

# The Pinnacle Code Appendices

The School Policy Manual for Pinnacle Canyon Academy  
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This school policy manual will be updated regularly as needed and will be posted on the school's webpage: [www.pcaschool.com](http://www.pcaschool.com)

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# **SECTION FOUR: APPENDICES TO THE PINNACLE CODE**

## **APPENDIX A: PINNACLE STUDENT CODE OF CONDUCT**

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### **Jurisdiction of Pinnacle Canyon Administration**

Pinnacle students are subject to the rules and regulations of Pinnacle administration and teachers while attending school during scheduled hours, during school-sponsored events and while being transported on school buses or other conveyances at public expense to and from school or school-sponsored events.

Pinnacle jurisdiction also includes visitors to Pinnacle or school sponsored events when school is in session to ensure the safety and wellbeing of all students. All visitors shall report to the school office prior to entering hallways or classrooms.

Failure to do so may be cause for removal and/or prosecution of loitering. Utah Code Ann. 531-3-503

### **INTRODUCTION**

Effective learning in school requires discipline, which is defined as the absence of disturbances which interfere with the effective functioning of the school community, and also the presence of a friendly and business-like atmosphere in which students and school personnel work cooperatively toward mutual goals. Every student has the right to learn and every teacher has the right to teach. Anything or anyone interfering with these rights shall be corrected, or removed from class and/or the school. Although increasing age and maturity shall lead to students' assuming greater responsibility for their actions and may require different types of disciplinary action, the procedures identified in this "Code of Student Conduct" shall apply to all Pinnacle students. To assist parents, teachers and administrators in maintaining an environment conducive to learning, the "Code of Student Conduct" will describe the roles of parents, students, school personnel and school policies, describe student rights and responsibilities, identify classifications of violations and describe disciplinary procedures, and identify and standardize procedures for administering formal disciplinary actions.

### **ROLE OF STUDENTS, PARENTS, SCHOOL PERSONNEL AND SCHOOL POLICIES**

Effective learning requires cooperation among parents, students and educators.

#### **Cooperation is Facilitated by Parents or Guardians Who:**

- Communicate regularly with school personnel concerning their student's progress and conduct.
- Encourage their student's daily attendance and promptly report and explain an absence or tardiness to school authorities.
- Provide their students with resources needed to complete schoolwork.
- Assist their students to be healthy, neat and clean.
- Notify school personnel of any problem affecting their student or other students of the school.
- Discuss report cards and work assignments with their students.
- Maintain up-to-date home, work, emergency telephone numbers, and protective orders at the school, including doctor and hospital preferences and an emergency health care form.

#### **Cooperation is Facilitated by Students Who:**

- Punctually attend all classes daily.
- Come to class with appropriate working materials.
- Respect all individuals and property.
- Refrain from profane or inflammatory statements.
- Behave in a safe and responsible manner.
- Are clean, neat and properly dressed.
- Are responsible for their own work.
- Follow the rules of the school and of each classroom teacher.
- Seek changes in an orderly, recognized manner.

#### **Cooperation is Facilitated by School Personnel Who:**

- Attend school regularly and punctually.
- Perform their duties with appropriate materials.
- Respect all individuals and property.
- Refrain from profane or inflammatory statements.
- Behave in a safe and responsible manner.
- Are clean, neat and appropriately dressed.
- Abide by and enforce the rules of the School.
- Seek changes in an orderly, recognized manner.
- Use a variety of informal disciplinary and guidance methods prior to, during and after formal disciplinary action, including: Student program adjustments, referral to counseling and/or special services for help deemed necessary, conference and/or special services for help deemed necessary, referral to appropriate outside agencies for specific problems, provide a class disclosure document that outlines grading policy and course objectives.

Cooperation is Facilitated by School Policies That:

- Encourage and maintain a positive climate.
- Exhibit respect for all individuals.
- Encourage a curriculum appropriate to the needs of students.
- Promote good working relationships among staff and with students.
- Encourage use of community agencies to benefit students.
- Invite parent and student participation in activities and development of school policies.
- Encourage parents and guardians to communicate regularly with school personnel.
- Seek to involve members of the community in efforts to improve the quality of the school.

**STUDENT RIGHTS AND RESPONSIBILITIES**

Students shall understand that individual rights involve associated responsibilities, and that such rights are related to the health, safety and welfare of the Pinnacle community as a whole. The teachers, staff administration, parents and students shall assist in the orderly operation of the school and shall help to assure the rights of students.

