, “public education materials” means courseware and materials developed with School funds or on contract time and includes, but is not limited to:

- (a) syllabi;
- (b) instructional materials;
- (c) modules;
- (d) textbooks, including teacher’s editions;
- (e) student guides;
- (f) supplemental materials;
- (g) formative and summative assessment supports;
- (h) laboratory activities;

- (i) simulations;
- (j) musical or dramatic compositions;
- (k) audio, video, or photographic material;
- (l) manuals;
- (m) codes; and
- (n) software.

For purposes of this policy, “sensitive materials” means the same as that term is defined in Utah Code § 53G-10-103.

#### Public Education Materials Developed with School Funds or on Contract Time

All public education materials developed by School employees with School funds or on contract time shall, upon review and approval of the School’s Principal, be eligible to be shared with third parties under a Creative Commons attribution license (“CC-BY license”). Public education materials developed by School employees with School funds or on contract time that have not been reviewed and approved for sharing by the Principal shall not be shared with third parties for their personal use.

The CC-BY license covering public education materials developed by School employees with School funds or on contract time shall include the name of the School and the author(s). Third parties who use the public education materials shall (1) provide proper attribution to the School and author(s); (2) provide a link to the CC-BY license; and (3) indicate if any changes were made to the materials.

All public education materials developed by School employees with School funds or on contract time shall be the property of the School, subject to the CC-BY licensing described above. With the exception of other educators in Utah public schools, the School may charge third parties for using public education materials developed by School employees with

School funds or on contract time. The School shall not charge other educators in Utah public schools for using public education materials developed by School employees with School funds or on contract time.

Consistent with R277-120, no School employee shall sell for personal gain public education materials developed with School funds, with funds from the Utah State Board of Education, or on contract time. School employees who violate this provision may be in violation of the Utah Public Officers' and Employees' Ethics Act.

School employees are prohibited from developing sensitive materials with School funds.

#### Public Education Materials Developed Without School Funds

School employees may develop public education materials using their own personal time and resources, and they may share such materials through a CC-BY license or otherwise share (or sell) the materials without permission from the School. However, Utah licensed educators (1) may only share public education materials that are consistent with the Utah Professional Educator Standards contained in Utah Administrative Code Rule R277-217; and (2) may not share materials that advocate illegal activities or materials that are inconsistent with the educator's legal and role model responsibilities.

## Purchasing and Disbursement Policy

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HighMark Charter School  
Policy: Purchasing and Disbursement Policy  
Amended: August 15, 2022

### **Purpose**

The purpose of this policy is to enable administration to make minor purchases that are necessary for the day-to-day operation of HighMark Charter School (the “School”), without approval of the Board of Directors (the “Board”).

### **Purchasing**

The responsibility for approving purchases is delegated to the Director of the School by the Board as set forth below.

During the first operating calendar year of the School, all purchases over \$5,000.00 must receive Board approval. For subsequent years, purchases up to \$5,000 must be approved by the Director, purchases between \$5,000 and \$10,000.00 must be approved by either the Board President or Board Treasurer, and purchases over \$10,000 must be approved by the full Board. Invoices, purchase orders, and authorized facsimiles must be signed by the appropriate authorized individual.

Employee purchases that require reimbursement are discouraged.

Purchases that require the use of a credit card should follow the process established by this policy and utilize a purchase order when feasible.

### **Disbursements**

The responsibility for disbursement is delegated to the School’s management company and Director as set forth below.

Disbursements will be charged to one of two School accounts: (i) the General Operating Account; and (ii) the Petty Cash Account. The School’s management company is responsible for disbursements charged to the General Operating Account, and the School’s Director is responsible for disbursements charged to the Petty Cash Account.

Disbursements are handled in such a manner as to ensure that the proper funds and accounts are charged; that the disbursement is used only for authorized purposes; and that laws, rules and regulations governing the disbursements and handling of public funds are followed.

### General Operating Account

The following controls are established to ensure that all payments charged to the General Operating Account are made on a timely basis and in accordance with all purchase orders and contracts:

- A purchase order shall be completed prior to disbursing funds for a purchase unless the disbursement is made in accordance with the terms of an ongoing contract that has been previously approved by the Board.
- A purchase order shall be authorized by the individual(s) listed above based on the purchase amount.
- Following proper authorization, purchase orders are reviewed by the School's management company.
- The School's management company must be given a valid invoice and properly completed purchase order prior to making payment.
- Disbursements are to be made primarily by check with counter signatures to provide additional control.

### Petty Cash Account

In addition to the General Operating Account, the Board may approve a Petty Cash Account with corresponding checks and a debit card to be utilized at the discretion of the Director. The purpose of the Petty Cash Account is to provide a convenient way to pay for small expenses while minimizing exposure of School funds to the risk of misuse or theft.

Blank warrants/checks and/or a debit card for the Petty Cash Account may be kept in locked storage under the control of the Director or a designated alternate. Disbursements charged to the Petty Cash Account shall be made in accordance with the following provisions to ensure payments are properly authorized and recorded:

- In general, the Petty Cash Account should maintain a balance between \$500 and \$2,000.
- Access to the Petty Cash debit card is limited to the School's Director or designated alternate.
- Access to blank checks is limited to the School's Director or a designated alternate. When blank checks are received, the date, quantity, and inclusive serial numbers are recorded and added to the total balance on hand. When a blank check is used, the stub along with a copy of the receipt is to be signed by the Director and forwarded to the management company. The use of these blank checks should be kept to an absolute minimum.
- The School's Director or designated alternate is responsible for: (i) maintaining records and receipts for each transaction charged to this account; and (ii) entering the information into the School's accounting software on a regular basis. Information should be uploaded in a timely manner to allow the School's management company adequate time to provide accurate monthly financial reports to the Board.

- The School's Director or designated alternate is responsible for replenishment of the account when petty cash is low. To replenish petty cash, the Director must request the School's management company to transfer funds.

### Recording Transactions

Purchase orders and requisition requests must identify the fund, function, location, program, and object or revenue code to which the purchase is to be booked. Accounting staff will periodically review this information to ensure that expenditures are booked accurately.

## Records Management Policy

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HighMark Charter School

Policy: Records Management Policy

Adopted: October 17, 2011

### Purpose

HighMark Charter School will follow applicable state and federal laws regarding the management, retention, and disclosure of school records.



## Revenue Recognition Policy and Procedures

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HighMark Charter School

Policy: Revenue Recognition Policy and Procedures

Adopted: September 19, 2011

### Purpose

To specify the approach taken in recognizing revenues received by HighMark Charter School (the “School”), and to specify the priority under which revenues will be allocated to associated expenses.

The principal source of operating funds the School receives is derived from federal, state, and local funds. The School receives state funding based on the number of students enrolled in the School. The School also receives federal grants on a reimbursement basis; accordingly, grant revenues are recognized when qualifying expenses have been incurred and all other grant requirements have been met.

### Policy

The School will recognize grant revenues when qualifying expenses have been incurred and all other grant requirements have been met.

The School intends to expend funds in such a manner that restricted funds are used prior to unrestricted funds and that Federal funds are used prior to State funds. If a grant requires a local revenue match, those funds will receive priority and will be expensed first to satisfy the local revenue match requirement.



## Sale of Food and Beverage Policy

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HighMark Charter School  
Policy: Sale of Food and Beverage Policy  
Approved: May 27, 2023

### **Purpose**

The purpose of this policy is to comply with the applicable requirements of Utah Administrative Code R277-719.

### **Policy**

While HighMark Charter School (the “School”) does not have a traditional school lunch program, the School does contract with a variety of restaurants/food vendors from which students can order lunch on school days. All lunches from the restaurants/food vendors must be ordered and paid for online in advance through the School’s website. These vended lunches consist of entrées only, so students will need to bring their own utensils, drinks, and any additional sides to school with them each day. The School does not provide utensils, nor does it regularly sell drinks or additional sides at lunchtime.

Students who do not order vended lunches will need to bring a lunch to school each school day.

In the event the School elects to sell additional food or beverages during the school day – whether at lunchtime, a School event, or otherwise – all such food and beverages shall be commercially prepared and packaged, and any funds received by the School for such sales shall be handled in accordance with School policy.

The School shall post on its website rules and other important information regarding lunch at the School.

## Selection and Purchase of Instructional Materials Policy

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### **HighMark Charter School**

### **Policy: Selection, Approval, and Purchase of Instructional Materials Policy**

**Approved: January 22, 2024**

#### **Purpose**

The purpose of this policy is to establish the parameters by which HighMark Charter School (the “School”) will select, approve, and purchase instructional materials.

#### **Policy**

The School shall comply with the requirements of Utah law regarding the selection, approval, and purchase of instructional materials, including but not limited to Utah Administrative Code R277-468 and R277-469 and, when applicable, Utah Code § 53G-5-404.

The School’s purpose in managing the selection, approval, and purchase of instructional materials is to implement, enrich, and support the School’s educational program. For purposes of this policy, instructional materials are the resources used by educators to deliver or support student learning. These materials may be commercially available or School-created and include such materials as textbooks, workbooks, digital resources, online courses, and multiple forms of communication media.

#### Criteria for Instructional Materials

Instructional materials should contribute to the intellectual development and positive character of students. These materials should be:

- (a) in alignment with the School's educational mission and philosophy and Utah Core standards;
- (b) of high quality, research-based, and proven to be effective in supporting student learning;
- (c) objective and provide balanced viewpoint of issues;
- (d) accurate and factual;
- (e) reflective of the pluralistic character and culture of the American people and accurate in the representation of diverse ethnic groups;
- (f) consistent with the principles of individual freedom as defined in Utah Code § 53G-10-206;
- (g) appropriate to varying levels of learning;
- (h) age appropriate; and
- (i) compatible with School technology systems, of high technical quality, and easy to use.

Instructional materials should not be “sensitive materials” as that term is defined in Utah Code § 53G-10-103.

#### Selection and Approval of Instructional Materials by the Principal

The Board of Directors (the “Board”) delegates to the School Principal the authority and responsibility to select and approve instructional materials for the School, except under circumstances where the Board is specifically required by law to approve instructional materials. The Principal shall select and approve instructional materials that meet the criteria set forth in this policy. When considering instructional materials, the Principal shall review the Utah State Board of Education recommended instructional materials (RIMs), but the Principal is not required to select RIMs if there are other instructional materials available that meet the criteria set forth in this policy.

The Principal shall involve parents reflective of the School's community (those who have a student who attends the School) and instructional staff in the consideration of instructional materials. The Principal has discretion as to how to involve such parents and instructional staff in this process.

#### Selection and Approval of Instructional Materials by the Board

If the Board is required by law to approve instructional materials for use in the classroom, the Board shall do the following (in order) prior to approving the instructional materials:

- (a) post the recommended instructional materials online to allow for public review or, for copyrighted material, make the instructional materials available at the School for public review; and
- (b) hold at least two Board meetings where the recommended instructional materials is on the agenda and allow an opportunity at those Board meetings for School educators and parents of students enrolled in the School to express views and opinions on the recommended instructional material.

The Board may approve the recommended instructional materials in an open and regular Board meeting after the requirements above have been satisfied. The vote to approve the recommended instructional materials may occur at the second of the two Board meetings described in subsection (b) above.

In accordance with Utah Code § 53G-5-404(14), the requirements in this section apply only if the Board is approving instructional materials. The requirements do not apply if the Principal is selecting and approving instructional materials (which Utah Code § 53G-5-404(14) refers to as “learning material”), nor do the requirements apply to educators’ selection of supplemental materials or resources.

#### Purchase of Instructional Materials

The School shall follow its Purchasing and Disbursement Policy in connection with the purchase of any instructional materials, regardless of whether the instructional materials are selected and approved by the Principal or by the Board. The School shall identify all costs associated with instructional materials prior to purchasing the instructional materials, including any implementation and professional development costs.

#### Educator Selection of Additional Supplemental Materials or Resources

Despite the foregoing, educators at the School may select and use supplemental materials or resources in their classroom to augment instructional materials already selected and approved by the Principal or the Board so long as each of the following are satisfied:

- (a) the educator has reviewed the supplemental materials or resources in their entirety prior to using them in the classroom;
- (b) the supplemental materials or resources meet the criteria set forth in this policy; and
- (c) the supplemental materials or resources have not previously been prohibited by the Principal or the Board.

### Contract Requirements

If the School contracts with a third party to provide online or digital materials, the School shall include in the contract a requirement that the provider give notice to the School any time that the provider makes a material change to the content of the online or digital materials, excluding regular informational updates on current events.

### Complaints About Instructional Materials

If a School employee or parent has a complaint about instructional materials, they shall follow the School's applicable grievance policy (i.e., Staff Grievance Policy or Parent Grievance Policy). If a complaint about instructional materials rises to the level of the Principal or the Board, the School shall include parents reflective of the School's community (those who have a student who attends the School) in reviewing the complaint. The Principal or the Board, as applicable, has discretion as to how to include such parents in this process.

## Sexual Abuse and Molestation Prevention Policy

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HighMark Charter School

Policy: Sexual Abuse and Molestation Prevention Policy

Adopted: August 15, 2016

Amended: July 16, 2020

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

Sexual abuse takes the form of inappropriate sexual contact or interaction for the gratification of the actor who is in a position of responsibility with respect to the student. Sexual abuse includes sexual assault, exploitation, molestation or injury.

### Reporting by School Personnel

Utah law requires that whenever any person, including any school employee, contracted or temporary employee, or volunteer who has reason to believe that a child has been subjected to incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect, or observes a child being subjected to conditions or circumstances which would reasonably result in sexual abuse, physical abuse, or neglect, he/she shall immediately notify the nearest peace officer, law enforcement agency, or the Division of Child Family Service. The law provides serious penalties for failure to fulfill one’s duty to report. School personnel and volunteers must comply with these provisions of Utah law and the School’s Child Abuse and Neglect Reporting Policy.

### Reporting by Students and Parents



Reports of sexual abuse should typically be made to the Principal/Director, who is the designated individual to receive and investigate complaints of these matters. However, students and parents may make reports to any School employee, and that employee is responsible for conveying the report to the Administration or, if the report involves the Administration, to the Board of Directors. Reports may be made verbally, but all reports will be documented in writing.

### Investigation & Follow Up

The School takes allegations of sexual abuse involving School personnel seriously. Once an allegation is reported, the School will promptly, thoroughly, and impartially begin an investigation to determine whether there is a reasonable basis to believe that sexual abuse has been committed. When it is appropriate considering the nature of the allegations, an internal team may conduct the investigation. However, when the report involves potentially criminal conduct, the School will refer the reports to law enforcement and cooperate fully with any investigation conducted by law enforcement or regulatory agencies.

The School reserves the right to place the subject of the investigation on an involuntary leave of absence, reassign that person to responsibilities that do not involve personal contact with individuals or students, or terminate employment.

To the fullest extent possible, but consistent with the legal obligation to report suspected abuse to appropriate authorities, the School will endeavor to keep the identities of the alleged victims and investigation subject confidential.

If the investigation substantiates the allegation, appropriate disciplinary actions will be taken, including but not limited to the termination of the actor's relationship with the School

### Signs of Abuse

There are a number of red flags that suggest someone is being sexually abused. They take the form of physical or behavioral evidence.

Physical evidence of sexual abuse includes, but is not limited to:

- Sexually transmitted diseases;
- Difficulty walking or moving normally;
- Stained, bloody or torn undergarments;
- Genital pain or itching; and
- Physical injuries involving the external genitalia.

Behavioral signals suggestive of sexual abuse include, but are not limited to:

- Fear or reluctance about being left in the care of a particular person;
- Recoiling from being touched;
- Bundling oneself in excessive clothing, especially night clothes;
- Discomfort or apprehension when sex is referred to or discussed; and
- Nightmares or fear of night and/or darkness.

Additionally, adult perpetrators of abuse often display warning signs, including:

- Overly affectionate behavior such as prolonged hugging and touching;
- Engaging in nonprofessional behavior such as telling sexual jokes and sexual teasing;
- Seeking to extend their contact with certain students beyond the day.

### Retaliation Prohibited

We prohibit any retaliation against anyone, including an employee, volunteer, board member, student or individual, who in good faith reports sexual abuse, alleges that it is being committed or participates in the investigation. Intentionally false or malicious accusations of sexual abuse are prohibited.

### Screening Prospective Employees

The School's administration must take reasonable effort when screening prospective School employees. In addition to conductive required criminal background checks, each applicant and former employer(s) of applicants should be asked, before an offer of employment is extended, whether the applicant has ever been investigated or accused of sexual misconduct.

## Training

The administration will provide School personnel every other year with training and instruction on child sexual abuse and human trafficking prevention and awareness, including (a) responding to a disclosure of child sexual abuse in a supportive, appropriate, manner; (b) identifying children who are victims or may be at risk of becoming victims of human trafficking or commercial sexual exploitation; and (c) the mandatory reporting requirements in the Schools Child Abuse and Neglect Reporting Policy and Utah Code Sections 53E-6-701 and 62A-4a-403.

The administration will provide the parents or guardians of elementary school students with training and instruction every other year on child sexual abuse and human trafficking prevention and awareness, including (a) recognizing warning signs of a child who is being sexually abused or who is a victim or may be at risk of becoming a victim of human trafficking or commercial sexual exploitation and (b) effective, age-appropriate methods for discussing the topic of child sexual exploitation.

Administration will communicate this policy to personnel, volunteers, and students annually. Documentation of the communication of this policy will be maintained.

## Sex Education Instruction Policy

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HighMark Charter School

Policy: Sex Education instruction Policy

Approved: October 15, 2018

Reviewed: May 27, 2023

### Policy

The purpose of this policy is to ensure that the Sex Education Curriculum taught at HighMark Charter School (the “School”) is compliant with state law. The School will comply with applicable state law regarding the presentation of Sex education instruction or instructional programs.

"Sex education instruction or instructional programs" means any course, unit, class, activity or presentation that provides instruction or information to students about sexual abstinence, human sexuality, human reproduction, reproductive anatomy, physiology, pregnancy, marriage, childbirth, parenthood, contraception, HIV/AIDS, sexually transmitted diseases, or refusal skills, as defined in Utah Code § 53G-10-402. While these topics are most likely discussed in courses such as health education, health occupations, human biology, physiology, parenting, adult roles, psychology, sociology, child development, and biology, this policy applies to any course or class in which these topics are the focus of discussion.

Every two years the Board of Directors will (a) review this policy; and (b) review data for the county in which the School is located regarding teen pregnancy, child sexual abuse, sexually transmitted diseases and sexually transmitted infections, and the number of pornography complaints or other instances reported in the School.

## Special Education Policies and Procedures Manual

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HighMark Charter School

Policy: Special Education Policies and Procedures Manual

USOE Adopted: October 6, 2017

Board Adopted: January 22, 2018

Manual available separately.

## Student Data Privacy and Security Policy

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HighMark Charter School

Policy: Student Data Privacy and Security Policy

Adopted: October 15, 2018

Purpose

Highmark Charter School (the “School”) is responsible for protecting the privacy of student data and ensuring data security. The purpose of this policy is to describe how the School will perform this responsibility in compliance with state and federal law.

Policy

The School will comply with state and federal laws regarding student data privacy and security, including but not limited to Chapter 9 of Title 53E of the Utah Code, Utah Administrative Code Rule R277-487, and the Family Educational Rights and Privacy Act.

Utah Code Ann. § 53E-9-301 *et seq.* requires the School to, among other things:

- (1) Adopt policies to protect student data;
- (2) Designate a student data manager;
- (3) Create, maintain, and publish a data governance plan;
- (4) Create, maintain, and publish a metadata dictionary;
- (5) Establish an external research review process for a request for data for the purpose of external research or evaluation;
- (6) Distribute and publish a student data collection notice; and
- (7) Require third-party contractors that receive student data from the School to enter into a contract with the School concerning, among other things, the third-party contractor’s collection, use, storage, and sharing of the student data.

Student Data Manager

The School hereby designates the Principal as the School's Student Data Manager. The Principal shall fulfill the responsibilities of a student data manager described in Utah Code Ann. § 53E-9-308 and rules adopted by the Utah State Board of Education. When appropriate, the Principal may delegate such responsibilities to another individual.

### Data Governance Plan

The Principal shall establish an administrative Data Governance Plan that complies with the requirements Utah Code Ann. § 53E-9-301 *et seq.* and rules adopted by the Utah State Board of Education. The Data Governance Plan shall encompass the full life cycle of student data, from acquisition, to use, to disposal, and shall, among other things:

- (1) Incorporate reasonable data industry best practices to maintain and protect student data and other education-related data;
- (2) Describe the role, responsibility, and authority of the School's data and security managers, employees and volunteers, educators, and other parties;
- (3) Provide for necessary technical assistance, training, support, and auditing;
- (4) Describe the process the School will follow in connection with sharing student data with third-parties, including appropriate third-party contractors;
- (5) Describe the School's data expungement process, including how to respond to requests that data be expunged;
- (6) Include the School's external research review process for a request for data for the purpose of external research or evaluation; and
- (7) Describe actions the School will take to prevent data breaches as well as the response process the School will follow in the event of a data breach.

The Data Governance Plan shall work in conjunction with this policy, the School's metadata dictionary, and any other School policy or administrative procedure or plan concerning student data privacy and security.

The Data Governance Plan shall be published as required by Utah law and rules adopted by the Utah State Board of Education.

### Metadata Dictionary

The Principal shall ensure that the School creates, maintains, and publishes a metadata dictionary in accordance with Utah Code Ann. § 53E-9-301 *et seq.* and rules adopted by the Utah State Board of Education.

### Training

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



## Student Code of Conduct Policy

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HighMark Charter School

Policy: Student Code of Conduct Policy

Adopted: May 20, 2017

### 1. PURPOSE, BELIEFS, AND PHILOSOPHY

#### 1.1 Purpose

*The purpose of HighMark Charter School's (the "School") Student Conduct and Discipline Policy is to help all students develop positive relationships with other students and adults, take responsibility for their actions and learning, and develop the self-discipline necessary to create an environment that is characterized by physical and emotional safety in order to enhance learning for everyone.*

The School will foster a school and community-wide expectation of good citizenship for students and a sense of responsibility in the school community for rules and standards of behavior.

The School will promote and require:

- student responsibility for learning and behavior in all grades;
- student conduct that produces a proper learning environment and respect for the personal, civil, and property rights of all members of the School community;
- parents and guardians of all students to assume proper responsibility for their students' behavior and to cooperate with School authorities in encouraging student self-discipline and discouraging behavior that is disruptive to the School's educational program.

#### 1.2 Beliefs and Expectations

The School's beliefs and expectations set a positive and inviting culture for dealing with student behavior issues.

Beliefs:

- Punishment alone will not change behavior
- Much aggressive behavior is a relationship problem, not a behavior problem
- Adults must model the behaviors they expect from the students
- We expect conflicts, but we expect conflicts to be resolved and relationships mended

Expectations:

- Students will show respect for other students
- Students will show respect for adults
- Students will show respect for the building
- Adults will show respect for students
- Students will develop self-discipline

### 1.3 Procedural Philosophy

The School recognizes that establishing a procedural philosophy consistent with the desired positive school environment is as important as following legal and due process procedures. The School's policy sets forth appropriate legal and due process procedures and will be followed within the context of the procedural philosophy outlined below:

Procedures:

When students are involved in conflicts with other students, they will:

- Work together to resolve the conflict
- Work to repair the relationship and build trust
- Be subject to additional consequences if they exhibit unsafe behaviors during the conflict

When students are involved in a conflict with or feel they have been treated unfairly by a member of the staff or a volunteer, they will:

- Report their feelings to their parent or to the administrator or counselor, who will work together to set up a conference with the student, the parent, an administrator or counselor, and the adult involved in order to resolve the conflict and mend the relationship

When students flagrantly disregard the safety of others, show blatant disrespect to others, or consistently behave in a disrespectful or unsafe way:

- The student will be subjected to consequences and positive behavior support to ensure that the student will make better choices in the future. Consequences might include:
  - In-School Suspension
  - Out of School Suspension
  - Expulsion
  - Restitution
  - Repayment for damages
- The student will work to earn back the trust of the school community by actions such as:
  - Genuine apology to injured or affected parties
  - Demonstration of appropriate behaviors following the incident
  - Repair or replace any damaged items

Due process to protect the rights of students will include:

- All students will be treated with dignity and respect as they go through correction procedures. The administration will see to it that their rights are protected through the process. If parents feel their student has not been treated fairly, they may request a hearing with the School's Board of Directors (the "Board") in accordance with the School's Grievance Policy.
- Parents will be notified when students are involved in situations that are deemed to be serious.
- Parents and students will be notified of the expectations, possible consequences, and the procedures involved in this policy at the beginning of each school year.

## 2. ENVIRONMENT

### 2.1 Safe School Environment

It is the School's policy to promote a safe and orderly school environment for all students and employees. Accordingly, the School holds all students, employees, and other adults to the highest standards of behavior in the classroom, on School grounds, in School vehicles, and during School-sponsored activities. Criminal acts or disruptive behavior of any kind will not be tolerated, and any individual who engages in such activity will be subject to disciplinary action, criminal prosecution, or both.

### 2.2 Discrimination Prohibited

It is the School's policy to provide equal educational and employment opportunity for all individuals. Therefore, the School prohibits all discrimination on the basis of race, color, religion, sex, age, national origin, disability, or veteran status. Complaints of discrimination or unfair application of this policy should be submitted pursuant to the School's Grievance Policy.

### 3. DEFINITIONS

#### 3.1 Suspension

For purposes of this policy, suspension is a temporary removal of a student from School and School-sponsored activities for a period of up to one (1) year. A student who is suspended may, at the Principal's discretion, have access to homework, tests, and other schoolwork through a home study program but will not be allowed to attend classes or participate in any School activities during the period of suspension.

#### 3.2 Expulsion

For purposes of this policy, expulsion means the formal process of dismissing a student from School. Recognizing that students who commit violent or disruptive acts may pose safety problems, the School will work with parents to provide alternative educational placement and programs for the student where appropriate and feasible. However, the Principal retains the authority to exclude the student from all programs or activities for the period of expulsion.

#### 3.3 Change of Placement for Students with Disabilities under IDEA and Section 504

For purpose of the removal of a student with a disability from the student's current educational placement, a "change of placement" occurs if (a) the removal is for more than ten (10) consecutive school days or (b) the student is subjected to a series of removals that constitute a pattern because they total more than ten (10) school days in a school year or because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another. Any "change of placement" requires compliance with the procedures outlined in Section 10 of this policy.

#### 3.4 Disruptive Student Behavior

For purposes of this policy, "disruptive student behavior" means the behavior identified as grounds for suspension or expulsion described in Section 4.1, below.

#### 3.5 Parent

For purposes of this policy, "parent" means (i) a custodial parent of a school-age minor; (ii) a legally appointed guardian of a school-age minor; or (iii) any other person purporting to exercise any authority over the minor which could be exercised by a person described above.

#### 3.6 Qualifying Minor

For purposes of this policy, "qualifying minor" means a school-age minor who: (i) is at least nine

years old; or (ii) turns nine years old at any time during the school year.

### 3.7 School Year

For purposes of this policy, "school year" means the period of time designated as the school year by the Board in the calendar adopted each year.

## 4. GROUNDS FOR SUSPENSION, EXPULSION, OR CHANGE OF PLACEMENT

### 4.1 Suspension

4.1.1 A student may be suspended from School for any of the following reasons:

[a] frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including, but not limited to: fighting; gang activity; noncompliance with School dress code; harassment, including sexual, racial, or religious harassment; the use of foul, profane, vulgar or abusive language; or other unreasonable and substantial disruption of a class, activity, or other function of the School;

[b] willful destruction or defacing of School property;

[c] behavior or threatened behavior that poses an immediate and significant threat to the welfare, safety, or morals of other students or School personnel or to the operation of the School;

[d] possession, distribution, control, use, sale, or arranging for the sale of an alcoholic beverage as defined in Utah law;

[e] possession, distribution, control, use, sale, or arranging for the sale of cigars, cigarettes, electronic cigarettes, or tobacco, as defined by Utah Code Ann. § 76-10-101;

[f] possession, distribution, control, use, sale, or arranging for the sale of contraband, including but not limited to real, look-alike or pretend weapons, fireworks, matches, lighters, alcohol, tobacco, mace, pepper spray, laser pointers, pornography, illegal drugs and controlled substances, drug paraphernalia, or any other material or item that has caused or will imminently cause substantial disruption to school operations;

[g] inappropriate use or possession of electronic devices in class or in any other way that substantially disrupts the educational environment;

[h] any criminal activity;

[i] any serious violation involving weapons, drugs, or the use of force, including those actions prohibited in Section 4.1.2 below, that threatens harm or causes harm to the School or School property, to a person associated with the School, or property associated with any such person, regardless of where it occurs; or

[j] bullying or hazing as defined in Utah Code Ann. § 53A-11a-102 and/or the School's Bullying and Hazing Policy.

4.1.2 A student shall be suspended or expelled from School for

[a] any serious violation affecting another student or a staff member, or any serious violation occurring in a School building, in or on School property, or in conjunction with any School-sponsored activity, including:

- (i) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;
- (ii) the actual or threatened use of a lookalike weapon with intent to intimidate another person or to disrupt normal School activities; or
- (iii) the sale, control, or distribution of a drug or controlled substance as defined in Utah Code Ann. § 58-37-2, an imitation controlled substance defined in Utah Code Ann. § 58-37b-2, or drug paraphernalia as defined in Utah Code Ann. § 58-37a-3; or

[b] the commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor.

#### 4.2 Expulsion

A student may be expelled from School for any violation listed under Section 4.1 of this policy if the violation is serious or persistent.

#### 4.3 Weapons – Mandatory Expulsion for One Year – Utah Code Ann. § 53a-11-904(2)(b); 20 U.S.C. § 7151

4.3.1 Any student who commits an act for which mandatory suspension or expulsion is provided under Section 4.1.2, above, using a real or lookalike weapon, explosive, or noxious or flammable material shall be expelled from all School programs and activities for a period of not less than one (1) year, subject to the following:

[a] Within forty-five (45) days after the expulsion, the student shall appear before the Case Management Team (“CMT”), which shall be comprised of the Principal, a Board member, and a teacher selected by them, accompanied by a parent or legal guardian; and

[b] The CMT shall determine:

- (i) what conditions must be met by the student and the student's parent for the student to return to School;
- (ii) if the student should be placed on probation in a regular school setting consistent with Utah Code Ann. § 53A-11-907, and what conditions must be met by the student in order to ensure the

safety of students and faculty at the School; and

(iii) if it would be in the best interest of both the School 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.

[c] For purposes of this policy, the term "firearm", "explosive", and "noxious or flammable material" include but are not limited to: guns, starter pistols, cap guns, bombs, bullets and ammunition, gasoline or other flammable liquids, mace, pepper spray, matches, and lighters.

#### 4.3.2 Students with Disabilities under IDEA and Section 504

Whenever a student receiving special education and related services under the Individuals with Disabilities Education Act ("IDEA") or Section 504 of the Rehabilitation Act is determined to have carried a weapon to School or a School-sponsored activity, the procedures outlined in Section 10 of this policy must be followed.

#### 4.4 Drugs and Controlled Substances – Mandatory Suspension or Expulsion – Utah Code Ann. § 53A-11-904(2)(a)

4.4.1 A student shall be suspended or expelled from the School for any of the following reasons:

[a] use, control, possession, distribution, sale, or arranging for the sale of an illegal drug or controlled substance (which includes alcohol), an imitation controlled substance, or drug paraphernalia in a School building, in a School vehicle, on School property, or in conjunction with any School-sponsored activity;

[b] misuse or abuse, distribution, sale or arranging for the sale of prescription medication at School or a School-sponsored activity; or

[c] misuse or abuse of over-the-counter remedies, or sharing, distribution, sale, or arranging for the sale of over-the-counter remedies. A student may possess and use over-the-counter remedies at School only in amounts not to exceed the recommended daily dose including, but not limited to: aspirin, ibuprofen, Tylenol (acetaminophen), cough drops, allergy medication, cough syrup and mouthwash.

#### 4.4.2 Students with Disabilities under Section 504

Any student identified as being disabled under either Section 504 of the Rehabilitation Act or the Americans with Disabilities Act who currently is engaging in the illegal use of drugs or alcohol shall be suspended or expelled to the same extent as non-disabled students for the

possession, use, control, distribution, sale, or arrangement of the sale of illegal drugs, alcohol, or controlled substances on School property or in conjunction with any School-sponsored activity.

#### 4.4.3 Drug Testing

[a] Any student who is reasonably suspected of violating Section 4.4 may be subject to a drug test for cause, arranged and paid for by the School.

[b] Any student who has been suspended or expelled for a violation of Section 4.4 may be required to provide a clean drug test and evidence of completion of drug assessment and/or drug counseling programs as a condition of readmission to School. Testing and counseling required as a condition of readmission rather than for the purpose of providing justification for the initial suspension or expulsion shall be arranged and paid for by the student's parent or guardian.

[c] Students who refuse to submit to required drug testing and counseling programs or to cooperate with School officials with respect to the sharing of appropriate information, may be expelled from the School.

[d] Any student who is suspended or expelled for violation of Section 4.4 may be subject to random drug testing, at any time and for any reason, for a period of one year from the date of offense. If the student tests positive, he/she may be expelled from all School programs or activities. Any student who refuses consent for random drug testing under these conditions shall be expelled from all School programs or activities.

#### 4.4.4 Students with Disabilities under IDEA

Whenever a student receiving special education and related services under IDEA knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at School or a School-sponsored activity, the procedures outlined in Section 10 of this policy must be followed.

#### 4.5 Gangs

For purposes of this policy, "gang" means any ongoing organization, association or group of three or more persons, whether formal or informal, having as one its primary activities the commission of criminal acts, which has a unique name or identifiable signs, symbols, or marks, and whose members individually or collectively engage in criminal or violent behavior to persons or property, or who create an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of a school.



#### 4.5.1 Gang Activity and Apparel Prohibited

Students who engage in any form of gang activity on or about School property, or at any School-sponsored activity may be suspended or expelled under the terms of this policy. For the purposes of this policy, "gang activities" include, but are not limited to any of the following:

[a] Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, apparel, emblems, badges, tattoos or manner of grooming, accessories, symbols, signs, or other thing which is evidence of membership in or affiliation with any gang;

[b] Committing any act or omission or using any speech, either verbal or nonverbal, (flashing signs, gestures, hand shakes, etc.) that demonstrates membership in or a affiliation with a gang;

[c] Soliciting others for membership in a gang;

[d] Requesting any person to pay for "protection", claiming "turf", or otherwise intimidating, bullying, retaliating against, threatening, abusing, or harassing any person;

[e] Possessing a weapon, controlled substances, drug paraphernalia, or other contraband;

[f] Committing any illegal act; or

[g] Encouraging or inciting another person to act with physical violence upon any other person or cause damage to property.

#### 4.5.2 Confiscation of Gang Items

Subject to the search and seizure provisions of this policy, gang paraphernalia, apparel, or weapons may be confiscated by School officials at any time.

#### 4.5.3 Consultation with Law Enforcement Authorities

School officials shall consult with local law enforcement authorities and gang detectives whenever they have questions regarding gang-related clothing, apparel, or other gang activity.

#### 4.6 Bullying, Cyber-Bullying, Harassment, Hazing, and Abusive Conduct

Bullying, cyber-bullying, harassment, hazing, and abusive conduct of students and employees are against federal law, state law, and School policy, and are not tolerated by the School. It is the School's intent to respond to school-related incidents by implementing prevention efforts where victims can be identified and assessed, and perpetrators educated, in order to create a safer school that provide a positive learning environment.

School administration has the authority to discipline students and employees for off-campus speech that causes or threatens a substantial disruption on campus, at School activities, or causes or threatens a significant interference with a student's educational performance or involvement in School activities.

Additional information regarding these issues are contained in the School's Bullying and Hazing Policy, which is available on the School's website.

## 5. AUTHORITY TO SUSPEND OR EXPEL

### 5.1 Authority to Suspend for Ten (10) School Days or Less for Regular Education Students

The Principal has the authority to suspend a regular education student for up to ten (10) school days. In considering whether to suspend a student, the Principal shall consider all relevant factors, including but not limited to, the severity of the offense, the student's age, disability, academic status and disciplinary record, parental capabilities, and community resources.

### 5.2 Authority to Suspend and Duration of Suspension for Students with Disabilities

The Principal has the authority to suspend a student with disabilities (504 or IDEA) for not more than ten (10) consecutive school days, and additional removals of not more than ten (10) total school days in that same school year for separate incidents of misconduct as long as those removals do not constitute a pattern resulting in a change of placement. The School need not provide services during periods of removal of ten (10) days cumulative or less if services are not provided to a student without disabilities who has been similarly suspended.

### 5.3 Authority to Suspend for Longer than Ten (10) Days or Expel for Regular Education Students

Subject to the requirements for due process set forth in Section 9, below, the Principal may suspend a regular education student for longer than ten (10) days or expel a regular education student.

Expulsions shall be reviewed by the CMT and the conclusions reported to the Board at least once each year if the parent/guardian of the expelled student has expressed a desire for the student to return to the School.

#### 5.3.1 Parental Responsibility

If a student is suspended for a period longer than ten (10) days or expelled, the student's parent or legal guardian is responsible for undertaking an alternative education plan that will ensure that the student's education continues during the period of expulsion. The parent or guardian shall work with designated School officials to determine how the student's education will continue through private education paid for by the parents, an alternative program offered by the local school district, or other alternatives which will reasonably meet the educational needs of the student. Costs of educational services which are not provided by the School are the

responsibility of the student's parent or guardian.

5.3.2 The parent or guardian and designated School officials may enlist the cooperation of the Division of Child and Family Services, the juvenile court, law enforcement, or other appropriate government agencies in determining how to meet the educational needs of the student.

5.3.3 The School shall contact the parent or guardian of each student under age 16 who has been expelled from all School programs and services at least once a month to determine the student's progress if the parent/guardian of the expelled student has expressed a desire for the student to return to the School.

#### 5.4 Authority to Institute Change of Placement for Student with Disabilities

Where the student is receiving special education services or accommodations on the basis of disability under IDEA, 504, or ADA, procedures outlined in the State of Utah Special Education Rules shall be followed, including prior written notice to parents or guardians regarding their procedural due process rights, before any long-term disciplinary action or change of placement takes place.

### 6. PROCEDURES FOR ADDRESSING DISRUPTIVE STUDENT BEHAVIOR – Utah Code Ann. § 53A-11-910

#### 6.1 Efforts to Resolve Disruptive Student Behavior Problems

6.1.1 Information About Resources. The School will provide to a parent of a student who engages in disruptive student behavior a list of resources available to assist the parent in resolving the student's disruptive behavior problem.

6.1.2 Procedures for Resolving Problems. The Principal or a teacher or counselor designated by the Principal will work with students who engage in disruptive student behavior according to the procedures identified in Section 7, below, in an attempt to help the student's behavior to improve and to prevent problems from escalating. Incidents of disruptive student behavior and attempts to resolve behavior issues will be documented.

#### 6.2 Notice of Disruptive Student Behavior

6.2.1 Authorization. The Principal is authorized to issue notices of disruptive student behavior to students who are qualifying minors.

6.2.2 Criteria for Issuing Notice. The Principal will issue a "notice of disruptive student behavior" to a qualifying minor who:

[a] engages in "disruptive student behavior" that does not result in suspension or expulsion three times during the school year; or

[b] engages in disruptive student behavior that results in suspension or expulsion once during the school year.

6.2.3 Contents of Notice. The notice of disruptive student behavior will:

[a] require the qualifying minor and a parent of the qualifying minor to whom the notice is issued to (i) meet with School authorities to discuss the qualifying minor's disruptive student behavior; and (ii) cooperate with the Principal and the Board in correcting the student's disruptive student behavior; and

[b] be mailed by certified mail to, or served in person on, a parent of the qualifying minor.

6.2.4 Contesting Notice. A qualifying minor, or a qualifying minor's parent, may contest a notice of disruptive student behavior by requesting in writing, within ten (10) business days after receipt of the notice, a meeting with the CMT at which the parent and the CMT will discuss the facts related to the student's behavior, the basis of the parent's concerns with or objections to the issuance of the notice, and efforts that have been made to address the behavior problems.

### 6.3 Habitual Disruptive Student Behavior Notice

6.3.1 Criteria for Issuing Notice. The Principal may issue a "habitual disruptive student behavior notice" to a qualifying minor who:

[a] engages in disruptive student behavior that does not result in suspension or expulsion at least six times during the school year;

[b] (i) engages in disruptive student behavior that does not result in suspension or expulsion at least three times during the school year; and (ii) engages in disruptive student behavior that results in suspension or expulsion at least once during the school year; or

[c] engages in disruptive student behavior that results in suspension or expulsion at least twice during the school year.

6.3.2 Notice to Parents. Within five (5) days after the day on which a habitual disruptive student behavior notice is issued, the Principal shall provide documentation to a parent of the qualifying minor who receives the notice of the efforts made by a School representative under Section 7, below.

### 6.4 Responses to School-Based Behavior

#### 6.4.1 Definitions.

[a] "Mobile crisis outreach team" means a crisis intervention service for minors or families of minors experiencing behavioral health or psychiatric emergencies.

[b] "Restorative justice program" means a school-based program that is designed to enhance

school safety, reduce school suspensions, and limit referrals to court, and is designed to help minors take responsibility for and repair the harm of behavior that occurs in school.

[c] “Youth court” means the same as that term is defined in § 78A-6-1203, including that it is a diversion program that provides an alternative disposition for cases involving juvenile offenders in which youth participants, under the supervision of an adult coordinator, may serve in various capacities within the courtroom, acting in the role of jurors, lawyers, bailiffs, clerks, and judges.

6.4.2 Alternative School-Related Interventions. The Board may establish or partner with a certified youth court program or establish or partner with a comparable restorative justice program. The School may refer a student to youth court or a comparable restorative justice program in accordance with § 53A-11-911.

6.4.3 Referrals of Minors. A qualifying minor to whom a habitual disruptive student behavior notice is issued under Section 6.3.1 may not be referred to the juvenile court. The School will follow § 53A-11-911 with respect to referring a minor who is alleged to have committed an offense on school property or that is truancy. In accordance with § 53A-11-911:

[a] if the alleged offense is a class C misdemeanor, an infraction, a status offense on School property, or truancy, the minor may not be referred to law enforcement or court but may be referred to alternative school-related interventions, including:

(i) a mobile crisis outreach team;

(ii) a receiving center operated by the Division of Juvenile Justice Services in accordance with § 62A-7-104; and

(ii) a youth court or comparable restorative justice program.

[b] if the alleged offense is a class B misdemeanor or a nonperson class A misdemeanor, the minor may be referred directly to the juvenile court by the Principal or the Principal’s designee, or the minor may be referred to the alternative interventions described above.

## 7. ALTERNATIVES TO EXPULSION, OR CHANGE OF PLACEMENT FOR FREQUENT OR FLAGRANT DISRUPTIVE BEHAVIOR – Utah Code Ann. § 53A-11-906

A continuum of intervention strategies shall be available to help students whose behavior in School repeatedly falls short of reasonable expectations. Prior to suspending a student for more than ten (10) days or expelling a student for repeated acts of willful disobedience, defiance of authority, or disruptive behavior which are not so extreme or violent that immediate removal is warranted, good faith efforts shall be made to implement a remedial discipline plan to allow the student to remain in the School.

7.1 Before referring the student for long-term suspension, expulsion or change of placement under this Section, School staff should demonstrate that they have attempted some or all of the following interventions:

- 7.1.1 Talking with the student;
- 7.1.2 Class schedule adjustment;
- 7.1.3 Phone contact with the parent or legal guardian;
  
- 7.1.4 Informal parent/student conferences;
  
- 7.1.5 Behavioral contracts;
- 7.1.6 After-school make-up time;
- 7.1.7 Short-term in-school suspension (ISS);
- 7.1.8 Short-term at-home suspensions;
- 7.1.9 Appropriate evaluation;
- 7.1.10 Home study;
- 7.1.11 Alternative programs; or
- 7.1.12 Law enforcement assistance as appropriate.

7.2 Parental Attendance with Student – Utah Code Ann. § 53A-11-906(1)-(2).

As part of a remedial discipline plan for a student, the School may require the student's parent or guardian, with the consent of the student's teachers, to attend class with the student for a period of time specified by a designated School official. If the parent or guardian does not agree or fails to attend class with the student, the student shall be suspended in accordance with the provisions of this policy.

## 8. DUE PROCESS FOR SUSPENSIONS OF TEN (10) DAYS OR LESS

The following procedure shall apply to all students facing suspension of ten (10) school days or less:

8.1 The Principal shall notify the student's custodial parent or guardian of the following without delay: that the student has been suspended, the grounds for the suspension, the period of time for which the student is suspended, and the time and place for the parent or guardian to meet with the Principal to review the suspension.

8.2 The Principal shall also notify the non-custodial parent, if requested in writing, of the suspension.

8.2.1 Section 8.2 does not apply to the portion of School records which would disclose any information protected under a court order.

8.2.2 The custodial parent is responsible to provide the School a certified copy of any court order under subsection 8.2.1.

8.3 The Principal shall document the charges, evidence, and action taken.

8.4 The student shall be requested to present his/her version of the incident in writing. Students with disabilities or young students who are unable to write their own statements shall be accommodated through the use of tape recorder, scribe, etc.

8.5 If the student denies the charges, the student shall be provided with an explanation of the evidence and an opportunity to present his/her version of the incident to the Principal.

8.6 In general, the notice and informal conference shall precede the student's removal from the School.

8.7 If, in the judgment of the Principal, notice is not possible because the student poses a danger to a person or property or an ongoing threat of disrupting the academic process, he/she may be removed immediately. However, in such cases, the necessary notice and hearing shall follow as soon as possible.

## 9. DUE PROCESS FOR SUSPENSIONS OF MORE THAN TEN (10) DAYS AND EXPULSIONS

9.1 If the Principal believes that a student should be suspended for more than ten (10) days or expelled, the Principal may make the initial decision and shall meet with the student's parent or guardian to discuss the charges against the student and the proposed discipline within five (5) school days after the suspension or expulsion began. If requested in writing, the Principal shall also notify the non-custodial parent of the suspension or expulsion as outlined in Section 8.2 of this policy.