**STUDENT ATTENDANCE POLICY (per UTAH LAW 53A-11-101)**

According to the Utah compulsory Attendance Laws (53A-11-101) every school age child must be in school until age 18 or graduation. Under this law, parents or guardians are obliged to enforce compulsory school attendance. In fact, it is a misdemeanor if a parent fails to have their child in regular attendance. Such laws are intended to facilitate development of skills and knowledge necessary for students to learn to function in a modern democratic society through attending school regularly. The Utah State Board of Education also views on-time attendance as a critical element for student success. When students miss school, they miss out. The opportunities lost through student absence and tardiness leave learning gaps that are difficult to fill. Regular, on time attendance is a life skill required for successful employment in the future, as well as helping maintain consistent and dependable relationships. Increasing an optimal learning environment that fosters these lifelong habits of accountability and reliability begins with consistent attendance in school. Pinnacle is committed to support parents, students and school personnel in making decisions that lead to 95% on time attendance by every student. School personnel will schedule school activities so as to not disrupt regular, on-time school attendance. Teachers shall release students from class on time and not interfere with the on time attendance of students in other teachers' classes. Parents shall excuse students only for valid reasons as identified by the Pinnacle Board of Directors which include illness, medical appointments, family emergencies, death of family member or close friend and family activity or travel consistent with the board and school policy.

A clearly defined process for absence and tardy review is in place. Documentation of absences will be coded as follows:

CODE	MEANING	CODE	MEANING
.	Present	M	Half day morning
/	½	N	Half day afternoon
-	Virtual Learner (hyphen)	O	Observation and Assessment
A	School Activity	P	Parent Phone Call to excuse student
C	Concurrent Enrollment at USU Eastern	S	Sluff
D	Detention	T	Tardy reflects being up to 20 minutes late for class. Code will then revert to a "U".
E	Excused by Parent and/or Guardian written note (not to exceed three consecutive days), Doctor's excuse or other note for excused circumstance (death, family emergency, etc.) is required for every day beyond the three day parent excuse.	U	No legitimate excuse submitted
G	Group	X	Counseling Department
H	Homebound	Z	Suspension – disciplinary action
I	In-school suspension – disciplinary action		

Students are expected to:

- Attend class daily and on time.
- Provide Pinnacle with adequate explanation and appropriate proof of reason for an absence within 24 hours.
- Verbal communication from parent or guardian on the day of the absence is required to excuse in case of illness or family emergency. **If such communication cannot be made, a written excuse signed by parent or guardian must accompany the student when he/she returns to school.**
- A verbal or written request from the parent or guardian that is approved by a Pinnacle administrator or designee in advance will excuse the student. Such advance requests will allow the student time to secure assignments. Only under exceptional circumstances, however, will midterm or final examinations be given earlier.
- Obtain makeup assignments from teachers after an excused absence and to complete this work in the same number of days as absent, plus one. The teacher, in extenuating circumstances, may grant additional time.

Occasionally, a student must be absent from school for reasons that are acceptable to the school as well as the court. Please follow the above steps informing the school every time your child is absent explaining the reason. The school and the court require a statement from a doctor regarding extended absences for illness. Appointments with doctors shall be arranged after school hours whenever possible.

Pinnacle has clearly defined the following effective interventions for excessive absenteeism or tardiness. Attendance is monitored daily by both the elementary and secondary secretaries. Once a student reaches five unexcused absences, the secretaries call the parents/guardians to inform them about their child's attendance. If the child approaches close to ten absences, a formal attendance letter is mailed home. If absences continue, a student services meeting is called with administration, counseling department and parents to create an attendance plan for the student. The Counseling Department advocate monitors the excessive absences and tardies for secondary students and coordinates with the

Secondary Principal for families that continue to have excessive absences and tardies. The elementary secretary coordinates with the Elementary Principal regarding elementary students with excessive absences. If an elementary student has more than 20 absences, a truancy referral is sent to the Juvenile Court.

### **GRADES**

An academic grade shall reflect the teacher's objective assessment of a student's academic achievement. Therefore, academic grades shall not be issued to maintain order in a classroom, nor shall student behavior be included as a negative factor in calculating academic grades.

Student Responsibilities: each student has the right to know the grading criteria for each class, show evidence of individual academic progress, and make every effort to improve performance if notified of unsatisfactory performance.

Student Rights: each student has the right to receive a teacher's grading criteria at the beginning of each year or semester course, receive from their teachers reasonable notification when it is apparent unsatisfactory academic work is being performed and to realize that all levels at Pinnacle conform to the state secondary standards and state elementary approval standards.