### 9.2 Notice to Student and Parent/Guardian

During the meeting required in Section 9.1, the Principal shall provide the student's parent or guardian with written notice that includes all of the following elements (or, if the student's parent or guardian refuses to meet, the Principal shall send the notice by certified mail, return receipt

requested, to the student's parent or legal guardian within ten (10) school days after the suspension or expulsion began):

9.2.1 a description of the alleged violation(s) or reason(s) giving rise to disciplinary action;

9.2.2 the penalty being imposed (duration of suspension or expulsion);

9.2.3 a statement that a due process hearing may be requested by providing the Principal with written notice within ten (10) school days of the parent or guardian's receipt of the notice;

9.2.4 a statement that, if a due process hearing is requested, the Board, even though less than a quorum, will conduct the hearing;

9.2.5 a statement that the suspension or expulsion is taking effect immediately and will continue for the stated period unless a due process hearing is requested in a timely manner and the Board determines otherwise;

9.2.6 the mailing date of the notice; and

9.2.7 a statement that, if a hearing is not requested within ten (10) school days after receipt of the notice, the Principal's decision to suspend or expel the student will be final, and the parent's right to oppose the decision will be waived.

### 9.3 Hearing Procedures

If a Due Process Hearing is requested in response to the notice sent pursuant to Section 9.2 of this policy, the following procedures shall apply:

9.3.1 After receipt of the request, the School shall schedule a hearing as soon as possible but not later than ten (10) school days following receipt of the request unless the student's parent or guardian agrees otherwise.

9.3.2 A written Hearing Notice shall be sent to the parent or guardian informing the parent or guardian that the Due Process Hearing will be conducted before the Board and of the following information:

[a] the date, place, and time of the hearing;



[b] the circumstances, evidence, and issues to be discussed at the hearing;

[c] the right of all parties to cross-examine witnesses subject to the Board chairman's determination that this right should be limited to protect student witnesses from retaliation, ostracism or reprisal; and

[d] the right of all parties to examine all relevant records.

9.3.3 The Board shall conduct the Due Process Hearing on the record and shall:

[a] ensure that a written record of the Hearing is made, a copy of which shall be provided to all parties upon request, with the cost borne by the School;

[b] consider all relevant evidence presented at the Hearing;

[c] allow the right to cross-examination of witnesses, unless the Board chairman determines that this right should be limited to protect student witnesses from ostracism, retaliation or reprisal;

[d] allow all parties a fair opportunity to present relevant evidence; and

[e] issue a written decision including findings of fact and conclusions.

9.3.4 Hearing Rules

Formal Rules of Evidence do not apply to the Due Process Hearing, and no discovery is permitted. However, the following rules will apply:

[a] parties may have access to information contained in the School's files to the extent permitted by law;

[b] hearings shall be closed to the press and the public;

[c] documents, testimony, or other evidence submitted by the parties after the hearing will not be considered by the Board; and

[d] the Board may excuse witnesses or parties or suspend or terminate a hearing if persons involved in the hearing are abusive, disorderly, disruptive, or if they refuse to abide by the rules and orders of the Board.

## 10. DUE PROCESS FOR CHANGE OF PLACEMENT OF STUDENTS WITH DISABILITIES

Where the student is receiving special education services or accommodations on the basis of disability under IDEA, 504 or ADA, procedures outlined in the Utah State Board of Education Special Education Rules shall be followed, including prior written notice to parents or guardians regarding their procedural due process rights, before any long-term disciplinary action or change of placement takes place.

### 10.1 Required Services

#### 10.1.1 504 and ADA Students

When a determination is made that the conduct of a 504 or ADA student (but not a student who is disabled under IDEA) is not a manifestation of the student's disability pursuant to Section 10.5, the student shall be subject to the same disciplinary consequences as regular education students, up to and including expulsion from School; however, the School must continue to provide education services in accordance with guidelines established by the Utah State Office of Education.

#### 10.1.2 IDEA

A school need not provide services during periods of removal to a student with a disability under IDEA who has been removed from his or her current placement for ten (10) school days or less in that school year if services are not provided to a student without disabilities who has been similarly removed.

If a student with a disability under IDEA has been removed from his or her current placement for more than ten (10) school days in the same school year, for the remainder of the removals the School shall provide services to the extent necessary to enable the student to progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP. School personnel, in consultation with the student's special education teacher, determine the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and advance toward achieving the goals set out in the student's IEP.

### 10.2 Change of Placement for Weapons, Drugs, or Serious Bodily Injury

A student's IEP team may order a change in placement of a student with a disability to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than forty-five (45) days, if:

10.2.1 The student carries a weapon to or possesses a weapon at School, on School premises, or to or at a School-sponsored activity; or

10.2.2 The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a

controlled substance while at School, on School premises, or at a School-sponsored activity; or

10.2.3 The student has inflicted serious bodily injury upon another person while at School, on School premises, or at a School-sponsored activity.

### 10.3 Change of Placement Due to Student's Serious Misconduct

School officials may request an expedited due process hearing in order to change the placement of a student with a disability to an appropriate interim alternative educational setting, recommended by the student's IEP team, for not more than forty-five (45) days. A hearing officer may order such a change, if he/she:

10.3.1 Determines that School officials have demonstrated by substantial evidence that maintaining the current placement of a student is substantially likely to result in injury to the student or others;

10.3.2 Considers the appropriateness of the student's current placement;

10.3.3 Considers whether School officials have made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and

10.3.4 Determines that the interim alternative educational setting being recommended by School officials (1) has been selected so as to enable the student to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the student's current IEP, that will enable the student to meet the goals set out in that IEP: and (2) includes services and modifications designed to address the behavior at issue so that it does not recur.

### 10.4 Parental Notice

As soon as a decision is made by School officials to remove a student with a disability from his/her current placement for more than ten (10) school days, the student's parents must be notified of that decision and of all procedural safeguards outlined by law and School policy.

### 10.5 IEP Meetings for Manifestation Determination

10.5.1 Immediately, if possible, but in no case later than ten (10) school days after the date on which the decision is made to remove the student from the current placement, a review must be conducted of the relationship between the student's disability and the behavior subject to the disciplinary action.

10.5.2 The manifestation review must be conducted by the student's IEP team and other qualified School personnel.

10.5.3 In conducting the manifestation review, the IEP team may determine that the behavior of the student was not a manifestation of student's disability only if the IEP team:

[a] First considers, in terms of behavior subject to disciplinary action, all relevant information, including:

(i) Evaluation and diagnostic results, including the results or other relevant information supplied by the parents of the student;

(ii) Observations of the student; and

(iii) The student's IEP and placement; and

[b] Then determines whether:

(i) The conduct in question was caused by or had a direct and substantial relationship to the child's disability; or

(ii) The conduct in question was the direct result of the School's failure to implement the student's IEP.

10.5.4 If the IEP team determines that either of the standards above was met, the behavior must be considered a manifestation of the student's disability.

#### 10.5.5 Determination that Behavior was not Manifestation of Disability

If the result of the manifestation review is a determination that the behavior of a student with a disability was not a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities, except that a free appropriate public education must still be made available to the student if the student is suspended or expelled from School.

#### 10.5.6 Determination that Behavior was Manifestation of Disability

If the result of the manifestation review is a determination that the behavior of a student with a disability was a manifestation of the student's disability, the student must remain in or be returned to the prior placement.

## 10.6 IEP Meetings for Functional Behavioral Assessments

### 10.6.1 Post-Discipline Functional Behavioral Assessments

If School officials have not conducted a functional behavioral assessment and implemented a behavioral intervention plan for the student before the behavior that results in a removal from School for longer than ten (10) school days or a change of placement to an interim alternative educational setting, School officials shall convene an IEP meeting to develop an assessment plan and appropriate behavioral interventions to address that behavior.

### 10.6.2 Pre-Discipline Behavioral Intervention Plans

If the student already has a behavioral intervention plan, the IEP team shall review the plan and modify it, as necessary, to address the behavior.

## 10.7 Placement During Appeals and Stay Put

10.7.1 If a parent requests a due process hearing to challenge the interim alternative educational setting or the manifestation determination, the student must remain subject to the disciplinary action pending the decision of the hearing officer or until the expiration of the forty-five (45) day period, whichever occurs first, unless the parent and School officials agree otherwise.

10.7.2 If a student is placed in an interim alternative educational setting and School personnel propose to change the student's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement the student must remain in the current placement (the student's placement prior to the interim alternative education setting), unless School officials succeed in getting an order through an expedited hearing as described in Section 10.3.

## 11. ADMINISTRATIVE STUDENT CONDUCT AND DISCIPLINE PLAN

### 11.1 Elements of Plan

The Principal will develop, with input from administration, instruction and support staff, students, parents, and other community members, a Student Conduct and Discipline Plan. The plan shall be comprehensive, clearly written, consistently enforced, and include the following elements:

11.1.1 written standards for student behavior expectations, including school and classroom management;

11.1.2 effective instructional practices for teaching student expectations, including:

[a] self-discipline;

[b] citizenship;

[c] civic skills; and

[d] social skills;

11.1.3 systematic methods for reinforcement of expected behaviors;

11.1.4 uniform methods for correction of student behavior;

11.1.5 uniform methods for at least annual data-based evaluations of efficiency and effectiveness;

11.1.6 an ongoing staff development program related to development of:

[a] student behavior expectations;

[b] effective instructional practices for teaching and reinforcing behavior expectations;

[c] effective intervention strategies; and

[d] effective strategies for evaluation of the efficiency and effectiveness of interventions;

11.1.7 procedures for ongoing training of appropriate School personnel in:

[a] crisis intervention training;

[b] emergency safety intervention professional development; and

[c] School policies related to emergency safety interventions consistent with evidence-based practice;

11.1.8 policies and procedures relating to the use and abuse of alcohol and controlled substances by students;

11.1.9 policies and procedures, consistent with requirements of Rule R277-613 and the School's Bullying and Hazing Policy, related to:

[a] bullying;

[b] cyber-bullying;

[c] hazing;

[d] retaliation; and

[e] abusive conduct;

11.1.10 direction for dealing with bullying and disruptive students;

11.1.11 direction regarding the range of behaviors and the continuum of administrative procedures that may be used by school personnel to address the behavior of habitually disruptive or unsafe students;

11.1.12 strategies to provide for necessary adult supervision;

11.1.13 notice to employees that violation of this rule may result in employee discipline or action;

11.1.14 gang prevention and intervention provisions in accordance with Subsection 53A-15-603(1); and

11.1.15 provisions that account for the School's unique needs or circumstances, including:

[a] the role of law enforcement; and

[b] emergency medical services; and

[c] a provision for publication of notice to parents and school employees of policies by reasonable means;

11.1.16 procedures for responding to reports received through the School Safety and Crisis Line under Subsection 53A-11-1503(3).

11.2 Plan Consistent with this Policy

The administrative Student Conduct and Discipline Plan shall be consistent with this policy, including without limitation the provisions in Section 6 regarding notices of disruptive student behavior and the emergency safety intervention policies and procedures set forth in Section 18.

12. EXTRACURRICULAR ACTIVITIES

Participation in interscholastic athletics and other extracurricular activities is not a constitutionally protected civil right. Therefore, students who are suspended or expelled may lose the privilege of participation during the period of suspension/expulsion and may not be allowed to invoke due process procedures to challenge the denial of extracurricular participation.

### 13. RE-ADMISSION OF EXPELLED STUDENTS AND DENIAL OF ADMISSION BASED ON PRIOR EXPULSION – Utah Code Ann. §53A-11-904(3)

A student who is expelled from the School can only be re-admitted to the School through the School's standard lottery procedures.

A student may be denied admission to the School if he or she was expelled from the School or any other school during the preceding 12 months.

### 14. INVESTIGATIONS

Whenever the Principal has reason to believe that School rules or policies have been broken, he or she shall proceed with an investigation. However, if the Principal believes that laws have been broken or child abuse has occurred, he/she shall request appropriate authorities to conduct the investigation.

#### 14.1 General Investigation Guidelines for Principal

The Principal has the authority and duty to conduct investigations and to question students pertaining to infractions of school rules, whether or not the alleged conduct is a violation of criminal law. The Principal shall conduct investigations according to the following general guidelines:

14.1.1 The Principal shall conduct investigations in a way that does not unduly interfere with School activities.

14.1.2 The Principal shall separate witnesses and offenders in an attempt to keep witnesses from collaborating their statements and have all parties provide separate statements concerning the incident under investigation; written statements are preferable, if possible.

14.1.3 The Principal shall advise students suspected of wrongdoing orally or in writing of the nature of the alleged offense.

14.1.4 Students must be provided an opportunity to give their version of the incident under investigation; however, refusals to respond or provide information should be respected.

14.1.5 When questioning students as part of an investigation, School staff should have another adult present whenever possible.



14.1.6 The Principal shall accommodate students with disabilities and young children unable to write their own statements through use of tape recorders, scribes, etc.

14.1.7 All students involved in the investigation shall be instructed that retaliation is prohibited. Any act of reprisal against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing is strictly prohibited and subject to disciplinary action.

14.1.8 When the investigation is completed and if it is determined that disciplinary action may be in order, due process requirements must be met. Specifically, the student must be given proper notice of the charges against him/her and the disciplinary action being recommended, as well as a fair opportunity to present his or her version of the facts.

## 14.2 Coordination with Law Enforcement

The Principal has the responsibility and the authority to determine when the help of law enforcement officers is necessary, as outlined in this policy and Utah State law.

14.2.1 The School administration may invite law enforcement officials to the School to:

[a] conduct an investigation of alleged criminal conduct on the School premises or during a School-sponsored activity;

[b] maintain a safe and orderly educational environment; or

[c] maintain or restore order when the presence of such officers is necessary to prevent injury to persons or property.

### 14.2.2 Investigation of Criminal Conduct

During an investigation for violation of School rules, it may become evident that the incident under investigation may also be a violation of criminal law. If the School official has reason to suspect that a criminal act has been committed and, in the opinion of the Principal, law enforcement should be notified, the following procedure should be followed:

[a] The Principal shall request that law enforcement officers conduct an investigation during school hours and question students who are potential witnesses to the alleged criminal behavior.

[b] The School official shall inform the student's parent or legal guardian as soon as possible that the student may have committed a criminal act and that law enforcement authorities will be involved in the investigation.

[c] Unless circumstances dictate otherwise, questioning of the student by School officials shall not begin or continue until the law enforcement officers arrive.

[d] Reasonable attempts shall be made to contact the student's parents or legal guardian who, unless an emergency exists, shall be given the opportunity to meet with the student and to be present with the student during questioning by law enforcement authorities.

[e] The Principal shall document the contact or attempted contact with the student's parents or legal guardian. If the Principal cannot contact the student's parent or guardian, or if the parent or guardian is unable to be present with the student for questioning, the Principal shall be present and document generally what occurs during the interview.

[f] The student shall not be questioned by law enforcement unless or until he/she has received Miranda warnings from the officer.

[g] If the parent or student refuses to consent to questioning by law enforcement authorities, the law enforcement authorities shall determine the course of action to be pursued.

#### 14.2.3 Investigation Initiated by Law Enforcement Authorities

School officials shall cooperate with law enforcement authorities who are carrying out official duties such as investigating crimes, serving subpoenas, etc.

[a] When law enforcement officers can show a need to do so, they shall be permitted to conduct an investigation on School grounds during School hours.

[b] Such a need will ordinarily be shown if delay in police investigation might result in danger to a person, flight from jurisdiction by a person reasonably suspected of a crime, or destruction of evidence. In such cases:

(i) The officers shall be required to get prior approval of the Principal or other designated person before beginning an investigation on School premises.

(ii) The Principal shall document the circumstances warranting the investigation as soon as practical.

(iii) Alleged criminal behavior related to the School environment brought to the Principal's attention by law enforcement officers shall be dealt with under the provisions of Section 14.1.

(iv) Law enforcement officials (investigating School-related or student-related crimes) may not have access to student education records, aside from directory information, unless they have a subpoena or court order or permission from parent or guardian.

(v) Directory information is limited to a student's name, home address, date of birth, phone number, class schedules and parents' address and phone numbers for use in case of emergency.

#### 14.2.4 Release of Student to Law Enforcement Official

[a] Students may not be released to law enforcement authorities voluntarily by School officials unless the student has been placed under arrest or unless the parent or legal guardian and the student agree to the release.

[b] When students are removed from School for any reason by law enforcement authorities, every reasonable effort shall be made to contact the student's parent or legal guardian immediately except in cases of child abuse and neglect. Such effort shall be documented.

[c] The Principal shall immediately notify the Board of the removal of a student from School by law enforcement authorities.

[d] Where it is necessary to take a student into custody on School premises, the law enforcement officer shall contact the Principal and relate the circumstances necessitating such action.

[e] Whenever the need arises to make arrests or take students into custody on School premises, the Principal shall make reasonable efforts to consult and confer with the law enforcement officers as to how an arrest is to be made.

[f] When possible, the Principal shall have the student summoned to the Principal's office before the student is taken into custody.

[g] When a student has been taken into custody or arrested on School premises without prior notification to the Principal, the School staff present shall encourage the law enforcement officers to tell the Principal of the circumstances as quickly as possible. If the officers decline to tell the Principal, the School staff members present shall immediately notify the Principal.

#### 14.2.5 Quelling Disturbances of School Environment

Law enforcement officers may be requested to assist in controlling disturbances of the School environment that a Principal has found to be unmanageable by School personnel and that has the potential of causing harm to students and other persons or to property. Such circumstances include situations where a parent or member of the public exhibits undesirable or illegal conduct on or near School grounds or at a School-sponsored activity and who refuse to abide by a Principal's directive to leave the premises.

## 15. INVESTIGATION OF CHILD ABUSE AND NEGLECT

Utah law requires that whenever any person, including any School employee, has reason to believe that a child has been subjected to incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect, or observes a child being subjected to conditions or circumstances which would reasonably result in such, he/she shall immediately notify the nearest peace officer, law enforcement agency, or office of the Division of Child and Family Services.

15.1 The School shall distribute annually to all School employees copies of the School's procedures for reporting suspected child abuse or neglect.

15.2 If there is reason to believe that a child may have been subjected to abuse or neglect, an oral report shall be made immediately by the School employee reporting the abuse/neglect with a written report to follow within twenty-four (24) hours.

15.2.1 When making the oral report, always have the person you notify identify himself/herself. The notified person's name shall be entered on the written report.

15.2.2 A copy of the written report shall be put in a child abuse-neglect file to be maintained by the Principal, for all reported cases of suspected child abuse or neglect.

15.2.3 The child abuse-neglect reporting form shall not be placed in the student's personal file.

15.3 It is not the responsibility of the Principal or other School employees to prove that the child has been abused or neglected, or to determine whether the child is in need of protection.

15.3.1 Investigation by staff prior to submitting a report shall not go beyond that necessary to support a reasonable belief that a reportable problem exists.

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

15.3.3 Interviews with the child or suspected abuser shall not be conducted by the Principal or School employees.

15.3.4 Notes of voluntary or spontaneous statements by the child shall be made and given to the investigating agency.

15.3.5 The Principal, School employees, Division of Child and Family Services and law enforcement personnel are required to preserve the anonymity of those making the initial report and any others involved in the subsequent investigation.

15.3.6 Investigations are the responsibility of the Division of Child and Family Services.

[a] The Principal or other School employees shall not contact the parents, relatives, friends, neighbors, etc. for the purpose of determining the cause of the injury and/or apparent neglect.

[b] School officials shall cooperate with social service and law enforcement agency employees authorized to investigate reports of alleged child abuse and neglect, assisting as asked as members of interdisciplinary child protection teams in providing protective diagnostic, assessment, treatment, and coordination services.

15.3.7 Persons making reports or participating in good faith in an investigation of alleged child abuse or neglect are immune, in accordance with state law, from any civil or criminal liability that otherwise might arise from those actions.

## 16. SEARCHES OF PERSON OR PROPERTY

Given the School's custodial and tutelary responsibility for children, and the Board's intent to preserve a safe environment for all students and staff, the Board recognizes that School officials must have the authority to conduct reasonable searches of students and student property. School officials engaging in searches of students and property shall abide by the following guidelines:

### 16.1 General Guidelines for Searches of Person or Property

#### 16.1.1 Student Lockers

Students have no right or expectation of privacy in school lockers. While lockers are under the joint control of students and the School, lockers are solely School property and may be searched at any time by School officials with or without cause. Once a locker is opened for search, any search of student belongings contained within the locker must comply with the guidelines for searches of personal belongings in Section 16.2 of this policy.

#### 16.1.2 Searches of Students and Student Property

Searches of a student's person, personal property (coats, hats, backpacks, bookbags, purses,

wallets, notebooks, gym bags, etc.) may be conducted whenever the student's conduct creates a reasonable suspicion that a particular School rule or law has been violated and that the search is reasonably related to the suspicion and not excessively intrusive in light of the age and sex of the student and nature of the infraction. Circumstances warranting a search include those in which School officials have a reasonable suspicion that the student or student property is concealing items including but not limited to weapons, drugs, alcohol, tobacco, unsafe contraband, pornography, pagers or lost/stolen/misplaced items.

## 16.2 Searches of Personal Belongings

16.2.1 Personal belongings may be searched by School officials whenever School officials have a reasonable suspicion to believe a student is concealing evidence of a policy violation or criminal activity and the items being searched are capable of concealing such evidence. The student may be asked to open personal belongings and to turn over personal property for search by a School official. All searches of student property by School officials shall be witnessed by an objective third party (such as another teacher, or police officer) to observe that the search is not excessively intrusive.

16.2.2 All contraband discovered in a search by School officials shall be immediately confiscated and turned over to law enforcement officers if School officials have reason to believe the contraband is related to the commission of a criminal act.

## 16.3 Searches of Person

16.3.1 School officials shall make sure the search meets the following guidelines:

[a] The search shall be conducted in a private area of the School by a School official of the same sex as the student being searched;

[b] The search shall be observed by an objective third party of the same sex as the student being searched (i.e., Principal, teacher, police officer);

[c] School officials may ask the student to remove his/her hat, coat, shoes and socks, turn pockets inside out, and roll up sleeves to see if the student is hiding contraband;

[d] Under no circumstances may School officials require students to remove any other items of clothing or touch students in any way during the search.

[e] If this limited search does not turn up suspected contraband and School officials have reasonable suspicion that the student is concealing contraband in his/her inner clothing (i.e., hiding drugs, weapons or other contraband underneath shirts, pants or underwear), law enforcement officers shall be summoned immediately to conduct further search and investigation.

[f] In general, all questioning and searching of students conducted by law enforcement officers shall proceed according to the investigation guidelines in Section 14 of this policy.

#### 16.4 Documentation of Searches

School officials shall thoroughly document the details of any search conducted of a student's property or person. Documentation shall be made at the time of the search, or as soon as possible thereafter, and shall include the following:

16.4.1 The time, place and date of the search;

16.4.2 The reasonable suspicion giving rise to the search (what did School officials suspect to find during the search);

16.4.3 The name and title of individuals conducting and observing the search;

16.4.4 A statement about evidence that was found or not found as a result of the search;

16.4.5 A statement about who took possession of contraband (i.e., police, school, etc.);

16.4.6 Information regarding the attempts of School officials to notify parents about the search.

17. RECORDS—INTERAGENCY COLLABORATION – 20 U.S.C. § 1232g(h)(i)-(2); Utah Code Ann. § 53A-11-1001-1004

17.1 Board and Principal Notification by Juvenile Court and Law Enforcement Agencies.

17.1.1 Within three (3) days of being notified by the juvenile court that a juvenile has been adjudicated or of being notified by a law enforcement agency that a juvenile has been taken into custody or detention for a violent felony, defined in Utah Code Ann. § 76-3-203.5, or an offense in violation of Title 76, Chapter 10, Part 5 Weapons, the President of the Board shall notify the Principal.

17.1.2 Upon receipt of the information, the Principal shall make a notation in a secure file other than the student's permanent file; and, if the student is still enrolled in the School, the Principal shall notify staff members who should know of the adjudication, arrest or detention.

17.1.3 Staff members receiving information about a juvenile's adjudication, arrest or detention may only disclose the information to other persons having both a right and a current need to know.

## 17.2 Student Discipline Records/Education Records

School officials may include appropriate information in the education record of any student concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.

### 17.2.1 Disclosure of Discipline Records to Other Educators

School officials may disclose student discipline information described above to teachers and other School officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.

### 17.2.2 Disclosure of Discipline Records to Other Agencies

School officials shall not release personally identifiable student discipline records to other government agencies, including law enforcement agencies, unless the agency produces a subpoena or court order (need for standing court order from juvenile court), or unless the student's parent or guardian has authorized disclosure.

## 18. EMERGENCY SAFETY INTERVENTIONS

A School employee may not subject a student to physical restraint or seclusionary time out unless utilized as a necessary emergency safety intervention (“ESI”) in compliance with this Section.

### 18.1 Definitions

18.1.1 An “ESI” is the use of seclusionary time out or physical restraint when a student presents an immediate/imminent danger of physical violence/aggression towards self or others likely to cause serious physical harm. An ESI is not for disciplinary purposes.

18.1.2 “Physical restraint” means a personal restriction that immobilizes or significantly reduces the ability of a student to move his or her arms, legs, body, or head freely.

18.1.3 “Physical escort” means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of guiding a student to another location.

18.1.4 “Seclusionary time out” means that a student is placed in a safe enclosed area, isolated from adults and peers, and the student is, or reasonably believes, he or she will be prevented from leaving the area. The safe enclosed area must meet the fire and public safety requirements described in R392-200 and R710-4.

### 18.2 General Procedures

18.2.1 Teachers and other personnel who may work directly with students shall be trained



on the use of effective alternatives to ESI as well as the safe use of ESI and a release criteria.

18.2.2 An ESI shall:

[a] be applied for the minimum time necessary to ensure safety;

[b] implement an appropriate release criteria;

[c] be discontinued as soon as imminent danger of physical harm to self or others has dissipated;

[d] be discontinued if the student is in severe distress;

[e] never be used as punishment or discipline;

[f] be applied consistent with the School's administrative Student Conduct and Discipline Plan; and

[g] in no instance be imposed for more than 30 minutes.

18.3 Students with Disabilities Receiving Special Education Services

18.3.1 Use of ESI for a student with a disability receiving specialized educational services under IDEA or Section 504 shall be subject to all applicable state and federal laws, including Least Restrictive Behavioral Interventions (LRBI) policies and procedures for special education/504 programs.

18.3.2 Additionally, ESIs written into a student's IEP as a planned intervention are prohibited unless school personnel, the family, and the IEP team agree less restrictive means which meet the circumstances described in R277-608-5 have been attempted; a Functional Behavioral Assessment has been conducted; and a positive behavior intervention plan based on data analysis has been written into the plan and implemented.

18.4 Physical Restraint

18.4.1 A School employee may, in accordance with Section 18.2.2 and when acting within the scope of employment, use and apply physical restraint as an ESI in self defense or as may be reasonable and necessary under the following circumstances:

[a] to protect the student or another person from serious physical harm;

[b] to remove from a situation a student who is violent;

[c] to take possession of a weapon or other dangerous object in the possession or under the control of a student; or

[d] to protect property from being destroyed, when physical safety is at risk.

18.4.2 When an employee exercises physical restraint as an ESI on a student, the following types of physical restraint are prohibited:

[a] prone, or face-down;

[b] supine, or face-up;

[c] restraint which obstructs the airway or adversely affects the student's primary mode of communication;

[d] mechanical restraint, except for seatbelts or safety equipment used to secure students during transportation, other appropriate protective or stabilizing restraints, and devices used by a law enforcement officer in carrying out law enforcement duties; or

[e] chemical restraint, except as prescribed by a licensed physician and implemented in compliance with a student's Health Care Plan.

18.4.3 Nothing in this Section prohibits a School employee from using less intrusive means, including a physical escort, to address circumstances described in Section 18.4.1.

## 18.5 Seclusionary Time Out

A School employee may, in accordance with Section 18.2.2 and when acting within the scope of employment, place a student in seclusionary time out as an ESI under the following circumstances:

18.5.1 the student presents an immediate danger of serious physical harm to self or others;

18.5.2 any door remains unlocked; and

18.5.3 the student is within line sight of the employee at all times.

## 18.6 Notification

18.6.1 If an ESI is used, the School or employee shall immediately notify the student's parent/guardian and School administration.

18.6.2 In addition to providing the notice described in Section 18.6.1, if the ESI is applied for longer than fifteen minutes, the School shall immediately notify the student's parent/guardian and School administration.

18.6.3 Parent notifications made under this Section shall be documented in the student information system as required by R277-609-8(3)(d)).

18.6.4 Within 24 hours of using ESI, the School shall notify the parent/guardian that they may request a copy of any notes or additional documentation taken during the crisis situation.

18.6.5 Upon request of a parent/guardian, the School shall provide a copy of any notes or additional documentation taken during a crisis situation.

18.6.6 A parent/guardian may request a time to meet with School staff and administration to discuss the crisis situation.

### 18.7 Emergency Safety Intervention (ESI) Committee

18.7.1 The School shall establish an ESI committee that includes:

[a] at least two administrators (if there are at least two administrators employed by the School);

[b] at least one parent of a student enrolled in the School, appointed by the School's Principal;  
and

[c] at least two certified educational professionals with behavior training and knowledge in both state rules and the School's conduct and discipline policies.

18.7.2 The ESI committee shall:

[a] meet often enough to monitor the use of ESI within the School;

[b] determine and recommend professional development needs;

[c] develop policies for dispute resolution processes to address concerns regarding disciplinary actions; and

[d] create and communicate methods for evaluation of the efficiency and effectiveness of the Schools' rules and standards.

18.7.3 The School shall collect, maintain, and periodically review the documentation or records regarding the use of ESI in the School.

18.7.4 The School shall annually provide documentation of any School use of ESI to the State Superintendent of Schools.

### 18.8 Corporal Punishment

School employees may not inflict or cause the infliction of corporal punishment upon a student. School personnel who inflict corporal punishment on a student will be subject to discipline up to and including termination.

## 19. TRAINING

19.1 All new employees shall receive information about this policy and the administrative Student Conduct and Discipline Plan at new employee orientation. All other employees shall be provided information on a regular basis regarding this policy, the Student Conduct and Discipline Plan, and the School's commitment to a safe and orderly school environment.

19.2 Employees who have specific responsibilities for investigating, addressing, and resolving issues addressed in the policy shall receive annual training on this policy and related legal developments.

19.3 The Principal shall be responsible for informing students, parents, and staff of the terms of this policy and the Student Conduct and Discipline Plan, including the procedures outlined for investigation and resolution of violations.

## 20. POLICY AND PLAN DISSEMINATION AND REVIEW

20.1 The School shall compile an annual report of all out-of-school suspensions and expulsions and submit it to the Board. For each suspension or expulsion, the report shall indicate the student's race, gender, disability status, and age/grade, as well as the reason for the discipline, the length of the discipline, and a statement as to whether the student was referred to the Board.

20.2 A summary of this policy and the Student Conduct and Discipline Plan shall be posted in the School, and the policy and plan will be posted on the School's website. The policy or a summary of the policy and the plan or summary of the plan shall also be published in student registration materials, student and employee handbooks, and other appropriate school publications as directed by the Board.

20.3 This policy and the plan shall be reviewed as necessary with appropriate revisions recommended to the Board.

## Student Conduct and Discipline Policy

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HighMark Charter School

Policy: Student Conduct and Discipline

Approved: 10.10.2023

### **1. PURPOSE, BELIEFS, AND PHILOSOPHY**

#### **1.2 Purpose**

*The purpose of HighMark Charter School's (the "School") Student Conduct and Discipline Policy is to help all students develop positive relationships with other students and adults, take responsibility for their actions and learning, and develop the self-discipline necessary to create an environment that is characterized by physical and emotional safety in order to enhance learning for everyone.*

The School will foster a school and community-wide expectation of good citizenship for students and a sense of responsibility in the school community for rules and standards of behavior.

The School will promote and require:

- student responsibility for learning and behavior in all grades;
- student conduct that produces a proper learning environment and respect for the personal, civil, and property rights of all members of the School community;
- parents and guardians of all students to assume proper responsibility for their students' behavior and to cooperate with School authorities in encouraging student self-discipline and discouraging behavior that is disruptive to the School's educational program.

#### **1.2 Beliefs and Expectations**

The School's beliefs and expectations set a positive and inviting culture for dealing with student behavior issues.

**Beliefs:**

- Punishment alone will not change behavior
- Most aggressive behavior is a relationship problem, not a behavior problem
- Adults must model the behaviors they expect from the students
- We expect conflicts, but we expect conflicts to be resolved and relationships mended

**Expectations:**

- Students will show respect for other students
- Students will show respect for adults
- Students will show respect for the building
- Adults will show respect for students
- Students will develop self-discipline

**1.3 Procedural Philosophy**

The School recognizes that establishing a procedural philosophy consistent with the desired positive school environment is as important as following legal and due process procedures. The School's policy sets forth appropriate legal and due process procedures and will be followed within the context of the procedural philosophy outlined below:

**Procedures:****When students are involved in conflicts with other students, they will:**

- Work together to resolve the conflict
- Work to repair the relationship and build trust
- Be subject to additional consequences if they exhibit unsafe behaviors during the conflict

**When students are involved in a conflict with or feel they have been treated unfairly by a member of the staff or a volunteer, they will:**

- Report their feelings to their parent or to the administrator or counselor, who will work together to set up a conference with the student, the parent, an administrator or counselor, and the adult involved in order to resolve the conflict and mend the relationship

**When students flagrantly disregard the safety of others, show blatant disrespect to others, or consistently behave in a disrespectful or unsafe way:**

- The student will be subjected to consequences and positive behavior support to ensure that the student will make better choices in the future. Consequences might include:
  - In-School Suspension
  - Out of School Suspension
  - Expulsion
  - Restitution
  - Repayment for damages
- The student will work to earn back the trust of the School community by actions such as:
  - Genuine apology to injured or affected parties
  - Demonstration of appropriate behaviors following the incident
  - Repair or replace any damaged items

**Due process to protect the rights of students will include:**

- All students will be treated with dignity and respect as they go through correction procedures. The administration will see to it that their rights are protected through the process. If parents feel their student has not been treated fairly, they may request a hearing with the School's Board of Directors (the "**Board**") in accordance with the School's Grievance Policy.

- Parents will be notified when students are involved in situations that are deemed to be serious.
- Parents and students will be notified of the expectations, possible consequences, and the procedures involved in this policy at the beginning of each school year.

## **2. ENVIRONMENT**

### **2.1 Safe School Environment**

It is the School's policy to promote a safe and orderly school environment for all students and employees. Accordingly, the School holds all students, employees, and other adults to the highest standards of behavior in the classroom, on School grounds, in School vehicles, and during School-sponsored activities. Criminal acts or disruptive behavior of any kind will not be tolerated, and any individual who engages in such activity will be subject to disciplinary action, criminal prosecution, or both.

### **2.2 Discrimination Prohibited**

It is the School's policy to provide equal educational and employment opportunity for all individuals. Therefore, the School prohibits all discrimination on the basis of race, color, religion, sex, age, national origin, disability, or veteran status. Complaints of discrimination or unfair application of this policy should be submitted pursuant to the School's Grievance Policy.

## **5. DEFINITIONS**

### **5.1 Suspension**



For purposes of this policy, suspension is a temporary removal of a student from School and School-sponsored activities for a period of up to one (1) year. A student who is suspended may, at the Principal's discretion, have access to homework, tests, and other schoolwork through a home study program but will not be allowed to attend classes or participate in any School activities during the period of suspension.

### **3.2 Expulsion**

For purposes of this policy, expulsion means the formal process of dismissing a student from School. Recognizing that students who commit violent or disruptive acts may pose safety problems, the School will work with parents to provide alternative educational placement and programs for the student where appropriate and feasible. However, the Principal retains the authority to exclude the student from all programs or activities for the period of expulsion.

### **3.3 Change of Placement for Students with Disabilities under IDEA and Section 504**

For purpose of the removal of a student with a disability from the student's current educational placement, a "change of placement" occurs if (a) the removal is for more than ten (10) consecutive school days or (b) the student is subjected to a series of removals that constitute a pattern because they total more than ten (10) school days in a school year or because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another. Any "change of placement" requires compliance with the procedures outlined in Section 10 of this policy.

### **3.4 Disruptive Student Behavior**

For purposes of this policy, "disruptive student behavior" means the behavior identified as grounds for suspension or expulsion described in Section 4.1, below.

### **3.5 Parent**

For purposes of this policy, “parent” means (i) a custodial parent of a school-age child; (ii) a legally appointed guardian of a school-age child; or (iii) any other person purporting to exercise any authority over the child which could be exercised by a person described above.

### **3.6 Qualifying Minor**

For purposes of this policy, “qualifying minor” means a school-age child who: (i) is at least nine years old; or (ii) turns nine years old at any time during the school year.

### **3.7 School Year**

For purposes of this policy, "school year" means the period of time designated as the school year by the Board in the calendar adopted each year.

### **3.8 School-age Child**

For purposes of this policy, “school-age child” means a minor who: (i) is at least six years old but younger than 18 years old; and (ii) is not emancipated.

## **6. GROUNDS FOR SUSPENSION, EXPULSION, OR CHANGE OF PLACEMENT**

### **4.1 Suspension**

4.1.1 A student may be suspended from School for any of the following reasons:

[a] frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including, but not limited to: fighting; gang activity; noncompliance with School dress code; harassment, including sexual, racial, or religious harassment; the use of foul, profane, vulgar or abusive language; or other unreasonable and substantial disruption of a class, activity, or other function of the School;

[b] willful destruction or defacing of School property;

[c] behavior or threatened behavior that poses an immediate and significant threat to the welfare, safety, or morals of other students or School personnel or to the operation of the School;

[d] possession, distribution, control, use, sale, or arranging for the sale of an alcoholic beverage as defined in Utah law;

[e] possession, distribution, control, use, sale, or arranging for the sale of cigars, cigarettes, electronic cigarettes, or tobacco, as defined by Utah Code Ann. § 76-10-101;

[f] possession, distribution, control, use, sale, or arranging for the sale of contraband, including but not limited to real, look-alike or pretend weapons, fireworks, matches, lighters, alcohol, tobacco, mace, pepper spray, laser pointers, pornography, illegal drugs and controlled substances, drug paraphernalia, or any other material or item that has caused or will imminently cause substantial disruption to school operations;

[g] inappropriate use or possession of electronic devices in class or in any other way that substantially disrupts the educational environment;

[h] any criminal activity;

[i] any serious violation involving weapons, drugs, or the use of force, including those actions prohibited in Section 4.1.2 below, that threatens harm or causes harm to the School or School property, to a person associated with the School, or property associated with any such person, regardless of where it occurs; or

[j] bullying or hazing as defined in Utah Code Ann. § 53G-9-601 and/or the School's Bullying and Hazing Policy.

**4.1.2** A student shall be suspended or expelled from School for

[a] any serious violation affecting another student or a staff member, or any serious violation occurring in a School building, in or on School property, or in conjunction with any School-sponsored activity, including:

(i) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;

(ii) the actual or threatened use of a lookalike weapon with intent to intimidate another person or to disrupt normal School activities; or

(iii) the sale, control, or distribution of a drug or controlled substance as defined in Utah Code Ann. § 58-37-2, an imitation controlled substance defined in Utah Code Ann. § 58-37b-2, or drug paraphernalia as defined in Utah Code Ann. § 58-37a-3; or

[b] the commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor.

## **4.2 Expulsion**

A student may be expelled from School for any violation listed under Section 4.1 of this policy if the violation is serious or persistent.

## **4.3 Weapons – Mandatory Expulsion for One Year – Utah Code Ann. § 53G-8-205; 20 U.S.C. § 7151**

**4.3.1** Any student who commits an act for which mandatory suspension or expulsion is provided under Section 4.1.2, above, using a real or lookalike weapon, explosive, or noxious or flammable material shall be expelled from all School programs and activities for a period of not less than one (1) year, subject to the following:

[a] Within forty-five (45) days after the expulsion, the student shall appear before the Case Management Team (“**CMT**”), which shall be comprised of the Principal, a Board member, and a teacher selected by them, accompanied by a parent or legal guardian; and

[b] The CMT shall determine:

(iv) what conditions must be met by the student and the student's parent for the student to return to School;

(v) if the student should be placed on probation in a regular school setting consistent with Utah Code Ann. § 53G-8-208, and what conditions must be met by the student in order to ensure the safety of students and faculty at the School; and

(vi) if it would be in the best interest of both the School 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.

[c] For purposes of this policy, the term "firearm", "explosive", and "noxious or flammable material" include but are not limited to: guns, starter pistols, cap guns, bombs, bullets and ammunition, gasoline or other flammable liquids, mace, pepper spray, matches, and lighters.

#### **4.3.2 Students with Disabilities under IDEA and Section 504**

Whenever a student receiving special education and related services under the Individuals with Disabilities Education Act ("IDEA") or Section 504 of the Rehabilitation Act is determined to have carried a weapon to School or a School-sponsored activity, the procedures outlined in Section 10 of this policy must be followed.

#### **4.4 Drugs and Controlled Substances – Mandatory Suspension or Expulsion – Utah Code Ann. § 53G-8-205**

**4.4.1** A student shall be suspended or expelled from the School for any of the following reasons:

[d]use, control, possession, distribution, sale, or arranging for the sale of an illegal drug or controlled substance (which includes alcohol), an imitation controlled substance, or drug paraphernalia in a School building, in a School vehicle, on School property, or in conjunction with any School-sponsored activity;

[e]misuse or abuse, distribution, sale or arranging for the sale of prescription medication at School or a School-sponsored activity; or

[f] misuse or abuse of over-the-counter remedies, or sharing, distribution, sale, or arranging for the sale of over-the-counter remedies. A student may possess and use over-the-counter remedies at School only in amounts not to exceed the recommended daily dose including, but not limited to: aspirin, ibuprofen, Tylenol (acetaminophen), cough drops, allergy medication, cough syrup and mouthwash.

#### 4.4.2 Students with Disabilities under Section 504

Any student identified as being disabled under either Section 504 of the Rehabilitation Act or the Americans with Disabilities Act who currently is engaging in the illegal use of drugs or alcohol shall be suspended or expelled to the same extent as non-disabled students for the possession, use, control, distribution, sale, or arrangement of the sale of illegal drugs, alcohol, or controlled substances on School property or in conjunction with any School-sponsored activity.

#### 4.4.3 Drug Testing

[e] Any student who is reasonably suspected of violating Section 4.4 may be subject to a drug test for cause, arranged and paid for by the School.

[f] Any student who has been suspended or expelled for a violation of Section 4.4 may be required to provide a clean drug test and evidence of completion of drug assessment and/or drug counseling programs as a condition of readmission to School. Testing and counseling required as a condition of readmission rather than for the purpose of providing justification for the initial suspension or expulsion shall be arranged and paid for by the student's parent or guardian.

[g] Students who refuse to submit to required drug testing and counseling programs or to cooperate with School officials with respect to the sharing of appropriate information, may be expelled from the School.

[h]Any student who is suspended or expelled for violation of Section 4.4 may be subject to random drug testing, at any time and for any reason, for a period of one year from the date of offense. If the student tests positive, he/she may be expelled from all School programs or activities. Any student who refuses consent for random drug testing under these conditions shall be expelled from all School programs or activities.

#### **4.4.4 Students with Disabilities under IDEA**

Whenever a student receiving special education and related services under IDEA knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at School or a School-sponsored activity, the procedures outlined in Section 10 of this policy must be followed.

### **4.5 Gangs**

For purposes of this policy, "gang" means any ongoing organization, association or group of three or more persons, whether formal or informal, having as one its primary activities the commission of criminal acts, which has a unique name or identifiable signs, symbols, or marks, and whose members individually or collectively engage in criminal or violent behavior to persons or property, or who create an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of a school.

#### **4.5.1 Gang Activity and Apparel Prohibited**

Students who engage in any form of gang activity on or about School property, or at any School-sponsored activity may be suspended or expelled under the terms of this policy. For the purposes of this policy, "gang activities" include, but are not limited to any of the following:



[h] Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, apparel, emblems, badges, tattoos or manner of grooming, accessories, symbols, signs, or other thing which is evidence of membership in or affiliation with any gang;

[i] Committing any act or omission or using any speech, either verbal or nonverbal, (flashing signs, gestures, hand shakes, etc.) that demonstrates membership in or a affiliation with a gang;

[j] Soliciting others for membership in a gang;

[k] Requesting any person to pay for "protection", claiming "turf", or otherwise intimidating, bullying, retaliating against, threatening, abusing, or harassing any person;

[l] Possessing a weapon, controlled substances, drug paraphernalia, or other contraband;

[m] Committing any illegal act; or

[n] Encouraging or inciting another person to act with physical violence upon any other person or cause damage to property.

#### **4.5.2 Confiscation of Gang Items**

Subject to the search and seizure provisions of this policy, gang paraphernalia, apparel, or weapons may be confiscated by School officials at any time.

#### **4.5.3 Consultation with Law Enforcement Authorities**

School officials shall consult with local law enforcement authorities and gang detectives whenever they have questions regarding gang-related clothing, apparel, or other gang activity.

#### **4.6 Bullying, Cyber-Bullying, Harassment, Hazing, and Abusive Conduct**

Bullying, cyber-bullying, harassment, hazing, and abusive conduct of students and employees are against federal law, state law, and School policy, and are not tolerated by the School. It is the School's intent to respond to school-related incidents by implementing prevention efforts where victims can be identified and assessed, and perpetrators educated, in order to create a safer school that provide a positive learning environment.

School administration has the authority to discipline students and employees for off-campus speech that causes or threatens a substantial disruption on campus, at School activities, or causes or threatens a significant interference with a student's educational performance or involvement in School activities.

Additional information regarding these issues are contained in the School's Bullying and Hazing Policy, which is available on the School's website.

#### **4.7 Possession or Use of Electronic Cigarette Products**

**4.7.1** Students are prohibited from possessing or using electronic cigarette products, as defined by Utah Code Ann. § 76-10-101, on School property.