### **COUNSELING**

Because personal concerns of students can seriously limit educational development, students can be referred to the Counseling Department for support and therapy. A counseling packet is sent home to parents in order to obtain signed consent for the Counseling Department to meet with the student and/or to request family counseling. The School Social Worker coordinates all student and family therapy services. (Board approved 5/2020)

### **TEMPORARY DISABILITIES**

In the absence of leave policies for students with temporary disabilities, such cases shall be treated as justification for a leave of absence for a period of time deemed medically necessary by the student's physician. Students shall be reinstated to the status they held when the leave began.

### **FREE SPEECH/EXPRESSION**

Because citizens in the United States are guaranteed self-expression in the First and Fourteenth Amendments of the Constitution, one of the basic purposes of public education is to prepare students for responsible self-expression. One of the important roles of Pinnacle is to provide opportunities for students to express themselves on a wide range of subjects.

Student Responsibilities: each student has the responsibility to express disagreement in a manner that does not infringe on the rights of others, and does not interfere with the educational process, act with respect for the dignity of patriotic observances, respect the religious and personal beliefs of others, and express viewpoints, through speaking and writing, which are not obscene, slanderous or libelous.

Student Rights: each student has the right to affirm identity with American ideals through pledging allegiance to the flag, etc., refrain from any activity that violates the precepts of their religion, assemble peaceably on school grounds, or in school buildings, provided such assembly does not violate applicable federal, state and local regulations and develop and distribute publications that have been deemed to be part of the educational process.

### **PRIVACY AND PROPERTY RIGHTS**

In order to assure a climate in the school which is conducive to learning, and which assures the safety and welfare of students and personnel, school officials may search the person and personal property of individuals in the school. Such searches may include facilities furnished to students by the school. School officials may seize any property deemed to be a threat to the safety and welfare of the school community, if such officials have reason to believe that an illegal act or violation of school rules is being, or is about to be committed.

Student Responsibilities: Each student has the responsibility to attend school and school activities without bringing materials prohibited by law or by school policy, or other items that will detract from the educational process and respect and refrain from damage to property of the public and to private individuals.

Student Rights: Each student has the right to have privacy of personal possessions, unless school personnel have good reason to believe a student possesses material prohibited by law or school board policy and attend school where personal property is respected.

### **SEARCH AND SEIZURE REGULATIONS**

To assure that the rights of the individual are balanced with the total needs of the school community, the following procedures will be used: (a) search of student's person and/or property shall be limited to a situation where there is reasonable cause to believe that the particular student is concealing evidence of an illegal act or violation of the school board policy, (b) illegal items or other possessions reasonably determined to be a threat to school safety may be seized by school officials, (c) items, which may be used to disrupt or interfere with the educational process, may be temporarily removed from the student's possession, (d) general search of school properties including, but not limited to, lockers or desks may occur at any time, and items belonging to the school may be seized, (e) whenever feasible, the student shall be present when his/her property or school property which he/she uses is being searched and (f) more rigid standard must be applied in searches and seizures when a student is in a car on school grounds. The school has no ownership interest in the car, and the expectation of privacy is greater here. Therefore, warrantless searches and seizures of cars shall be conducted only when the school administrator has good reason to believe that reasonable cause exists - that a crime has been or is being committed in the car by the student. Reasonable cause carries with it a strong belief that the student involved is guilty and (g) If a student is to be questioned by police, other than the School security officer, the school administration shall arrange a private interrogation in the office of a school official, preferably in the presence of the school administrator or designee, and have made every effort to arrange for a parent or guardian to be present.

NOTICE: The following notice shall be provided to all students of the school.

#### **NOTICE TO STUDENTS**

**YOU ARE HEREBY NOTIFIED** that use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful and that it is a violation of the policy of this school for any student to distribute, dispense, possess, use, or be under the influence of any alcoholic beverage, malt beverage, fortified wine or other intoxicating liquor or unlawfully manufacture, distribute, dispense, possess or use or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid or any other controlled substance as defined in Schedule I through V of Section 202 of Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 D.F.R. 1300.11 through 1300.15, before, during or after school hours, at school or any other school location as defined below.

"School location" means in any school building and on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or other school activities; off-school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, or during any period of time when the student is under the supervision of school personnel or otherwise engaged in a school activity.

Any student who violates the terms of the school's Drug and Alcohol Policy is subject to the discipline outlined in the school's policies including all disciplinary sanctions consistent with local, state and federal law, up to and including expulsion and referral for prosecution and/or completion of an appropriate rehabilitation program.