**4.7.2** The Principal or their designee shall request the surrender of or confiscate electronic cigarette products as provided in Section 16 of this policy.

**4.7.3** The Principal will ensure that any surrendered or confiscated electronic cigarette product is destroyed or disposed of. However, the Principal may allow the release of any surrendered or confiscated electronic cigarette product to local law enforcement if School personnel have a reasonable suspicion that the electronic cigarette product contains an illegal substance and local law enforcement requests that the School release it to them as part of an investigation or action.

## **5. AUTHORITY TO SUSPEND OR EXPEL**

### **5.1 Authority to Suspend for Ten (10) School Days or Less for Regular Education Students**

The Principal has the authority to suspend a regular education student for up to ten (10) school days. In considering whether to suspend a student, the Principal shall consider all relevant factors, including but not limited to, the severity of the offense, the student's age, disability, academic status and disciplinary record, parental capabilities, and community resources.

### **5.2 Authority to Suspend and Duration of Suspension for Students with Disabilities**

The Principal has the authority to suspend a student with disabilities (504 or IDEA) for not more than ten (10) consecutive school days, and additional removals of not more than ten (10) total school days in that same school year for separate incidents of misconduct as long as those removals do not constitute a pattern resulting in a change of placement. The School need not provide services during periods of removal of ten (10) days cumulative or less if services are not provided to a student without disabilities who has been similarly suspended.

### **5.3 Authority to Suspend for Longer than Ten (10) Days or Expel for Regular Education Students**

Subject to the requirements for due process set forth in Section 9, below, the Principal may suspend a regular education student for longer than ten (10) days or expel a regular education student.

Expulsions shall be reviewed by the CMT and the conclusions reported to the Board at least once each year if the parent/guardian of the expelled student has expressed a desire for the student to return to the School.

### **5.3.1 Parental Responsibility**

If a student is suspended for a period longer than ten (10) days or expelled, the student's parent or legal guardian is responsible for undertaking an alternative education plan that will ensure that the student's education continues during the period of expulsion. The parent or guardian shall work with designated School officials to determine how the student's education will continue through private education paid for by the parents, an alternative program offered by the local school district, or other alternatives which will reasonably meet the educational needs of the student. Costs of educational services which are not provided by the School are the responsibility of the student's parent or guardian.

**5.3.2** The parent or guardian and designated School officials may enlist the cooperation of the Division of Child and Family Services, the juvenile court, law enforcement, or other appropriate government agencies in determining how to meet the educational needs of the student.

**5.3.3** The School shall contact the parent or guardian of each student under age 16 who has been expelled from all School programs and services at least once a month to determine the student's progress if the parent/guardian of the expelled student has expressed a desire for the student to return to the School.

### **5.4 Authority to Institute Change of Placement for Student with Disabilities**

Where the student is receiving special education services or accommodations on the basis of disability under IDEA, 504, or ADA, procedures outlined in the State of Utah Special Education Rules shall be followed, including prior written notice to parents or guardians regarding their procedural due process rights, before any long-term disciplinary action or change of placement takes place.

## **6. PROCEDURES FOR ADDRESSING DISRUPTIVE STUDENT BEHAVIOR – Utah Code Ann. § 53G-8-210**

### **6.1 Efforts to Resolve Disruptive Student Behavior Problems**

**6.1.1 Information About Resources.** The School will provide to a parent of a student who engages in disruptive student behavior a list of resources available to assist the parent in resolving the student’s disruptive behavior problem.

**6.1.2 Procedures for Resolving Problems.** The Principal or a teacher or counselor designated by the Principal will work with students who engage in disruptive student behavior according to the procedures identified in Section 7, below, in an attempt to help the student’s behavior to improve and to prevent problems from escalating. Incidents of disruptive student behavior and attempts to resolve behavior issues will be documented.

### **6.2 Notice of Disruptive Student Behavior**

**6.2.1 Authorization.** The Principal is authorized to issue notices of disruptive student behavior to students who are qualifying minors.

**6.2.2 Criteria for Issuing Notice.** The Principal will issue a “notice of disruptive student behavior” to a qualifying minor who:

[a] engages in “disruptive student behavior” that does not result in suspension or expulsion three times during the school year; or

[b] engages in disruptive student behavior that results in suspension or expulsion once during the school year.

**6.2.3 Contents of Notice.** The notice of disruptive student behavior will:

[a] require the qualifying minor and a parent of the qualifying minor to whom the notice is issued to (i) meet with School authorities to discuss the qualifying minor's disruptive student behavior; and (ii) cooperate with the Principal and the Board in correcting the student's disruptive student behavior; and

[b] be mailed by certified mail to, or served in person on, a parent of the qualifying minor.

**6.2.4 Contesting Notice.** A qualifying minor, or a qualifying minor's parent, may contest a notice of disruptive student behavior by requesting in writing, within ten (10) business days after receipt of the notice, a meeting with the CMT at which the parent and the CMT will discuss the facts related to the student's behavior, the basis of the parent's concerns with or objections to the issuance of the notice, and efforts that have been made to address the behavior problems.

### **6.3 Habitual Disruptive Student Behavior Notice**

**6.3.1 Criteria for Issuing Notice.** The Principal may issue a “habitual disruptive student behavior notice” to a qualifying minor who:

[a] engages in disruptive student behavior that does not result in suspension or expulsion at least six times during the school year;

[b] (i) engages in disruptive student behavior that does not result in suspension or expulsion at least three times during the school year; and (ii) engages in disruptive student behavior that results in suspension or expulsion at least once during the school year; or

[c] engages in disruptive student behavior that results in suspension or expulsion at least twice during the school year.

**6.3.2 Notice to Parents.** Within five (5) days after the day on which a habitual disruptive student behavior notice is issued, the Principal shall provide documentation to a parent of the qualifying minor who receives the notice of the efforts made by a School representative under Section 7, below.

## **6.4 Responses to School-Based Behavior**

### **6.4.1 Definitions.**

[a] “Mobile crisis outreach team” means a crisis intervention service for minors or families of minors experiencing behavioral health or psychiatric emergencies.

[b] “Restorative justice program” means a school-based program or a program used or adopted by a school that is designed to enhance school safety, reduce school suspensions, and limit referrals to court, and is designed to help minors take responsibility for and repair the harm of behavior that occurs in school.

[c] “Youth court” means the same as that term is defined in § 80-6-901, including that it is a diversion program that provides an alternative disposition for cases involving minors who have committed minor offenses in which youth participants, under the supervision of an adult coordinator, may serve in various capacities within the courtroom, acting in the role of jurors, lawyers, bailiffs, clerks, and judges.

**6.4.2 Alternative School-Related Interventions.** The Board may establish or partner with a certified youth court program or establish or partner with a comparable restorative justice program. The School may refer a student to youth court or a comparable restorative justice program in accordance with § 53G-8-211.

**6.4.3 Referrals of Minors.** A qualifying minor to whom a habitual disruptive student behavior notice is issued under Section 6.3.1 may not be referred to the juvenile court. The School will follow § 53G-8-211 with respect to referring a minor who is alleged to have committed an offense on school property. In accordance with § 53G-8-211:

[a] if the alleged offense is a class C misdemeanor, an infraction, or a status offense on School property, the minor may be referred:

(i) to an evidence-based alternative intervention, including:

(1) a mobile crisis outreach team;

(2) youth services center, as defined in § 80-5-102;

(3) a youth court or comparable restorative justice program;

(4) an evidence-based alternative intervention created and developed by the School or other governmental entities as set forth in § 53G-8-211(3)(a)(v); or



(5) a tobacco cessation or education program if the offense is a violation of § 76-10-105; or

(ii) for prevention and early intervention youth services, as described in § 80-5-201, by the Division of Juvenile Justice Services if the minor refuses to participate in an evidence-based alternative intervention described above.

[b] Except as provided in Subsection [c] below, if a minor is alleged to have committed an offense on School property that is a class C misdemeanor, an infraction, or a status offense, the minor may be referred directly to a law enforcement officer or agency or the juvenile court only if:

(i) the minor allegedly committed the same offense on School property on two previous occasions; and

(ii) the minor was referred to an evidence-based alternative intervention, or to prevention or early intervention youth services, as described in Subsection [a] above for both of the two previous offenses.

[c] If a minor is alleged to have committed a traffic offense that is an infraction, the minor may be referred directly to a law enforcement officer or agency, a prosecuting attorney, or a court for the traffic offense.

[d] If a minor is alleged to have committed an offense on School property that is a class B misdemeanor or a class A misdemeanor, the minor may be referred directly to a court or to the evidence-based alternative interventions in Subsection [a] above.

## **7. ALTERNATIVES TO EXPULSION, OR CHANGE OF PLACEMENT FOR FREQUENT OR FLAGRANT DISRUPTIVE BEHAVIOR – Utah Code Ann. § 53G-8-207**

A continuum of intervention strategies shall be available to help students whose behavior in School repeatedly falls short of reasonable expectations. Prior to suspending a student for more than ten (10) days or expelling a student for repeated acts of willful disobedience, defiance of authority, or disruptive behavior which are not so extreme or violent that immediate removal is warranted, good faith efforts shall be made to implement a remedial discipline plan to allow the student to remain in the School.

**7.1** Before referring the student for long-term suspension, expulsion or change of placement under this Section, School staff should demonstrate that they have attempted some or all of the following interventions:

**7.1.1** Talking with the student;

**7.1.2** Class schedule adjustment;

**7.1.3** Phone contact with the parent or legal guardian;

**7.1.4** Informal parent/student conferences;

**7.1.5** Behavioral contracts;

**7.1.6** After-school make-up time;

7.1.7 Short-term in-school suspension (ISS);

7.1.8 Short-term at-home suspensions;

7.1.9 Appropriate evaluation;

7.1.10 Home study;

7.1.11 Alternative programs; or

7.1.12 Law enforcement assistance as appropriate.

## **7.2 Parental Attendance with Student – Utah Code Ann. § 53G-8-207**

As part of a remedial discipline plan for a student, the School may require the student's parent or guardian, with the consent of the student's teachers, to attend class with the student for a period of time specified by a designated School official. If the parent or guardian does not agree or fails to attend class with the student, the student shall be suspended in accordance with the provisions of this policy.

## **8. DUE PROCESS FOR SUSPENSIONS OF TEN (10) DAYS OR LESS**

The following procedure shall apply to all students facing suspension of ten (10) school days or less:

**8.1** The Principal shall notify the student's custodial parent or guardian of the following without delay: that the student has been suspended, the grounds for the suspension, the period of time for which the student is suspended, and the time and place for the parent or guardian to meet with the Principal to review the suspension.

**8.2** The Principal shall also notify the non-custodial parent, if requested in writing, of the suspension.

**8.2.1** Section 8.2 does not apply to the portion of School records which would disclose any information protected under a court order.

**8.2.2** The custodial parent is responsible to provide the School a certified copy of any court order under subsection 8.2.1.

**8.3** The Principal shall document the charges, evidence, and action taken.

**8.4** The student shall be requested to present his/her version of the incident in writing. Students with disabilities or young students who are unable to write their own statements shall be accommodated through the use of tape recorder, scribe, etc.

**8.5** If the student denies the charges, the student shall be provided with an explanation of the evidence and an opportunity to present his/her version of the incident to the Principal.

**8.6** In general, the notice and informal conference shall precede the student's removal from the School.

**8.7** If, in the judgment of the Principal, notice is not possible because the student poses a danger to a person or property or an ongoing threat of disrupting the academic process,

he/she may be removed immediately. However, in such cases, the necessary notice and hearing shall follow as soon as possible.

## **9. DUE PROCESS FOR SUSPENSIONS OF MORE THAN TEN (10) DAYS AND EXPULSIONS**

**9.1** If the Principal believes that a student should be suspended for more than ten (10) days or expelled, the Principal may make the initial decision and shall meet with the student's parent or guardian to discuss the charges against the student and the proposed discipline within five (5) school days after the suspension or expulsion began. If requested in writing, the Principal shall also notify the non-custodial parent of the suspension or expulsion as outlined in Section 8.2 of this policy.

### **9.2 Notice to Student and Parent/Guardian**

During the meeting required in Section 9.1, the Principal shall provide the student's parent or guardian with written notice that includes all of the following elements (or, if the student's parent or guardian refuses to meet, the Principal shall send the notice by certified mail, return receipt requested, to the student's parent or legal guardian within ten (10) school days after the suspension or expulsion began):

**9.2.1** a description of the alleged violation(s) or reason(s) giving rise to disciplinary action;

**9.2.2** the penalty being imposed (duration of suspension or expulsion);

**9.2.3** a statement that a due process hearing may be requested by providing the Principal with written notice within ten (10) school days of the parent or guardian's receipt of the notice;

**9.2.4** a statement that, if a due process hearing is requested, the Board, even though less than a quorum, will conduct the hearing;

**9.2.5** a statement that the suspension or expulsion is taking effect immediately and will continue for the stated period unless a due process hearing is requested in a timely manner and the Board determines otherwise;

**9.2.6** the mailing date of the notice; and

**9.2.7** a statement that, if a hearing is not requested within ten (10) school days after receipt of the notice, the Principal's decision to suspend or expel the student will be final, and the parent's right to oppose the decision will be waived.

### **9.3 Hearing Procedures**

If a Due Process Hearing is requested in response to the notice sent pursuant to Section 9.2 of this policy, the following procedures shall apply:

**9.3.1** After receipt of the request, the School shall schedule a hearing as soon as possible but not later than ten (10) school days following receipt of the request unless the student's parent or guardian agrees otherwise.

**9.3.2** A written Hearing Notice shall be sent to the parent or guardian informing the parent or guardian that the Due Process Hearing will be conducted before the Board and of the following information:

[e]the date, place, and time of the hearing;

[f] the circumstances, evidence, and issues to be discussed at the hearing;

[g] the right of all parties to cross-examine witnesses subject to the Board chairman's determination that this right should be limited to protect student witnesses from retaliation, ostracism or reprisal; and

[h] the right of all parties to examine all relevant records.

**9.3.3** The Board shall conduct the Due Process Hearing on the record and shall:

[f] ensure that a written record of the Hearing is made, a copy of which shall be provided to all parties upon request, with the cost borne by the School;

[g] consider all relevant evidence presented at the Hearing;

[h] allow the right to cross-examination of witnesses, unless the Board chairman determines that this right should be limited to protect student witnesses from ostracism, retaliation or reprisal;

[i] allow all parties a fair opportunity to present relevant evidence; and

[j] issue a written decision including findings of fact and conclusions.

**9.3.4 Hearing Rules**

Formal Rules of Evidence do not apply to the Due Process Hearing, and no discovery is permitted. However, the following rules will apply:

[e] parties may have access to information contained in the School's files to the extent permitted by law;

[f] hearings shall be closed to the press and the public;

[g] documents, testimony, or other evidence submitted by the parties after the hearing will not be considered by the Board; and

[h] the Board may excuse witnesses or parties or suspend or terminate a hearing if persons involved in the hearing are abusive, disorderly, disruptive, or if they refuse to abide by the rules and orders of the Board.

## **10. DUE PROCESS FOR CHANGE OF PLACEMENT OF STUDENTS WITH DISABILITIES**

Where the student is receiving special education services or accommodations on the basis of disability under IDEA, 504 or ADA, procedures outlined in the Utah State Board of Education Special Education Rules shall be followed, including prior written notice to parents or guardians regarding their procedural due process rights, before any long-term disciplinary action or change of placement takes place.

### **10.1 Required Services**

#### **10.1.1 504 and ADA Students**



When a determination is made that the conduct of a 504 or ADA student (but not a student who is disabled under IDEA) is not a manifestation of the student's disability pursuant to Section 10.5, the student shall be subject to the same disciplinary consequences as regular education students, up to and including expulsion from School; however, the School must continue to provide education services in accordance with guidelines established by the Utah State Office of Education.

### **10.1.2 IDEA**

A school need not provide services during periods of removal to a student with a disability under IDEA who has been removed from his or her current placement for ten (10) school days or less in that school year if services are not provided to a student without disabilities who has been similarly removed.

If a student with a disability under IDEA has been removed from his or her current placement for more than ten (10) school days in the same school year, for the remainder of the removals the School shall provide services to the extent necessary to enable the student to progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP. School personnel, in consultation with the student's special education teacher, determine the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and advance toward achieving the goals set out in the student's IEP.

## **10.2 Change of Placement for Weapons, Drugs, or Serious Bodily Injury**

A student's IEP team may order a change in placement of a student with a disability to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than forty-five (45) days, if:

**10.2.1** The student carries a weapon to or possesses a weapon at School, on School premises, or to or at a School-sponsored activity; or

**10.2.2** The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at School, on School premises, or at a School-sponsored activity; or

**10.2.3** The student has inflicted serious bodily injury upon another person while at School, on School premises, or at a School-sponsored activity.

### **10.3 Change of Placement Due to Student's Serious Misconduct**

School officials may request an expedited due process hearing in order to change the placement of a student with a disability to an appropriate interim alternative educational setting, recommended by the student's IEP team, for not more than forty-five (45) days. A hearing officer may order such a change, if he/she:

**10.3.1** Determines that School officials have demonstrated by substantial evidence that maintaining the current placement of a student is substantially likely to result in injury to the student or others;

**10.3.2** Considers the appropriateness of the student's current placement;

**10.3.3** Considers whether School officials have made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and

**10.3.4** Determines that the interim alternative educational setting being recommended by School officials (1) has been selected so as to enable the student to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the student's current IEP, that will enable

the student to meet the goals set out in that IEP: and (2) includes services and modifications designed to address the behavior at issue so that it does not recur.

#### **10.4 Parental Notice**

As soon as a decision is made by School officials to remove a student with a disability from his/her current placement for more than ten (10) school days, the student's parents must be notified of that decision and of all procedural safeguards outlined by law and School policy.

#### **10.5 IEP Meetings for Manifestation Determination**

**10.5.1** Immediately, if possible, but in no case later than ten (10) school days after the date on which the decision is made to remove the student from the current placement, a review must be conducted of the relationship between the student's disability and the behavior subject to the disciplinary action.

**10.5.2** The manifestation review must be conducted by the student's IEP team and other qualified School personnel.

**10.5.3** In conducting the manifestation review, the IEP team may determine that the behavior of the student was not a manifestation of student's disability only if the IEP team:

[a] First considers, in terms of behavior subject to disciplinary action, all relevant information, including:

(i) Evaluation and diagnostic results, including the results or other relevant information supplied by the parents of the student;

(iv) Observations of the student; and

(v) The student's IEP and placement; and

[b] Then determines whether:

(iii) The conduct in question was caused by or had a direct and substantial relationship to the child's disability; or

(iv) The conduct in question was the direct result of the School's failure to implement the student's IEP.

**10.5.4** If the IEP team determines that either of the standards above was met, the behavior must be considered a manifestation of the student's disability.

#### **10.5.5 Determination that Behavior was not Manifestation of Disability**

If the result of the manifestation review is a determination that the behavior of a student with a disability was not a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities, except that a free appropriate public education must still be made available to the student if the student is suspended or expelled from School.

#### **10.5.6 Determination that Behavior was Manifestation of Disability**

If the result of the manifestation review is a determination that the behavior of a student with a disability was a manifestation of the student's disability, the student must remain in or be returned to the prior placement.

### **10.6 IEP Meetings for Functional Behavioral Assessments**

### **10.6.1 Post-Discipline Functional Behavioral Assessments**

If School officials have not conducted a functional behavioral assessment and implemented a behavioral intervention plan for the student before the behavior that results in a removal from School for longer than ten (10) school days or a change of placement to an interim alternative educational setting, School officials shall convene an IEP meeting to develop an assessment plan and appropriate behavioral interventions to address that behavior.

### **10.6.2 Pre-Discipline Behavioral Intervention Plans**

If the student already has a behavioral intervention plan, the IEP team shall review the plan and modify it, as necessary, to address the behavior.

## **10.7 Placement During Appeals and Stay Put**

**10.7.1** If a parent requests a due process hearing to challenge the interim alternative educational setting or the manifestation determination, the student must remain subject to the disciplinary action pending the decision of the hearing officer or until the expiration of the forty-five (45) day period, whichever occurs first, unless the parent and School officials agree otherwise.

**10.7.2** If a student is placed in an interim alternative educational setting and School personnel propose to change the student's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement the student must remain in the current placement (the student's placement prior to the interim alternative education setting), unless School officials succeed in getting an order through an expedited hearing as described in Section 10.3.

## **11. ADMINISTRATIVE STUDENT CONDUCT AND DISCIPLINE PLAN**

## **11.1 Elements of Plan**

The Principal will develop, with input from administration, instruction and support staff, students, parents, and other community members, a Student Conduct and Discipline Plan. The plan shall be comprehensive, clearly written, consistently enforced, and include the following elements:

**11.1.1** written standards for student behavior expectations, including school and classroom management;

**11.1.2** effective instructional practices for teaching student expectations, including:

[a] self-discipline;

[b] citizenship;

[c] civic skills; and

[d] social emotional skills;

**11.1.3** systematic methods for reinforcement of expected behaviors;

**11.1.4** uniform and equitable methods for correction of student behavior;

**11.1.5** consistent processes to collect student discipline data and incident or infraction data, including collection of the number of days of student suspensions and data collected from the School's climate survey as described in Rule R277-623;

**11.1.6** uniform and equitable methods for at least annual school level data-based evaluations of efficiency and effectiveness;

**11.1.7** an ongoing staff development program related to development of:

[a] student behavior expectations;

[b] effective instructional practices for teaching and reinforcing behavior expectations;

[c] effective intervention strategies; and

[d] effective strategies for evaluation of the efficiency and effectiveness of interventions;

**11.1.8** procedures for ongoing training of appropriate School personnel in:

[a] crisis management;

[b] emergency safety interventions; and

[c] School policies related to emergency safety interventions consistent with evidence-based practice;

**11.1.9** policies and procedures relating to the use and abuse of alcohol, controlled substances, electronic cigarette products, and other harmful trends by students;

**11.1.10** policies and procedures for responding to possession or use of electronic cigarette products by a student on School property as required by § 53G-8-203(3);

**11.1.11** policies and procedures, consistent with requirements of Rule R277-613 and the School's Bullying and Hazing Policy, related to:

[a] bullying;

[b] cyber-bullying;

[c] hazing;

[d] retaliation; and

[e] abusive conduct;

**11.1.12** policies and procedures for the use of emergency safety interventions for all students consistent with evidence-based practices including prohibition of:

[a] physical restraint, subject to the requirements of Section R277-609-5, except when the physical restraint is allowed as described in § 53G-8-302(2);



[b] prone, or face-down, physical restraint;

[c] supine, or face-up, physical restraint;

[d] physical restraint that obstructs the airway of a student or adversely affects a student's primary mode of communication;

[e] mechanical restraint, except:

(i) protective or stabilizing restraints;

(ii) restraints required by law, including seatbelts or any other safety equipment when used to secure students during transportation; and

(iii) any device used by a law enforcement officer in carrying out law enforcement duties;

[f] chemical restraint, except as:

(i) prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and

(ii) administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under state law;

[g] seclusionary time out, subject to the requirements of Section R277-609-5, except when a student presents an immediate danger of serious physical harm to self or others; and

[h] for a student with a disability, emergency safety interventions written into a student's IEP, as a planned intervention, unless:

(i) school personnel, the family, and the IEP team agree less restrictive means have been attempted;

(ii) a FBA has been conducted; and

(iii) a positive behavior intervention, based on data analysis has been written into the plan and implemented;

**11.1.13** direction for dealing with bullying and disruptive students;

**11.1.14** direction to determine the range of behaviors and establish the continuum of administrative procedures that may be used by School personnel to address student behavior, including students who engage in disruptive student behaviors as described in § 53G-8-210;

**11.1.15** identification, by position, of an individual designated to issue notices of disruptive and bullying student behavior;

**11.1.16** identification of individuals who shall receive notices of disruptive and bullying student behavior;

**11.1.17** a requirement to provide for documentation of an alleged class B misdemeanor or a nonperson class A misdemeanor before referral of students with an alleged class B misdemeanor or a nonperson class A misdemeanor to juvenile court;

**11.1.18** strategies to provide for necessary adult supervision;

**11.1.19** a requirement that policies be clearly written and consistently enforced;

**11.1.20** notice to employees that violation of Rule R277-609 may result in employee discipline or action;

**11.1.21** gang prevention and intervention provisions in accordance with § 53E-3-509(1);

**11.1.22** provisions that account for the School's unique needs or circumstances, including:

[a] the role of law enforcement; and

[b] emergency medical services; and

[c] a provision for publication of notice to parents and School employees of policies by reasonable means; and

[d] a plan for referral for a student with a qualifying office to alternative school-related interventions, including:

(i) a mobile crisis outreach team, as defined in Section 80-1-102;

(ii) a receiving center operated by the Division of Juvenile Justice Services in accordance with Section 80-5-102;

(iii) a youth court; or

(iv) a comparable restorative justice program; and

**11.1.23** procedures for responding to reports received through the SafeUT Crisis Line established under § 53B-17-1201 *et seq.*

## **11.2 Plan Consistent with this Policy**

The administrative Student Conduct and Discipline Plan shall be consistent with this policy, including without limitation the provisions in Section 6 regarding notices of disruptive student behavior and the emergency safety intervention policies and procedures set forth in Section 18. It shall also be consistent with the School's Plan for Harassment and Discrimination Free Learning, which shall be developed by the School in accordance with § 53G-8-802 and R277-609.

## **12. EXTRACURRICULAR ACTIVITIES**

Participation in interscholastic athletics and other extracurricular activities is not a constitutionally protected civil right. Therefore, students who are suspended or expelled may lose the privilege of participation during the period of suspension/expulsion and may

not be allowed to invoke due process procedures to challenge the denial of extracurricular participation.

### **13. RE-ADMISSION OF EXPELLED STUDENTS AND DENIAL OF ADMISSION BASED ON PRIOR EXPULSION – Utah Code Ann. § 53G-8-205**

A student who is expelled from the School can only be re-admitted to the School through the School's standard lottery procedures.

A student may be denied admission to the School if he or she was expelled from the School or any other school during the preceding 12 months.

### **14. INVESTIGATIONS**

Whenever the Principal has reason to believe that School rules or policies have been broken, he or she shall proceed with an investigation. However, if the Principal believes that laws have been broken or child abuse has occurred, he/she shall request appropriate authorities to conduct the investigation.

#### **14.1 General Investigation Guidelines for Principal**

The Principal has the authority and duty to conduct investigations and to question students pertaining to infractions of school rules, whether or not the alleged conduct is a violation of criminal law. The Principal shall conduct investigations according to the following general guidelines:

**14.1.1** The Principal shall conduct investigations in a way that does not unduly interfere with School activities.

**14.1.2** The Principal shall separate witnesses and offenders in an attempt to keep witnesses from collaborating their statements and have all parties provide separate statements concerning the incident under investigation; written statements are preferable, if possible.

**14.1.3** The Principal shall advise students suspected of wrongdoing orally or in writing of the nature of the alleged offense.

**14.1.4** Students must be provided an opportunity to give their version of the incident under investigation; however, refusals to respond or provide information should be respected.

**14.1.5** When questioning students as part of an investigation, School staff should have another adult present whenever possible.

**14.1.6** The Principal shall accommodate students with disabilities and young children unable to write their own statements through use of tape recorders, scribes, etc.

**14.1.7** All students involved in the investigation shall be instructed that retaliation is prohibited. Any act of reprisal against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing is strictly prohibited and subject to disciplinary action.

**14.1.8** When the investigation is completed and if it is determined that disciplinary action may be in order, due process requirements must be met. Specifically, the student must be given proper notice of the charges against him/her and the disciplinary action being recommended, as well as a fair opportunity to present his or her version of the facts.

## **14.2 Coordination with Law Enforcement**

The Principal has the responsibility and the authority to determine when the help of law enforcement officers is necessary, as outlined in this policy and Utah State law.

**14.2.1** The School administration may invite law enforcement officials to the School to:

[d] conduct an investigation of alleged criminal conduct on the School premises or during a School-sponsored activity;

[e] maintain a safe and orderly educational environment; or

[f] maintain or restore order when the presence of such officers is necessary to prevent injury to persons or property.

**14.2.2** Investigation of Criminal Conduct

During an investigation for violation of School rules, it may become evident that the incident under investigation may also be a violation of criminal law. If the School official has reason to suspect that a criminal act has been committed and, in the opinion of the Principal, law enforcement should be notified, the following procedure should be followed:

[h]The Principal shall request that law enforcement officers conduct an investigation during school hours and question students who are potential witnesses to the alleged criminal behavior.

[i] The School official shall inform the student's parent or legal guardian as soon as possible that the student may have committed a criminal act and that law enforcement authorities will be involved in the investigation.

[j] Unless circumstances dictate otherwise, questioning of the student by School officials shall not begin or continue until the law enforcement officers arrive.

[k] Reasonable attempts shall be made to contact the student's parents or legal guardian who, unless an emergency exists, shall be given the opportunity to meet with the student and to be present with the student during questioning by law enforcement authorities.

[l] The Principal shall document the contact or attempted contact with the student's parents or legal guardian. If the Principal cannot contact the student's parent or guardian, or if the parent or guardian is unable to be present with the student for questioning, the Principal shall be present and document generally what occurs during the interview.

[m] The student shall not be questioned by law enforcement unless or until he/she has received Miranda warnings from the officer.

[n] If the parent or student refuses to consent to questioning by law enforcement authorities, the law enforcement authorities shall determine the course of action to be pursued.

### **14.2.3 Investigation Initiated by Law Enforcement Authorities**

School officials shall cooperate with law enforcement authorities who are carrying out official duties such as investigating crimes, serving subpoenas, etc.

[c] When law enforcement officers can show a need to do so, they shall be permitted to conduct an investigation on School grounds during School hours.

[d] Such a need will ordinarily be shown if delay in police investigation might result in danger to a person, flight from jurisdiction by a person reasonably suspected of a crime, or destruction of evidence. In such cases:



(vi) The officers shall be required to get prior approval of the Principal or other designated person before beginning an investigation on School premises.

(vii) The Principal shall document the circumstances warranting the investigation as soon as practical.

(viii) Alleged criminal behavior related to the School environment brought to the Principal's attention by law enforcement officers shall be dealt with under the provisions of Section 14.1.

(ix) Law enforcement officials (investigating School-related or student-related crimes) may not have access to student education records, aside from directory information, unless they have a subpoena or court order or permission from parent or guardian.

(x) Directory information is limited to a student's name, home address, date of birth, phone number, class schedules and parents' address and phone numbers for use in case of emergency.

#### **14.2.4 Release of Student to Law Enforcement Official**

[h] Students may not be released to law enforcement authorities voluntarily by School officials unless the student has been placed under arrest or unless the parent or legal guardian and the student agree to the release.

[i] When students are removed from School for any reason by law enforcement authorities, every reasonable effort shall be made to contact the student's parent or legal guardian immediately except in cases of child abuse and neglect. Such effort shall be documented.

[j] The Principal shall immediately notify the Board of the removal of a student from School by law enforcement authorities.

[k] Where it is necessary to take a student into custody on School premises, the law enforcement officer shall contact the Principal and relate the circumstances necessitating such action.

[l] Whenever the need arises to make arrests or take students into custody on School premises, the Principal shall make reasonable efforts to consult and confer with the law enforcement officers as to how an arrest is to be made.

[m] When possible, the Principal shall have the student summoned to the Principal's office before the student is taken into custody.

[n] When a student has been taken into custody or arrested on School premises without prior notification to the Principal, the School staff present shall encourage the law enforcement officers to tell the Principal of the circumstances as quickly as possible. If the officers decline to tell the Principal, the School staff members present shall immediately notify the Principal.

#### **14.2.5 Quelling Disturbances of School Environment**

Law enforcement officers may be requested to assist in controlling disturbances of the School environment that a Principal has found to be unmanageable by School personnel and that has the potential of causing harm to students and other persons or to property. Such circumstances include situations where a parent or member of the public exhibits undesirable or illegal conduct on or near School grounds or at a School-sponsored activity and who refuse to abide by a Principal's directive to leave the premises.

### **15. INVESTIGATION OF CHILD ABUSE AND NEGLECT**

Utah law requires that whenever any person, including any School employee, has reason to believe that a child has been subjected to incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect, or observes a child being subjected to conditions or circumstances which would reasonably result in such, he/she shall immediately notify the nearest peace officer, law enforcement agency, or office of the Division of Child and Family Services.

**15.1** The School shall distribute annually to all School employees copies of the School's procedures for reporting suspected child abuse or neglect.

**15.2** If there is reason to believe that a child may have been subjected to abuse or neglect, an oral report shall be made immediately by the School employee reporting the abuse/neglect with a written report to follow within twenty-four (24) hours.

**15.2.1** When making the oral report, always have the person you notify identify himself/herself. The notified person's name shall be entered on the written report.

**15.2.2** A copy of the written report shall be put in a child abuse-neglect file to be maintained by the Principal, for all reported cases of suspected child abuse or neglect.

**15.2.3** The child abuse-neglect reporting form shall not be placed in the student's personal file.

**15.3** It is not the responsibility of the Principal or other School employees to prove that the child has been abused or neglected, or to determine whether the child is in need of protection.

**15.3.1** Investigation by staff prior to submitting a report shall not go beyond that necessary to support a reasonable belief that a reportable problem exists.

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

**15.3.3** Interviews with the child or suspected abuser shall not be conducted by the Principal or School employees.

**15.3.4** Notes of voluntary or spontaneous statements by the child shall be made and given to the investigating agency.

**15.3.5** The Principal, School employees, Division of Child and Family Services and law enforcement personnel are required to preserve the anonymity of those making the initial report and any others involved in the subsequent investigation.

**15.3.6** Investigations are the responsibility of the Division of Child and Family Services.

[c] The Principal or other School employees shall not contact the parents, relatives, friends, neighbors, etc. for the purpose of determining the cause of the injury and/or apparent neglect.

[d] School officials shall cooperate with social service and law enforcement agency employees authorized to investigate reports of alleged child abuse and neglect, assisting as asked as members of interdisciplinary child protection teams in providing protective diagnostic, assessment, treatment, and coordination services.

**15.3.7** Persons making reports or participating in good faith in an investigation of alleged child abuse or neglect are immune, in accordance with state law, from any civil or criminal liability that otherwise might arise from those actions.

## **16. SEARCHES OF PERSON OR PROPERTY**

Given the School's custodial and tutelary responsibility for children, and the Board's intent to preserve a safe environment for all students and staff, the Board recognizes that School officials must have the authority to conduct reasonable searches of students and student property. School officials engaging in searches of students and property shall abide by the following guidelines:

### **16.1 General Guidelines for Searches of Person or Property**

#### **16.1.1 Student Lockers**

Students have no right or expectation of privacy in school lockers. While lockers are under the joint control of students and the School, lockers are solely School property and may be searched at any time by School officials with or without cause. Once a locker is opened for search, any search of student belongings contained within the locker must comply with the guidelines for searches of personal belongings in Section 16.2 of this policy.

#### **16.1.2 Searches of Students and Student Property**

Searches of a student's person, personal property (coats, hats, backpacks, bookbags, purses, wallets, notebooks, gym bags, etc.) may be conducted whenever the student's conduct creates a reasonable suspicion that a particular School rule or law has been violated and that the search is reasonably related to the suspicion and not excessively intrusive in light of the age and sex of the student and nature of the infraction. Circumstances warranting a search include those in which School officials have a reasonable suspicion that the student or

student property is concealing items including but not limited to weapons, drugs, controlled substances, electronic cigarette products, alcohol, tobacco, unsafe contraband, pornography, pagers or lost/stolen/misplaced items.

## **16.2 Searches of Personal Belongings**

### **16.2.1 Personal belongings may be searched by School officials whenever School**

officials have a reasonable suspicion to believe a student is concealing evidence of a policy violation or criminal activity and the items being searched are capable of concealing such evidence. The student may be asked to open personal belongings and to turn over personal property for search by a School official. All searches of student property by School officials shall be witnessed by an objective third party (such as another teacher, or police officer) to observe that the search is not excessively intrusive.

**16.2.2** All contraband discovered in a search by School officials shall be immediately confiscated and turned over to law enforcement officers if School officials have reason to believe the contraband is related to the commission of a criminal act.

## **16.3 Searches of Person**

### **16.3.1 School officials shall make sure the search meets the following guidelines:**

[g]The search shall be conducted in a private area of the School by a School official of the same sex as the student being searched;

[h]The search shall be observed by an objective third party of the same sex as the student being searched (i.e., Principal, teacher, police officer);

[i] School officials may ask the student to remove his/her hat, coat, shoes and socks, turn pockets inside out, and roll up sleeves to see if the student is hiding contraband;

[j] Under no circumstances may School officials require students to remove any other items of clothing or touch students in any way during the search.

[k] If this limited search does not turn up suspected contraband and School officials have reasonable suspicion that the student is concealing contraband in his/her inner clothing (i.e., hiding drugs, weapons or other contraband underneath shirts, pants or underwear), law enforcement officers shall be summoned immediately to conduct further search and investigation.

[l] In general, all questioning and searching of students conducted by law enforcement officers shall proceed according to the investigation guidelines in Section 14 of this policy.

#### **16.4 Documentation of Searches**

School officials shall thoroughly document the details of any search conducted of a student's property or person. Documentation shall be made at the time of the search, or as soon as possible thereafter, and shall include the following:

**16.4.1** The time, place and date of the search;

**16.4.2** The reasonable suspicion giving rise to the search (what did School officials suspect to find during the search);

**16.4.3** The name and title of individuals conducting and observing the search;

**16.4.4** A statement about evidence that was found or not found as a result of the

search;

**16.4.5** A statement about who took possession of contraband (i.e., police, school, etc.);

**16.4.6** Information regarding the attempts of School officials to notify parents about the search.

**17. RECORDS—INTERAGENCY COLLABORATION – 20 U.S.C. § 1232g(h)(i)-(2); Utah Code Ann. § 53G-8-402-405**

**17.1 Board and Principal Notification by Juvenile Court and Law Enforcement Agencies.**

**17.1.1** Within three (3) days of being notified by the juvenile court that a juvenile has been adjudicated or of being notified by a law enforcement agency that a juvenile has been taken into custody or detention for a violent felony, defined in Utah Code Ann. § 76-3-203.5, or an offense in violation of Title 76, Chapter 10, Part 5 Weapons, the President of the Board shall notify the Principal.

**17.1.2** Upon receipt of the information, the Principal shall make a notation in a secure file other than the student's permanent file; and, if the student is still enrolled in the School, the Principal shall notify staff members who should know of the adjudication, arrest or detention.

**17.1.3** Staff members receiving information about a juvenile's adjudication, arrest or detention may only disclose the information to other persons having both a right and a current need to know.



## **17.2 Multidisciplinary Team and Reintegration Plan**

**17.2.1** In addition to complying with the requirements above, the School shall, within five (5) days after receiving a notification described in Section 17.1.1 about a student, develop a reintegration plan for the student with a multidisciplinary team, the student, and the student's parent or guardian. The multidisciplinary team should include the School, the juvenile court, the Division of Juvenile Justice Services, the School's Resource Officer (if any), and any other relevant party that should be involved in a reintegration plan.

**17.2.2** The reintegration plan shall address:

[a] a behavioral intervention for the student;

[b] a short-term mental health or counseling service for the student; and

[c] an academic intervention for the student.

**17.2.3** The School may deny admission to the student until the School completes the reintegration plan.

## **17.3 Student Discipline Records/Education Records**

School officials may include appropriate information in the education record of any student concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.

### **17.3.1 Disclosure of Discipline Records to Other Educators**

School officials may disclose student discipline information described above to teachers and other School officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.

### **17.3.2 Disclosure of Discipline Records to Other Agencies**

School officials shall not release personally identifiable student discipline records to other government agencies, including law enforcement agencies, unless the agency produces a subpoena or court order (need for standing court order from juvenile court), or unless the student's parent or guardian has authorized disclosure.

## **18. EMERGENCY SAFETY INTERVENTIONS**

A School employee may not subject a student to physical restraint or seclusionary time out unless utilized as a necessary emergency safety intervention (“ESI”) in compliance with this Section.

### **18.1 Definitions**

**18.1.1** An “ESI” is the use of seclusionary time out or physical restraint when a student presents an immediate/imminent danger of physical violence/aggression towards self or others likely to cause serious physical harm. An ESI is not for disciplinary purposes.

**18.1.2** “Physical restraint” means a personal restriction that immobilizes or significantly reduces the ability of a student to move his or her arms, legs, body, or head freely.

**18.1.3** “Physical escort” means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of guiding a student to another location.

**18.1.4** “Seclusionary time out” means that a student is placed in a safe enclosed area, isolated from adults and peers, and the student is, or reasonably believes, he or she will be prevented from leaving the area. The safe enclosed area must meet the fire and public safety requirements described in R392-200 and R710-4.

## **18.2 General Procedures**

**18.2.1** Teachers and other personnel who may work directly with students shall be trained on the use of effective alternatives to ESI as well as the safe use of ESI and a release criteria.

**18.2.2** An ESI shall:

[a] be applied for the minimum time necessary to ensure safety;

[b] implement an appropriate release criteria;

[c] be discontinued as soon as imminent danger of physical harm to self or others has dissipated;

[d] be discontinued if the student is in severe distress;

[e] never be used as punishment or discipline;

[f] be applied consistent with the School's administrative Student Conduct and Discipline Plan; and

[g] in no instance be imposed for more than 30 minutes.

### **18.3 Students with Disabilities Receiving Special Education Services**

**18.3.1** Use of ESI for a student with a disability receiving specialized educational services under IDEA or Section 504 shall be subject to all applicable state and federal laws, including Least Restrictive Behavioral Interventions (LRBI) policies and procedures for special education/504 programs.

**18.3.2** Additionally, ESIs written into a student's IEP as a planned intervention are prohibited unless school personnel, the family, and the IEP team agree less restrictive means which meet the circumstances described in R277-608-5 have been attempted; a Functional Behavioral Assessment has been conducted; and a positive behavior intervention plan based on data analysis has been written into the plan and implemented.

### **18.4 Physical Restraint**

**18.4.1** A School employee may, in accordance with Section 18.2.2 and when acting within the scope of employment, use and apply physical restraint as an ESI in self defense or as may be reasonable and necessary under the following circumstances:

[a] to protect the student or another person from physical injury;

[b] to remove from a situation a student who is violent;

[c] to take possession of a weapon or other dangerous object in the possession or under the control of a student; or

[d] to protect property from being damaged, when physical safety is at risk.

**18.4.2** When an employee exercises physical restraint as an ESI on a student, the following types of physical restraint are prohibited:

[a] prone, or face-down;

[b] supine, or face-up;

[c] physical restraint which obstructs the airway or adversely affects the student's primary mode of communication;

[d] mechanical restraint, except for seatbelts or safety equipment used to secure students during transportation, other appropriate protective or stabilizing restraints, and devices used by a law enforcement officer in carrying out law enforcement duties; or

[e] chemical restraint, except as prescribed by a licensed physician and implemented in compliance with a student's Health Care Plan.

**18.4.3** Nothing in this Section prohibits a School employee from using less intrusive means, including a physical escort, to address circumstances described in Section 18.4.1.

## **18.5 Seclusionary Time Out**

A School employee may, in accordance with Section 18.2.2 and when acting within the scope of employment, place a student in seclusionary time out as an ESI under the following circumstances:

**18.5.1** the student presents an immediate danger of serious physical harm to self or others;

**18.5.2** any door remains unlocked consistent with applicable fire and public safety requirements; and

**18.5.3** the student is within line sight of the employee at all times.

## **18.6 Notification**

**18.6.1** If an ESI is used, the School or employee shall immediately notify the student's parent/guardian and School administration before the student leaves the School.

**18.6.2** In addition to providing the notice described in Section 18.6.1, if the ESI is applied for longer than fifteen minutes, the School shall immediately notify the student's parent/guardian and School administration.

**18.6.3** Parent notifications made under this Section shall be documented in the student information system as required by R277-609-10(3)(d)).

**18.6.4** Within 24 hours of using ESI, the School shall notify the parent/guardian that they may request a copy of any notes or additional documentation taken during the crisis situation.

**18.6.5** Upon request of a parent/guardian, the School shall provide a copy of any notes or additional documentation taken during a crisis situation.

**18.6.6** A parent/guardian may request a time to meet with School staff and administration to discuss the crisis situation.

### **18.7 Emergency Safety Intervention (ESI) Committee**

**18.7.1** The School shall establish an ESI committee that includes:

[a] at least two administrators (if there are at least two administrators employed by the School);

[b] at least one parent of a student enrolled in the School, appointed by the School's Principal; and

[c] at least two certified educational professionals with behavior training and knowledge in both state rules and the School's conduct and discipline policies.

**18.7.2** The ESI committee shall:

[a] meet often enough to monitor the use of ESI within the School;

[b] determine and recommend professional development needs;

[c] develop policies for dispute resolution processes to address concerns regarding disciplinary actions; and

[d] ensure that each emergency incident where a School employee uses an ESI is documented in the School's student information system and reported to the State Superintendent of Schools through UTREx.

**18.7.3** The School shall collect, maintain, and periodically review the documentation or records regarding the use of ESI in the School.

**18.7.4** The School shall annually provide documentation of any School use of ESI to the State Superintendent of Schools.

**18.7.5** The School shall submit all required UTREx discipline incident data elements to the State Superintendent of Schools no later than June 30, 2018. Beginning in the 2018-19 school year, the School shall submit all required UTREx discipline incident data elements as part of the LEA's daily UTREx submission.

## **18.8 Corporal Punishment**

School employees may not inflict or cause the infliction of corporal punishment upon a student. School personnel who inflict corporal punishment on a student will be subject to discipline up to and including termination.

## **19. TRAINING**



**19.1** All new employees shall receive information about this policy and the administrative Student Conduct and Discipline Plan at new employee orientation. All other employees shall be provided information on a regular basis regarding this policy, the Student Conduct and Discipline Plan, and the School's commitment to a safe and orderly school environment.

**19.2** Employees who have specific responsibilities for investigating, addressing, and resolving issues addressed in the policy shall receive annual training on this policy and related legal developments.

**19.3** The Principal shall be responsible for informing students, parents, and staff of the terms of this policy and the Student Conduct and Discipline Plan, including the procedures outlined for investigation and resolution of violations.