**YOU ARE FURTHER NOTIFIED** that compliance with this policy is mandatory.  
Section 5145 of the Drug Free Schools and Community Act (Public Law 101-226)

### **TOBACCO, ALCOHOL AND DRUGS**

#### **Tobacco**

Students shall not possess or use any tobacco products on school property or at any school-related or school-sanctioned activity on or off school property.

#### **Alcohol**

A person may not possess or drink an alcoholic beverage inside or on the grounds of any building or vehicle operated by a part of the school or in those portions of any building, park, or stadium that are being used for an activity sponsored by or through the school or any part thereof. Violation of this Provision is a misdemeanor.

Utah Code Ann. 53A-3-501

### **STUDENT DRUG AND ALCOHOL OFFENSES**

No student shall distribute, dispense, possess, use, or be under the influence of any alcoholic beverage, malt beverage fortified wine or other intoxicating liquor or unlawfully manufacture, distribute, dispense, possess or use or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid or any other controlled substance as defined in Schedule I through V of Section 202 of Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 D.F.R. 1300.11 through 1300.15, before, during or after school hours, at school or any other school location as defined below. All students and parents or guardians of students shall be supplied with a copy of standards of conduct and a statement of the sanctions for violation of this policy.

"School location" means in any school building and on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or other school activities; off-school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, or during any period of time when the student is under the supervision of the school.

Compliance with this policy is mandatory. A student who violates the terms of this policy may be suspended or expelled from school, at the discretion of the Pinnacle school board. Each student found in violation of this policy shall be provided with information about drug and alcohol counseling, rehabilitation, and reentry programs available to them.

### **GUIDELINES**

#### **Violations - Use or Possession**

All violations of the policy on drugs and alcohol will be reported to an appropriate law enforcement agency.

**First Violation:** Students violating the Drug and Alcohol Policy for the first time will automatically be suspended and placed in an alternative education program at home for a minimum of ten (10) days and enroll and attend the first session of a state-certified Drug and Alcohol intervention/counseling program. Students will be readmitted after ten (10) days on a probationary status until written verification is provided confirming completion of the counseling program. Parents will be required to coordinate homework assignments with a designated school representative during the suspension period.

**Second Violation:** If there is a second violation of the Drug and Alcohol Policy, the student will be placed on a home-based alternative educational program for a period of nine (9) weeks. A certified teacher will be sent to the home for two hours once a week for the nine-week period to aid the student with his/her learning. Any student who has a second violation of the Drug and Alcohol Policy must submit to a written assessment for potential chemical dependence. A team composed of local school guidance specialists and a school psychologist will conduct this assessment. Any assessment done by anyone other than this team would be at the option and expense of the parent(s) or guardian(s). Before the student is readmitted to school, the assessment results will be presented to the parent(s) or guardian(s) and will be forwarded to Juvenile Court.

**Third Violation:** If any student is involved in a third violation of the Drug and Alcohol Policy, the student will automatically be placed in a home-based alternative, educational program for the remainder of the school year.

#### **Violations - Selling \ Distributing**

**First Offense:** Because of the seriousness of the offense, a student selling and/or delivering alcohol or other illegal substances shall be automatically placed in a home-based alternative educational program for a period of nine (9) weeks. Before the student is readmitted to school, he/she must submit to a written assessment for potential chemical dependence. A School team composed of the local school guidance specialist and a school psychologist will conduct this assessment. Any assessment done by anyone other than this team would be at the option and expense of the parent(s) or guardian(s). The assessment results will be presented to the parent(s) or guardian(s) and will be forwarded to Juvenile Court.



**Second Offense:** Any second offense for selling and/or delivering alcohol or other illegal substance will automatically place a student in a home-based alternative educational program for the remainder of the school year.

**Alternative Education:** Students who violate the Drug and Alcohol Policy will be referred to alternative education programs.

**Repeat Offenders:** Records will be maintained on all violations of the Drug and Alcohol Policy. A student with more than one violation on record will be considered a repeat offender whether the first offense was committed in the current school year or in any prior school year.

**Removal from Campus:** During the time a student is on the home-based alternative educational program, he/she is not to be on campus or be a spectator or participant or attend any extra curricular activities sponsored by the school. If a senior student is placed on the home-based alternative educational program for violation of the Drug and Alcohol Policy and that placement coincides with the end of school, he/she will not be allowed to participate in graduation exercises. The diploma will be awarded upon completion of the home-based alternative educational program and all other graduation requirements.