## **20. POLICY AND PLAN DISSEMINATION AND REVIEW**

**20.1** The School shall compile an annual report of all out-of-school suspensions and expulsions and submit it to the Board. For each suspension or expulsion, the report shall indicate the student's race, gender, disability status, and age/grade, as well as the reason for the discipline, the length of the discipline, and a statement as to whether the student was referred to the Board.

**20.2** A summary of this policy and the Student Conduct and Discipline Plan shall be posted in the School, and the policy and plan will be posted on the School's website. The policy or a summary of the policy and the plan or summary of the plan shall also be published in student registration materials, student and employee handbooks, and other appropriate school publications as directed by the Board.

**20.3** This policy and the plan shall be reviewed as necessary with appropriate revisions recommended to the Board.





## Student Education Plan Policy

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HighMark Charter School

Policy: Student Education Plan Policy

Adopted: August 19, 2019

### **Policy**

HighMark Charter School (the “School”) understands the importance of personal education planning for each of its students. Personal education planning is a cooperative effort involving students, parents/guardians, and educators. It focuses on the individual needs of the student and is essential at the elementary and secondary school levels.

The School shall implement an individual learning plan (also known as an SEP) for its K-6 students and a plan for college and career readiness (also known as an SEOP) for its students in grades 7-9 in accordance with Utah law.

The School’s Principal shall establish administrative procedures to help the School implement individual learning plans and plans for college and career readiness consistent with Utah Code § 53E-2-304(2)(b) and, if the School receives Comprehensive Counseling and Guidance Program funds, Utah Administrative Code Rule R277-462.

## Staff Code of Conduct Policy

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HighMark Charter School

Policy: Staff Code of Conduct Policy

Adopted: August 19, 2019

### 1. PURPOSE AND PHILOSOPHY

The Board of Directors of HighMark Charter School (the “School”) is committed to establishing and maintaining appropriate standards of conduct between staff members and students. These standards of conduct are also known as professional boundaries. Staff members shall maintain professional and appropriate demeanor and relationships with students, both during and outside of school hours, as well as both on and off campus, that foster an effective, non-disruptive and safe learning environment.

### 2. DEFINITIONS

a) “Boundary violation” means crossing verbal, physical, emotional, or social lines that staff must maintain in order to ensure structure, security, and predictability in an educational environment.

i) A "boundary violation" may include the following, depending on the circumstances:

- (1) isolated, one-on-one interactions with a student out of the line of sight of others;
- (2) meeting with a student in rooms with covered or blocked windows;
- (3) telling risqué jokes to, or in the presence of a student;
- (4) employing favoritism to a student;
- (5) giving gifts to individual students;
- (6) staff member initiated frontal hugging or other uninvited touching;
- (7) photographing an individual student for a non-educational purpose or use;
- (8) engaging in inappropriate or unprofessional contact outside of educational program activities;
- (9) exchanging personal email or phone numbers with a student for a non-educational purpose or use;
- (10) interacting privately with a student through social media, computer, or handheld devices; and
- (11) discussing an employee’s personal life or personal issues with a student.

ii) "Boundary violation" does not include:

- (1) offering praise, encouragement, or acknowledgment;
- (2) offering rewards available to all who achieve;
- (3) asking permission to touch for necessary purposes;
- (4) giving a pat on the back or a shoulder;
- (5) giving a side hug;
- (6) giving a handshake or high five;
- (7) offering warmth and kindness;

- (8) utilizing public social media alerts to groups of students and parents; or
  - (9) contact permitted by an IEP or 504 plan.
- b) “Grooming” means befriending and establishing an emotional connection with a child or a child's family to lower the child's inhibitions for emotional, physical, or sexual abuse.
- c) “Sexual conduct” includes any sexual contact or communication between a staff member and a student including but not limited to:
- i) “Sexual abuse” means the criminal conduct described in Utah Code Ann. §76-5-404.1(2) and includes, regardless of the gender of any participant:
    - (1) touching the anus, buttocks, pubic area, or genitalia of a student;
    - (2) touching the breast of a female student; or
    - (3) otherwise taking indecent liberties with a student;
    - (4) with the intent to:
      - (a) cause substantial emotional or bodily pain; or
      - (b) arouse or gratify the sexual desire of any individual.
  - ii) “Sexual battery” means the criminal conduct described in Utah Code Ann. §76-9-702.1 and includes intentionally touching, whether or not through clothing, the anus, buttocks, or any part of the genitals of a student, or the breast of a female student, and the actor’s conduct is under circumstances the actor knows or should know will likely cause affront or alarm to the student touched; or
  - iii) A staff member and student sharing any sexually explicit or lewd communication, image, or photograph.
- d) “Staff member” means an employee, contractor, or volunteer with unsupervised access to students.
- e) “Student” means a child under the age of 18 or over the age of 18 if still enrolled in a public secondary school.

### 3. POLICY

Staff members shall act in a way that acknowledges and reflects their inherent positions of authority and influence over students.

- a) Staff members shall recognize and maintain appropriate personal boundaries in teaching, supervising and interacting with students and shall avoid boundary violations including behavior that could reasonably be considered grooming or lead to even an appearance of impropriety.
- b) A staff member may not subject a student to any form of abuse including but not limited to:
  - i) physical abuse;
  - ii) verbal abuse;
  - iii) sexual abuse; or
  - iv) mental abuse.

- c) A staff member shall not touch a student in a way that makes a reasonably objective student feel uncomfortable.
- d) A staff member shall not engage in any sexual conduct toward or sexual relations with a student including but not limited to:
  - i) viewing with a student, or allowing a student to view, pornography or any other sexually explicit or inappropriate images or content, whether video, audio, print, text, or other format;
  - ii) sexual battery; or
  - iii) sexual assault.
- e) Staff member communications with students, whether verbal or electronic, shall be professional and avoid boundary violations.
- f) A staff member shall not provide gifts, special favors, or preferential treatment to a student or group of students.
- g) A staff member shall not discriminate against a student on the basis of sex, religion, national origin, gender identity, sexual orientation, or any other prohibited class.
- h) Staff member use of electronic devices and social media to communicate with students must comply with School policy, be professional, pertain to school activities or classes, and comply with the Family Educational Rights and Privacy Act.
- i) A staff member may not use or be under the influence of alcohol or illegal substances during work hours on school property or at school sponsored events while acting as a staff member. Additionally, a staff member may not use any form of tobacco or electronic cigarettes on school property or at school sponsored activities in an employment capacity.
- j) A staff member shall cooperate in any investigation concerning allegations of actions, conduct, or communications that, if proven, would violate this policy.
- k) The School recognizes that familial relationships between a staff member and a student may provide for exceptions to certain provisions of this policy.
- l) Conduct prohibited by this policy is considered a violation of this policy regardless of whether the student may have consented.

#### 4. REPORTING

- a) A staff member who has reason to believe there has been a violation of this policy shall immediately report such conduct to an appropriate supervisor or school administrator. If a staff member has reason to believe that the Director has violated this policy, the staff member shall immediately report the conduct to the president of the Board of Directors.
- b) In addition to the obligation to report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services under Utah Code Ann. §62A-4a-403 and the School's Child Abuse and Neglect Reporting Policy:

- i) a staff member who has reasonable cause to believe that a student may have been physically or sexually abused by a school staff member shall immediately report the belief and all other relevant information to the Director; and
- ii) if the staff member suspected to have abused a student holds a professional educator license issued by the Utah State Board of Education, the Director shall immediately report that information to the Utah Professional Practices Advisory Commission;
- iii) a person who makes a report under this subsection in good faith shall be immune from civil or criminal liability that might otherwise arise by reason of that report.
- c) A staff member who has knowledge of suspected incidents of bullying shall immediately notify the School's administrator in compliance with the School's Bullying and Hazing Policy.
- d) Failing to report suspected misconduct as required herein is a violation of this policy, the Utah Educator Standards, and in some instances, state law, and may result in disciplinary action.

5. TRAINING

- a) Within 10 days of beginning employment with the School a staff member shall receive training regarding this policy and shall acknowledge in writing having received training and understanding the policy.
- b) The School will annually provide training to staff regarding this policy.
- c) Staff members will annually sign a statement acknowledging that the staff member has received training and has read and understands this policy.
- d) Staff members employed by the School at the time of initial adoption of this policy shall receive training regarding this policy prior to the first day of the 2019-2020 school year on which students will be in attendance and shall acknowledge in writing having received training and understanding the policy.

6. VIOLATIONS

A staff member found in violation of this policy will be subject to disciplinary action.

HIGHMARK CHARTER SCHOOL CODE OF CONDUCT  
STAFF MEMBER ACKNOWLEDGEMENT

Name: \_\_\_\_\_ Position: \_\_\_\_\_



Date of Training: \_\_\_\_\_ Trained by: \_\_\_\_\_

*I received training about the requirements of the HighMark Charter School Code of Conduct Policy. I have read and I understand the requirements of the policy and understand that I am responsible to recognize and maintain appropriate personal boundaries while interacting with students. I also understand that if I have reason to believe a staff member is violating the Code of Conduct, I will report my suspicions to the School's Director.*

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*Signature of Staff Member*

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*Date*

## Staff Grievance Policy

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HighMark Charter School  
Policy: Staff Grievance Policy  
Adopted: September 19, 2011

### Purpose

The Board of Directors (“Board”) of HighMark Charter School (the “School”) values open communication between faculty, staff, administration, and the Board. The Board also believes that individuals can generally resolve their own disputes through open, respectful communication. If a situation arises that cannot be resolved between the parties involved, then this policy will be used. The purpose of this policy is to ensure that staff members understand how to pursue the resolution of grievances, concerns and disputes involving other School employees.

The Board wishes to emphasize that the School is an at-will employer, and this policy is not intended to modify the at-will employment relationship between the School and its employees.

### Policy

A staff member who has a complaint regarding another staff member must first address the issue with the other employee involved and work reasonably and in good faith to resolve the concern.

A staff member that is not able to resolve the dispute himself or herself may then raise the issue with the School’s Director.

If a staff member’s complaint involves the Director, the staff member must first address the issue with the Director and work reasonably and in good faith to resolve the problem.

A staff member should not direct complaints to the Board unless and until he or she has worked in good faith to resolve the issues with the other individual and with the School’s Director.

In the event the staff member and the Director are unable to resolve a complaint and the staff member wishes to bring the issue to the Board’s attention, the complaint may be directed to the Board in writing. Complaints shall specify the individual(s) involved, details of the incident(s) giving rise to the complaint, including dates and approximate times, details of attempts to resolve the problem, and the requested solution. The Board will then consider the complaint and take whatever action it deems appropriate.

This policy does not confer upon any employee of the School any additional rights. Accordingly, the existence of this policy does not preclude the School from terminating any employee for any lawful reason even if the employee is pursuing the resolution of a grievance.

Additionally, this policy is not intended to discourage an employee from reporting to the appropriate individual(s) a legal violation committed by another employee and does not limit a School employee's right to appropriately report a legal violation committed by another employee.

## Student Organization Policy

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HighMark Charter School

Policy: Student Organization Policy

Adopted: August 20, 2018

### Policy

HighMark Charter (the “School”) may encourage students to broaden their knowledge and citizenship by permitting the formation of clubs and groups organized to promote or pursue specialized activities outside the classroom. The purpose of this policy is to provide guidance regarding authorization of clubs and groups as outlined in state law and Utah State Board of Education Administrative Rules.

The School may authorize the following types of clubs and groups by grade level:

Grades K-12: School Curricular (“CLUBS”)

Grades 7-9: Student Non-curricular (“GROUPS”)

### 1. Definitions

School Curricular (“CLUBS”): Directly related to the curriculum offered in the School. School Curricular CLUBS are sponsored and promoted by the school. The Principal or a designee shall appoint an advisor to the CLUB who supports the CLUB and may participate in, as well as direct CLUB programs and activities.

Student Non-curricular (“GROUPS”): Not directly related to the curriculum and which are initiated by students enrolled in the School. Student Non-curricular GROUPS are not sponsored or supported by the school but are recognized for purposes of granting a place within the School to meet during non-instructional time. Student Non-curricular GROUPS shall have a minimum of three members. A certified employee monitors all meetings held on school premises but does not participate in any activity or discussion of the GROUP. If the school maintains a “limited open forum,” then it must grant equal access to all non-curriculum student GROUPS meeting the criteria of this policy.

Limited Open Forum: Can be created whenever a public secondary school provides an opportunity for one or more “GROUPS” to meet on school premises during non- instructional time.

Closed Forum: The School reserves the right to create a “closed forum” by refusing to allow all GROUPS to use School property during non-instructional time.

2. Equal Access for Student GROUPS: meetings of student GROUPS are voluntary and student initiated; there is no sponsorship of student GROUP meetings by School employees.

The School will meet the following requirements if access is granted to qualifying non-curriculum student GROUPS:

- a. employees of the School are present only in a non-participatory capacity;
- b. meetings of GROUPS do not materially or substantially interfere with the orderly conduct of education activities of the School;
- c. non-School personnel may not direct, conduct, control, or regularly attend activities of GROUPS without the prior approval of the Campus Principal;
- d. the application procedure has been complied with by the GROUP; and
- e. the administration may review applications on a case-by-case basis and refuse to grant access to any GROUP which:
  1. impairs the ability of the School to maintain order and discipline on School premises;or
  2. threatens the school’s ability to protect the well-being of students or faculty; or
  3. threatens the ability of the School to ensure that attendance of students at the GROUP’s meetings is voluntary.

3. GROUP Meetings: Meetings of GROUPS shall take place during non-instructional time.

- a. The Principal or designee may determine which School facilities may be used and when they are available.
- b. Only authorized GROUPS attending the School may request to use rooms or schedule GROUP meetings.

c. School administration shall determine what access all GROUPS will be given to the School year book, bulletin boards, and public address system; provided that all such GROUPS shall be given equal access.

d. No GROUPS shall be permitted to engage in or conduct group therapy, counseling or other psychological services of the type provided by licensed professionals.

4. CLUB or GROUP Charter: Pick up form in the office, create recommended name, and statement of the CLUB'S or GROUP'S purpose

a. Students or School staff seeking authorization to establish a CLUB or GROUP shall prepare an annual charter identifying whether the CLUB or GROUP is a School Curricular CLUB or a Student Non-curricular GROUP. The CLUB or GROUP Charter shall include a statement of the CLUB'S or GROUP'S categorization indicating all of the following that may apply:

A. athletic;

B. business/economic;

C. agricultural;

D. art/music/performance;

E. science;

F. gaming;

G. religious;

H. community service/social justice; and

I. other.

b. Budget showing the amount and source of any funding provided or to be provided to the club and its purposed use.

c. Statement verifying the CLUB or GROUP will comply with all applicable laws, rules, and policies.

## 5. Limitations and Denial

A. action or advocacy of imminent action which violates the law or School policies or procedures; this prohibition shall not apply to appropriate discussions concerning the changing of laws or policies and procedures, or actions taken through appropriate channels or procedures to effectuate such changes;

B. advocacy or approval of sexual activity outside of marriage, or presentations in violation of laws or regulations governing sex education or privacy rights of families or individuals;

C. action or advocacy of imminent action involving the harassment or the denigration of any person; and

D. action or advocacy of imminent action with the intent to cause a person to fear to freely exercise or enjoy any right secured by the Constitution or laws of the United States or the state of Utah. 5.2 The School may limit or deny a charter to a CLUB or GROUP if necessary to:

The School may limit or deny a charter to a CLUB or GROUP if necessary to:

A. protect the physical, emotional, psychological, or moral well-being of students and faculty;

B. maintain order and discipline on school premises; or

C. prevent a material and substantial interference with the orderly conduct of the School's educational activities.

The School shall deny access to any student CLUB or GROUP whose program or activities would materially or substantially:

A. encourage criminal or delinquent conduct;

B. promote bigotry; or

C. involve human sexuality. 5.4 Approval of a CLUB or GROUP name may take place separately from that relating to the approval of the CLUB or GROUP itself. A CLUB or GROUP name shall:

Approval of a CLUB or GROUP name may take place separately from that relating to the approval itself. A CLUB or GROUP name shall:

A. reasonably reflect the nature, purposes and activities of the CLUB or GROUP; and

B. be such that it would not result in undue disruption of school operations, subject students to harassment or persecution, imply that the CLUB or GROUP would operate in violation of law or rule, or imply inappropriate association with outside organizations or groups.

## 6. Supervision

Selection and appointment of CLUB advisors and GROUP monitors shall be the responsibility of the Principal and will be done annually. Persons who are not part of the School shall not be allowed access to CLUBS or GROUPS to direct, conduct, control, or regularly attend CLUB or GROUP meetings without prior approval of the Principal. The advisor or monitor shall ensure compliance with the approved CLUB or GROUP charter and applicable laws and rules. The Principal or designee may cancel the authorization for any CLUB or GROUP found to be operating out of compliance of the approved charter or laws, policies or procedures.

## 7. Parental Permission for Participation

As a candidate for participation in a CLUB or GROUP that meets on School premises, every student must obtain written permission from either a parent with legal custody or other legal guardian. The written permission form shall include the following:

a. statement of the CLUB'S or GROUP'S purpose, goals, or activities;



b. statement of the CLUB'S or GROUP'S categorization (see information under the section on CLUB or GROUP Charter).

## 8. Investigation of Violations

The Principal will investigate any allegation that a CLUB or GROUP is not following the guidelines as described in this policy and in its charter. If the Principal finds the CLUB or GROUP to be in violation, the following actions may be taken:

- a. allow the original statement of purpose, goals, and activities be modified to include the activity in question;
- b. instruct the faculty advisor or the certified employee monitor not to allow similar violations in the future;
- c. limit or suspend the CLUB'S or GROUP'S authorization or school building use; or
- d. terminate the CLUB'S or GROUP'S authorization and dissolve the CLUB or GROUP. The CLUB or GROUP would not be allowed to reapply until the next school year.

## 9. Appeal

The Principal will approve, deny, or investigate each completed application or complaint in a reasonable amount of time. If the application or complaint is denied, written reasons for the denial or the results of the investigation will be stated. If appropriate, suggested corrections shall be made to remedy the situation.

A student directly affected by the denial of a CLUB or GROUP authorization may appeal in writing within ten (10) days of the denial to the Principal. The Principal shall issue an opinion in writing either upholding or overturning the denial within a reasonable amount of time after receiving the appeal. The Principal's decision shall be the final administrative decision.

## Student Transportation Policy

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HighMark Charter School  
Policy: Student Transportation Policy  
Adopted: March 13, 2023

### **Purpose**

The purpose of this policy is to address how student transportation is handled at HighMark Charter School (the “School”). It is also to establish rules and requirements related to student transportation to help ensure student safety.

The School intends for this policy to satisfy the policy requirements of Utah Administrative Code Rule R277-601.

### **Policy**

#### No School Buses

The state does not provide the School (or any other Utah charter school) with any state transportation funding. As a result of this, and as a result of having a student population that often resides throughout multiple cities and/or counties in the state, the School does not own or operate school buses and does not provide transportation for students to or from School, except where required by law. Parents or guardians are responsible for the transportation of their students to and from the School each day.

#### Student Transportation for School Activities

The School may provide transportation for students in charter buses or through public transportation in connection with field trips, extracurricular activities, or other School-sponsored activities. Any charter bus company selected by the School to transport students shall meet or exceed industry safety requirements and provide reliable and professional transportation services.

The School may also provide student transportation for School activities through private or rental vehicles driven by School employees or volunteers who have been approved by the School's Principal. The School's Principal shall establish the necessary qualifications for such drivers and other requirements that must be met prior to using private or rental vehicles to transport students.

The School shall inform parents and guardians when it intends to provide student transportation in connection with School activities and shall give parents the opportunity to consent to such transportation. A student's parent or guardian must provide consent in order for their student to be transported to and/or from School activities as described in this section.

Charter bus operators and, to the extent practicable, other vehicle drivers approved by the School to transport students to and/or from School activities, shall adhere to the applicable standards in R277-601-3. The School shall enforce the applicable standards as required by the rule.

## Supervision of Students at School-Sponsored Activities Policy

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HighMark Charter School

Policy: Supervision of Students at School-Sponsored Activities Policy

Adopted: March 13, 2023

### **Purpose**

The purpose of this policy is to outline the supervisory responsibilities of HighMark Charter School (the "School") coaches and other designated School leaders (e.g., advisors, assistants, activity leaders, etc.) in connection with School-sponsored activities. Another purpose is to provide standards of behavior and conduct that such School coaches and designated leaders must follow.

### **Policy**

The School, School coaches, and other designated School leaders shall comply with Utah Administrative Code Rule R277-605.

### Supervision of Students

School coaches and other designated School leaders shall diligently supervise the students under their care or control at all times while on School-sponsored activities, including but not limited to supervising such students:

- (a) on the field or court, or at other competition or performance or activity sites;
- (b) in locker rooms (as appropriate), seating areas, eating establishments, and lodging facilities; and
- (c) while traveling.

School coaches and other designated School leaders are responsible for a student who is under their care or control for as long as a student remains on School grounds following a School-sponsored activity, subject to the following:

- (a) After a School-sponsored activity on School grounds is over, parents/guardians are responsible to pick up their child promptly after the activity or make

arrangements for someone else to pick up their child promptly after the activity;  
and

- (b) If a student has not been picked up within 10 minutes of the School-sponsored activity ending, School coaches or other designated School leaders shall verify with the student that the student has been in contact with his or her parent/guardian and that the student will be picked up shortly. If all such students provide this verification, School coaches or other designated School leaders may leave School grounds. If any such student does not provide this verification, School coaches or other designated School leaders shall contact by telephone the student's parent/guardian and/or emergency contact(s) designated by the student's parents/guardians to verify that the student will be picked up in a timely manner. If the parent/guardian or emergency contact provides this verification, School coaches or other designated School leaders may leave School grounds. However, if neither the parent/guardian or an emergency contact can be reached or are able to pick up the student in a timely manner, School coaches or other designated School leaders shall stay on School grounds and may contact the police or the Division of Child and Family Services (DCFS) to report the situation.

If parents/guardians experience an emergency that causes them to run late or to be unable to have their child picked up within 10 minutes of a School-sponsored activity ending, they should notify the School coach or other designated School leader as soon as possible.

### Behavior and Conduct

School coaches and other designated School leaders shall be exemplary role models to students and shall not use alcoholic beverages, tobacco, controlled substances, or participate in sexual relationships while on School-sponsored activities. School coaches and other designated School leaders shall act in a manner consistent with Utah Code § 53G-8-209 and shall not:

- (a) use foul, abusive, or profane language while engaged in School-related activities;  
or
- (b) permit hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order Utah law.

School coaches and other designated School leaders shall abide by the rules pertaining to athletic and activity clinics set forth in R277-605-5. School coaches shall satisfy all of the

training requirements listed in R277-605-6, and the School shall maintain verification of the coaches' compliance with the training requirements.

## Time and Effort Documentation Policy

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HighMark Charter School

Policy: Time and Effort Documentation Policy

Adopted: October 26, 2020

### Purpose

Because HighMark Charter School (the “School”) receives restricted federal funds, the School is obligated to properly spend and account for the expenditures of such funds. The School adopts this policy in order to ensure that charges to federal awards for salaries and wages are based on records that accurately reflect the work performed.

### Policy

The School will recognize and follow the *Uniform Administrative Requirements* pertaining to the *Standards for Documentation of Personnel Expenses* as contained in the Code of Federal Regulations Title 2 Part 200.430(i).

Documentation of personnel expenses will:

1. Be supported by a system of **internal controls** which provides reasonable assurance that charges are **accurate, allowable, and allocable**.
2. Be incorporated into the School’s official records.
3. Reasonably reflect the total activity for which the employee is compensated.
4. Encompass both federally assisted and all other activities compensated by the School.
5. Comply with the established accounting policies and practices of the School.
6. Support the distribution of the employee’s salary or wages among specific activities **or cost objectives**.

The School's administration will adopt additional administrative procedures to ensure compliance with this policy and applicable law.

## **Definitions**

“Accurate” means that salaries and wages are based on records that provide an actual representation of the work performed.

“Allocable” means a cost is allocable to a Federal award or other cost objective because the goods or services involved are chargeable or assignable to that Federal award or cost objective in accordance with the relative benefits received.

“Allowable” means that a cost meets the criteria (factors affecting allowability of costs) outlined in *Uniform Administrative Requirements* 2 CFR 200.403 unless otherwise authorized by statute.

“Internal Controls” mean processes implemented by a non-federal entity designed to provide reasonable assurance regarding the achievement of objectives in the following categories (2 CFR 200.61):

- a. Effectiveness and efficiency of operations
- b. Reliability of reporting for internal and external use; and
- c. Compliance with applicable laws and regulations

“Cost Objectives” means a program, function, activity, award, organizational subdivision, contract, or work unit for which cost data are desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, capital projects, etc. (i.e., Implementation of program accounting).





## **Administrative Procedures**

### **Time and Effort Documentation**

1. All employees paid in whole or in part with federal funds, and employees whose salaries are used to meet a matching/cost sharing requirement, are required to provide time and effort documentation that accurately/reasonably represents the work that has been performed during the period being reported on.

a. **Semi-Annual Certification** – This certification must be submitted by/for employees who spend 100% of their time and effort on a single federal program during the six-month period being reported on.

i. Semi-Annual Certifications will be submitted for the periods July 1 through December 31, and January 1 through June 30.

ii. Semi-Annual Certifications must be submitted after the last day of the period being reported (after the fact).

iii. Semi-Annual Certifications must be submitted on an approved form.

iv. Forms will include:

1. Name of Employee.

2. Title of Employee.

3. Period being reported on.

4. A certification statement stating the employee has spent 100% of their time on the stated program.

5. Name of the program worked on.

6. Whether time, effort and salary are being used for cost sharing or matching purposes. If so, for which program(s).

7. Signature of Employee.

8. Date Signed by Employee (Note: Cannot be dated prior to the end of the period covered by the certification).

9. Signature and Title of Direct Supervisor.

10. Date Signed by Supervisor (Note: Cannot be dated prior to the end of the period covered by the certification).

b. **Personnel Activity Report (PAR)** – This report must be submitted by/for employees that:

i. Meet at least one of the following criteria:

1. Work on multiple federal awards.
2. A federal award and a non-federal award.
3. Employees that work on a single federal award, but are paid for indirect cost activities AND direct cost activities.
4. Employees that work on two or more indirect cost activities that are allocated using two different allocation bases.
5. An employee that works on a federal award but on an unallowable activity and a direct or indirect cost activity.

ii. PARs will be submitted on a monthly basis.

iii. PARs must be submitted after the last day of the month being report on (after the fact).

iv. PARs must be submitted using an approved form.

v. Forms will include:

1. Employees Name.
2. Period being reported on (e.g., January 1 through January 31, 2020).
3. A certification statement stating that the distribution of the employee's time is an accurate representation of the work performed.
4. Whether time, effort and salary are being used for cost sharing or matching purposes. If so, for which program(s).
5. Distribution of time (by percentage e.g., 70% Title I, 30% SpEd) by account, Function, Program, Location.
6. Time being reported must represent but cannot exceed 100%.
7. Must coincide with one or more pay periods.

8. Signature of Employee.
9. Date Signed by Employee (Note: Cannot be dated prior to the end of the period covered by the PAR).
10. Signature and Title of Direct Supervisor
11. Date Signed by Supervisor (Note: Cannot be dated prior to the end of the period covered by the PAR).
12. Sick time, vacation time, etc. must be coded proportionally to the different programs.
2. Payroll records must reconcile with the time and effort documentation.
3. A reconciliation of payroll records and time and effort documents will be done on a quarterly basis. Adjustments will be made and discussed, as necessary.
4. If an employee's salary is being used for cost sharing/matching purposes, then this needs to be identified on the employee's time and effort certification form. Once a salary has been used for matching purposes or a portion of the salary, then the salary, or portion thereof, that has been used may not be used as matching/cost sharing funds for another program.
5. If assignments change, it is the School's responsibility to inform the School's business administrator so that payroll records, budgets, etc. can be updated.
6. Upon termination of employment, an employee must submit their final time and effort documentation prior to receiving their final payment.
7. Procedures will be periodically reviewed by the administration. Updates due to changes in rules or regulations will be made in a timely manner, as necessary.
8. Employees will receive appropriate training on time and effort documentation.
9. The School will keep a copy of all time and effort documentation (Semi-Annual Certifications, Personnel Activity Reports, payroll reports, etc.) in accordance with the School's record retention practices or 5 years, whichever is greater (See 2 CFR 200.333).

## Travel Policy

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HighMark Charter School

Policy: Travel Policy

Approved: 05.27.2022

### PURPOSE

The purpose of this policy is to establish procedures for authorization of travel by employees or agents of HighMark Charter School (the "School") who may be required to travel to fulfill their official duties or to attend seminars, conferences or other professional or educational activities benefiting the School.

### POLICY

1. This policy applies to all employees', officials', or agents' travel to conventions and/or travel undertaken for execution of School business. This includes but is not limited to:
  - a. Travel requiring an overnight stay; and
  - b. Conventions and conferences when no overnight stay is required.
2. This policy does not apply to field trips.
3. All travel must be approved in advance by the Principal, or the Board if the Principal is the traveler. Where possible, all requests for travel approval will be requested at least three weeks prior to the departure date and prior to making any arrangements. Travel requests shall explain the purpose of the travel and, where applicable, include the conference registration materials, proposed hotel accommodations, and approximate airfare. Flight reservations may be made by the School's Management Company.
4. Per diem expenses will be paid for all approved travel events that are more than 100 miles from the School campus. The per diem will be paid to the traveler by check no later than 48 hours prior to the departure date. Per diem is as follows:
  - a. Up to \$75 per day for out-of-state travel; and
  - b. Up to \$60 per day for in-state travel.

5. Reasonable and necessary ground transfer and mileage rate expenses will be reimbursed based on receipts submitted for such expenses. The traveler is responsible for collecting receipts in order to present them for reimbursement. Mileage will be reimbursed at the standard IRS mileage reimbursement rates in effect at the time.

6. Reasonable and necessary hotel accommodations are approved for the number of days a conference is in session, less one. One additional night of hotel accommodations is approved when an additional travel day is required prior to a conference. A second additional night of hotel accommodations is approved when an additional travel day is required after the conference concludes. Other additional days of hotel accommodations will be allowed only when approved in advance of the conference start date by the Principal or the Chair of the Board of Directors.

## Tuition Reimbursement Policy

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HighMark Charter School

Policy: Tuition Reimbursement Policy

Adopted: June 18, 2020

### PURPOSE

HighMark Charter School (the “School”) believes that the School and its students benefit when employees develop and improve their knowledge and skills. Obtaining additional education can increase teaching abilities and professional competence. The School therefore desires to identify the conditions upon which the School is willing to reimburse School employees for tuition paid in order to obtain education that will improve their ability to serve the School and its students.

### POLICY

The School may reimburse tuition for School employees if the following conditions are satisfied:

- (1) The employee has been employed by the School for at least one (1) year.
  
- (2) The tuition is for courses that are either (a) job related, meaning the course will result in increased knowledge and skill, is aimed primarily at improving the employee’s performance in his/her present job or will enable the employee to remain current with changes or developments in their field or (b) an elective that is part of a degree program that is job related.
  
- (3) The courses are taken at (a) fully-accredited Utah colleges or universities; (b) a school providing training or instruction that is approved by the State Board of Education.

(4) Courses may be for credit or not.

(5) Except in unusual circumstances and as approved by the Principal, courses must be taken outside of regularly scheduled work hours.

(6) Reimbursement will only be provided when the employee obtains approval from the Board of Directors and enters into a written agreement in the form approved by the Board of Directors prior to enrolling in the course. Additionally, the Principal must give prior approval for each course for which reimbursement will be sought.

(7) The employee must agree to work at the School for a minimum of three (3) years following reimbursement of tuition. In the event the employee's employment with the School is terminated, voluntarily or involuntarily, for any reason, before the completion of three (3) years, the prorated portion of the reimbursed tuition must be repaid to the School based on the number of years worked for the School since the most recent reimbursement.

(8) Reimbursement is limited to a maximum of nine (9) credit hours per year, up to a total of thirty-six (36) credit hours, at a rate not to exceed \$150 per credit hour. Reimbursement can be paid as you complete semester/yearly.

(9) Lane change on salary will be paid the following school year after you are registered on Cactus with a certificate.

(a) Provides evidence of completion of the course with a passing mark of B or better. Courses completed by June 1 will be eligible for contract increase for the following school year.

(b) Provides an itemized receipt of the payment of tuition.

(c) Passes any applicable Praxis exam.





## TUITION REIMBURSEMENT AGREEMENT

This Tuition Reimbursement Agreement (the "Agreement") is entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between [[school name]], a Utah nonprofit corporation (the "School"), and \_\_\_\_\_, an individual (the "Teacher").

### Recitals

- A. The School operates a charter school in [[city]], [[county]], [[state]].
- B. The Teacher is currently employed with the School as \_\_\_\_\_.
- C. The Teacher desires the School's financial assistance to obtain the following additional education in order to improve the Teacher's skill and professional competence: \_\_\_\_\_ [[clearly specify the course(s), program, degree, certification, as applicable, and the institution]] (the "Coursework").
- D. The School desires to reimburse the Teacher's tuition and, in connection therewith, to provide an incentive for the Teacher to continue to work at the School thereafter.
- E. The School and the Teacher desire to enter into this Agreement in order to carry out that intent.

### Agreement

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

- 1. The Teacher will satisfactorily complete the requirements associated with the Coursework within \_\_\_\_\_ months from the date of this Agreement.
- 2. The Principal must approve each course for which the teacher will seek reimbursement to ensure that it is job related or an elective required for a degree program.
- 3. The School will reimburse the Teacher's tuition for the Coursework when the Teacher:
  - (a) Provides evidence of completion of the course with a passing mark of B or better.
  - (b) Provides an itemized receipt of the payment of tuition.
  - (c) Passes the \_\_\_\_\_ Praxis exam. [[include this if applicable]]
- 4. If the Teacher's employment at the School is terminated (voluntarily or involuntarily) for any reason within three (3) years following the most recent reimbursement of tuition or the Teacher fails to satisfactorily complete the Coursework within the required time frame set forth in Section 1, above, the Teacher must repay the tuition paid by the School pro rata based on the

number of years worked for the School from the most recent reimbursement.

5. The Teacher acknowledges that this Agreement does not guarantee the Teacher employment with the School.

The Parties have executed this Agreement as of the date first set forth above.

The School:

\_\_\_\_\_  
Board President

\_\_\_\_\_  
Principal

The Teacher:

\_\_\_\_\_



## Weapons Policy

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HighMark Charter School

Policy: Weapons Policy

Adopted: November 21, 2016

### Purpose of Policy

The purpose of this policy is to address the possession of dangerous weapons and firearms on school premises and other school buildings or property by any individual, including but not limited to, employees, students, parents/guardians, volunteers, and visitors.

### Policy

For the purpose of this policy, “School Property” is defined as all property including buildings, portable buildings, parking lots, fields, parks and other land under the possession of HighMark Charter School, whether leased or owned, where business of HighMark Charter School takes place.

Utah Code § 76-10-505.5(2) provides that “[a] person may not possess any dangerous weapon, firearm, or sawed-off shotgun, as those terms are defined in Section 76-10-501, at a place that the person knows, or has reasonable cause to believe, is on or about school premises as defined in this section.”

A dangerous weapon is defined as “(i) a firearm; or (ii) an object that in the manner of its use or intended use is capable of causing death or serious bodily injury.” UCA § 76-10-501(6)(a).

A firearm is defined as “a pistol, revolver, shotgun, short barreled shotgun, rifle or short barreled rifle, or a device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive.” UCA § 76-10-501(10)(a).

The law further provides that a qualified person may receive a permit “to carry a concealed firearm for lawful self-defense.” UCA § 53-5-704(1).

A concealed firearm means “a firearm that is (i) covered, hidden or secreted in a manner that the public would not be aware of its presence; and (ii) readily accessible for immediate use.” UCA § 76-10-501(3)(a).

Possession or use of a dangerous weapon by anyone on School Property, or in conjunction with any school activity, unless specifically authorized by law, is in violation of the law and HighMark Charter School Policy. Employees in violation of this policy will be subject to disciplinary actions, which may include termination.

However, this policy does not apply if the possession is approved by the responsible school administrator or the item is present or to be used in connection with a lawful, approved activity and is in the possession or under the control of the person responsible for its possession or use. UCA § 76-10-505.5(4)(b), (c).

In accordance with the school's Safe Schools Policy and state law, students are prohibited at all times from possession or use of a weapon in or on School Property or in conjunction with any school activity.

#### Concealed Firearm Permit Exceptions and Clarification

Utah State law allows any holder of a valid concealed firearm permit to carry a concealed firearm on School Property. Because a concealed firearm must be readily accessible for immediate use, any person who carries a concealed firearm on School Property, must keep it on their person at all times, and it must be fully concealed. School employees are prohibited from keeping a concealed firearm in or on any property, fixture or furniture owned by the school. This includes but is not limited to desks, closets, cabinets, or any other property owned by and located on School Property. If a person carries a concealed firearm in any personal container, bag, briefcase, purse, backpack, etc., that item must be on the person at all times while on School Property.

School employees who obtain a concealed firearm permit do so at their own volition. Any employee's decision to carry or use a dangerous weapon will be the sole responsibility of that person as an individual, and no such action, including any lawful action, is taken as an employee by or on behalf of the school or is otherwise authorized or sanctioned by the school. Employees who have concealed carry permits are obligated to have knowledge of and adhere to state and local weapons laws.

## Wellness Policy

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HighMark Charter School  
Policy: Wellness Policy  
Adopted: June 18, 2020  
Reviewed: May 27, 2023

### Purpose:

HighMark Charter School is committed to the optimal development of each student. This policy outlines the model approach to ensuring environments and opportunities for all students to practice lifelong healthy habits that promote physical, mental, and social health.

Research shows that students who are physically, mentally, emotionally, and socially healthy during and after the school day have positive outcomes.

We know that some chronic diseases can be prevented by eating well, being physically active, avoiding tobacco and excessive drinking, and getting regular health screenings. When systems support policy and create safe and healthy environments, students shall excel in their academic learning.

Mental and physical health are equally important components of overall health and well-being. Mental health is important at every stage of life, from childhood and adolescence through adulthood. Mental illnesses are conditions that affect a child's thinking, feeling, mood or behavior. Depression, anxiety, bipolar disorder, attention deficit disorder, and schizophrenia are conditions that may be occasional or chronic and affect the child's ability to relate to others and function during the school day.

HighMark Charter shall engage the community in supporting the work of the local school in creating continuity between schools and other settings for students and staff to practice lifelong healthy habits. HighMark Charter shall establish and maintain an infrastructure for management, oversight, implementation, communication, and monitoring of the policy. The community (including parents, students, food service professionals, physical education teachers, school health professionals, community health partners, school nurses, the LEA board, and administrators) shall be encouraged to participate in the development and assessment of the wellness policy.

## Physical Activity:

Children and adolescents should participate in at least 60 minutes of physical activity every day. A substantial percentage of students' physical activity can be provided through the following components:

- Quality physical education as the foundation.
- Physical activity before, during, and after school.
- Staff involvement and family and community engagement.

Schools shall ensure that these varied physical activity opportunities are in addition to, and not as a substitute for, physical education. Physical activity during the school day (including but not limited to; recess, classroom physical activity breaks, or physical education) shall not be withheld as punishment for any reason. Teachers and other school personnel shall not use physical activity (e.g., running laps, push-ups) as punishment. [LEA] shall provide teachers and other school staff with a list of ideas for alternative ways to discipline students.

To the extent practicable, HighMark Charter shall ensure that its grounds and facilities are safe, and that equipment is available to students to be active. The LEA shall conduct necessary inspections and repairs.

## Physical Education

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HighMark Charter shall provide students with physical education using an age-appropriate, sequential physical education curriculum consistent with the Utah Core Standards for Physical Education. The physical education curriculum shall promote the benefits of a physically active lifestyle and shall help students develop skills to engage in lifelong healthy habits, as well as incorporate health education concepts.

The curriculum shall support the essential components of physical education, such as:

- All students shall be provided an equal opportunity to participate in physical education classes.
- The LEA physical education program shall promote student physical fitness through individualized fitness and activity assessments and shall use criterion-based reporting for each student.
- All physical education classes shall be taught by licensed teachers who are certified or endorsed to teach physical education.

## Recess (Elementary)

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Schools:



- Shall provide at least 20 minutes of active daily recess to all elementary school students.
  - According to R277-419-4 “all school day calculations shall exclude lunch periods and pass time between classes but may include recess periods”.
- Shall not withhold recess, PE, or other physical activities as a punishment for poor behavior, incomplete class work, or remediation purposes.
- Shall not require students to engage in physical activity as punishment (such as running extra laps).
- Shall provide recess before lunch when schedules allow.
- Shall offer outdoor recess when weather is feasible for outdoor play.
  - In the event that the school must conduct indoor recess, teachers and staff shall follow indoor recess guidelines that promote physical activity for students.
- Shall create schedules for recess to complement, not substitute, physical education class.
- Shall provide recess monitors or teachers to encourage students to be active and serve as role models by being physically active alongside the students whenever feasible.

#### Classroom Physical Activity Breaks (Elementary and Secondary)

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HighMark Charter recognizes that students are more attentive and ready to learn if provided with periodic breaks where they can be physically active or stretch. Students shall be offered periodic opportunities to be active or to stretch throughout the day on all or most days of a typical school week. Teachers shall provide short (3-5-minute) physical activity breaks to students during and between classroom time at least three days per week. These physical activity breaks shall complement, not substitute, physical education, recess, and class transition periods.

#### Air quality

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All people are entitled to breathe healthy air and to be free of the adverse health effects of indoor and outdoor air pollution.

The health, comfort, and learning environment of students and staff are important aspects of the school. Air quality, both indoor and outdoor, is a critical component of providing a healthy and comfortable learning environment.

Students at HighMark shall be allowed to self-apply sunscreen without a parent or physician’s authorization. If the student is unable to self-apply sunscreen, a volunteer or school employee may apply the sunscreen on the student with written consent from the parent or legal guardian. (UCA 53G-9-208).

#### Alcohol, Tobacco, and Other Drug (ATOD) Free School

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Schools are in a powerful position of influence among the students they serve and can play a major role in reducing the rate of alcohol, tobacco, and other drug (ATOD) use among youth

through prevention education, the implementation of research based programs, and the enforcement of clear, consistent, and fair rules and regulations.

### Injury Prevention

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- HighMark Charter staff shall be required to receive training and instruction on child sexual abuse prevention and awareness, responding to a disclosure of child sexual abuse, and mandatory reporting requirements according to the Utah Child Sexual Abuse Prevention law (Utah Code 53G-9-207).
- HighMark Charter shall adopt comprehensive school policies and procedures for suicide prevention, intervention, and postvention.
- HighMark shall adopt policies and practices that promote connectedness as a protective factor against multiple forms of injury and violence.
- HighMark Charter coaches, trainers, officials, and student athletes shall be trained yearly on recognizing and responding to concussions and the Protections of Athletes with Head Injuries Act. A child who gets a head injury must be removed from play and may only return after written clearance from a qualified health care provider according to Utah Code 26-53-101 and R277-61.

### Staff Wellness

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The HighMark Charter wellness committee shall develop, promote, and oversee a multifaceted plan to promote staff health and wellness. The plan shall be based on input solicited from staff and should outline ways to encourage healthy eating, physical activity, and other elements of a healthy lifestyle among staff. Staff shall be encouraged to serve as positive role models for healthy eating and physical fitness.

### Chronic, Infectious & Acute Disease Management

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HighMark Charter shall have a minimum of one professional registered school nurse who can assist with the management of chronic, infectious, and acute diseases the students may have. The school nurse is the best person to manage these conditions in the school setting.

The school shall have at least one automated external defibrillator (AED). This device should be examined monthly to make sure all components are working properly.

A minimum of two school employees shall be certified in first aid and cardio-pulmonary resuscitation (CPR). At least one person certified in first aid and CPR shall be on-site when school is in session (R392-200-9).

## Medication Management

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Students shall be allowed access to medication during school hours by following Utah Code 53G-9-502 which requires prior parent/guardian and healthcare provider authorization. Parents must submit a completed medication authorization form annually to HighMark Charter for any routine and scheduled medications that are required during school. The school nurse shall train staff on how and when to administer medication to students.

Students are allowed to *possess and self-administer* certain medications after proper signed authorization by both the student's parent and healthcare provider are submitted each year. This applies to epinephrine auto-injectors, asthma medication, and diabetes medication. All other medication shall be stored in a locked location with the exception of epinephrine auto-injectors, and asthma rescue medication. These shall be kept in a secure, but unlocked location.

- Allergy and anaphylaxis: Students are allowed to *possess and self-administer* an epinephrine auto-injector (when appropriate) after proper authorization has been submitted to the school (Utah Code 26-41).
- Asthma: Students shall be allowed to *possess and self-administer* their asthma medications (when appropriate) after proper authorization has been submitted to the school by Utah Code 26-41. If the student does not self-carry the asthma medication, the device shall be kept in a secure but unlocked location.
- Diabetes: Students shall be allowed to *carry and self-administer* their diabetes medication (when appropriate) after proper authorization has been submitted to the LEA as allowed by Utah Code 53G-9-506.
- Seizures: School nurses shall train school employee volunteers to administer emergency seizure rescue medication (when appropriate) after proper authorization has been submitted to the LEA per Utah Code 53G-9-505. Students shall not carry this medication. These medications shall be kept locked, but accessible for use in an emergency.

If the parent does not submit the required paperwork to allow emergency rescue medication at the school, employees shall be instructed to call 911 in the event of an emergency.

## Risk and Protective Factors

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Life skills are a key protective factor against suicide and include critical thinking, stress management, conflict resolution, problem-solving and coping skills. An emphasis on mental wellness and life skills has been found to improve quality of life and reduce risk of suicide, self-harm, substance use, and other life problems.

## Suicide Prevention Teacher Re-Licensure Training

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Teacher re-licensure shall focus on:

- Prevention of youth suicide;
- Youth suicide intervention.