**Disclosure:** Utah State Law requires teachers and school personnel to disclose information of suspected chemical abuse to parents. Personnel will complete the Suspected Abuse Report form and submit it to the appropriate school administrator for referral to parents. The purpose of disclosure will be to make parents aware of potential problems and dangers associated with substance abuse. The disclosure will review student behavior or situations causing concern: attendance, discipline, behavior, grades, physical symptoms, and other problems that affect school performance. Disclosure will allow parents to seek help for further evaluation of the child from outside agencies. Parents will be provided with information regarding agencies providing service to adolescents assessment counseling and treatment. In complying with Utah State Law for disclosure, the school meets this obligation to parents. The school system will not be held responsible for any financial action resulting from disclosure assessment, treatment, or counseling). Payment for services or materials provided by chemical abuse professionals who are not school employees will be the responsibility of the parents.

**Treatment:** In order to support the family and student when treatment is sought, the school will provide elective credit for education received during the treatment process. The treatment program must meet Utah State Division of Alcoholism and Drug license qualifications.

## **STUDENT COMPLAINTS**

**Purpose** — The purpose of this policy is to secure at the first possible level prompt and equitable resolution of student complaints, including those alleging discrimination on the basis of race, religion, color, sex, national origin, or handicap.

**Aggrieved Students** - A student aggrieved by a violation of a constitutional, statutory, or common law right, or a violation of a rule adopted by the State Board of Education or a policy adopted by the Board shall be afforded a hearing before the Board in accordance with applicable law. However this provision shall not be construed to create an independent right to a hearing before the Board in addition to hearings required by law.

**Notice** — The aggrieved student shall make a written request for a hearing, identifying specifically the claimed violation and the relief requested. The written request shall be deemed filed upon receipt by the administrator and unless a shorter time period has been adopted by local policy, the request shall be filed with the administrator's office not more than 30 days after the claimed violation.

**Hearing** — The Board shall conduct a hearing for aggrieved parties within 30 days of receipt of a written request for a Board hearing unless the hearing is postponed by mutual consent. The Board shall notify the aggrieved student in writing of the time and place of the hearing. The Board shall notify the aggrieved student of its decision in writing within 15 days after the hearing.

**Presentations and Hearings** — In most circumstances, students shall be entitled to administrative conferences and informal presentations of the complaint to the Board.

**Representation** — The student may be represented by an adult at any level of the complaint.

**Exclusions** — Student complaints regarding instructional materials, removal to alternative education programs, expulsion, prior review of non-school materials intended for distribution to students, or special education appeals are covered by separate procedures. If the complaint involves a problem with a teacher, the student shall in most circumstances be expected to discuss the matter with the Teacher before requesting a conference with the administrator at Level One.

**Level One:** A student who has a complaint shall request a conference with the administrator within ten calendar days of the time the student knew, or shall have known, of the event or series of events causing the complaint. The administrator shall schedule and hold a conference with the student within five days.

**Level Two:** If the outcome of the conference with the administrator is not to the student's satisfaction, the student has ten calendar days to request a conference with the board that shall schedule and hold a conference. Prior to or at the conference, the student shall submit a written complaint that includes a statement of the complaint and any evidence in its support, the solution sought, the student's signature, and the date of the conference with the administrator.

## **STUDENT DISCIPLINE - VIOLATIONS AND DISCIPLINARY ACTIONS**

### **Classification of Violations**

Violations of the Student Code of Conduct are grouped into three classes - minor, intermediate and major- Each classification is assigned a disciplinary procedure, which shall be followed by the administrator or designee, who shall hear the student's explanation and consult further with school personnel, if necessary, before determining classification of the violation. Each teacher will deal with classroom disruption with in-class disciplinary action, by a call to parents or guardian, and/or through conferring with parents or guardians and other school staff. Only when the action taken by the teacher is ineffective or the disruption sufficiently severe shall the student be referred to the administrator or designee for formal disciplinary action.

### **Teacher's Authority**

A teacher may send a student to the administrator's office in order to maintain effective discipline in the classroom. The administrator shall respond by employing appropriate discipline management techniques. A teacher may remove a student who repeatedly interferes with the teacher's ability to communicate effectively with the students in the class.

### **Appropriate Conduct**

This policy does not prohibit the use of reasonable and necessary physical restraint or force in self-defense or otherwise appropriate to the circumstances to: (1) obtain possession of a weapon or other dangerous object in the possession or under the control of a child; (2) protect the child or another person from physical injury; (3) remove from a situation a child who is violent or disruptive; or (4) protect property from being damaged.

Utah Code Ann. 53A-11-701 and Utah Code Ann. 53A-11-702

Policy FDD regarding Child Abuse Reporting and Investigation shall apply to complaints made to unauthorized use of corporal punishment.

Utah Code, Ann.53A-11-703

## **MINOR OFFENSES - CLASS I**

**ASSAULT OR HARASSMENT OF STUDENTS:** The intentional, unlawful threat by word or act to do violence to another student, combined with an apparent ability to do, and doing some act, which creates a well-founded fear in the person that such violence is imminent.

### **USING PROFANE OR OBSCENE LANGUAGE, CONDUCT AND/OR GESTURES**

- Illegal Organization - Those that undermine prevailing standards and/or policies of the school.
- Excessive Tardiness - Repeatedly reporting late to school or class.
- Nonconformity to Dress Code
- Inappropriate Public Display of Affection

- Excessive Distraction of Other Students - Any behavior which disrupts the orderly educational process in the classroom or other school function
- Electronic Communication Devices - Students shall use electronic communication devices per school policy.
- Any other Violation which the Administrator or Designee Reasonably Deems to fall within this Category.

**CLASS I DISCIPLINARY ACTIONS: Elementary Students**

- First Offense - Conference and parental contact, when warranted.
- Second Offense — Parental contact and disciplinary action.
- Subsequent Offense Disciplinary action, such as probation, detention, or suspension, at the discretion of the administrator or designee. *Special circumstances may warrant referral to the board.*

**CLASS I DISCIPLINARY ACTIONS: Secondary Students**

- First Offense — In-school conference and parental contact with administrator or designee when warranted. Specific circumstances may warrant disciplinary action outlined under subsequent offenses.
- Subsequent Offense - In-school disciplinary action, which may include but is not limited to: service hours, in-school suspension or suspension as deemed appropriate by the administrator or designee. *Special Circumstances may require a referral to the board or designee.*

**INTERMEDIATE OFFENSES CLASS II**

- Battery upon students - Unlawfully using physical force or striking another student against the will of the other, or any action which intentionally causes bodily harm to an individual.
- Fighting - Any physical conflict between two or more individuals.
- Threats, extortion - Verbally or in writing maliciously threatening injury to the person, property or reputation of another, with the intent to extort money or any pecuniary advantage whatsoever; or with intent to compel the person threatened, or any other person, to do any act or refrain from doing any act against his/her will.

**Note:** Completion of the threat, either by the victim complying with the demands or the carrying out of the threat against the victim constitutes a Class III Offense.

- Defiance of school employee's authority: Any verbal or nonverbal refusal to comply with a lawful direction of a school employee or volunteer worker,
- Unjustified activation of a fire alarm system.
- Stealing, larceny, petty theft: The intentional, unlawful taking, concealing, and/or taking away of property valued at less than one hundred dollars (\$100) belonging to, or in the lawful possession or custody of another.
- Possession of stolen Property: With the knowledge that it is stolen.
- Trespassing: Willfully entering or remaining in any structure, conveyance, or property without being authorized, licensed or invited or having been warned by an authorized person to depart, refusing to do so.
- Vandalism: Intentional action resulting in injury or damages of less than \$100 to public property or the real or personal property, of another.
- Use of obscene manifestations, verbal or written sexual comment or gesture toward another person.
- Unlawful or offensive touching of another person, or sexual harassment.
- Written or verbal reference to or propositions to engage in sexual acts.
- Inciting to riot or unapproved assembly.
- Unjustified calls to 911.
- Truancy: unauthorized absence from class or school (sluff).
- Hazing: The school prohibits hazing. "Hazing" means any intentional, knowing, or reckless act directed against a student, by one person alone or acting with others, that endangers the mental or physical health or the safety of a student for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are or include other students.
- The use and or possession of tobacco products.
- Any other violation which the administrator or designee reasonably deems to fall within this category.

**CLASS II DISCIPLINARY ACTIONS**

When behavior is a violation of the law, the appropriate administrator or designee shall report the offense to the proper authority. Second referrals for fighting may also be referred to police. Restitution for property damage or loss will also be required.

#### **FIRST AND SECOND OFFENSES: Elementary Students**

- First Offense — Parental contact and disciplinary action
- Subsequent Offenses — Suspension for 1-10 days

#### **FIRST AND SECOND OFFENSES: Secondary Students**

- First Offense — In-school suspension and/or extended work assignments before or after school and/or suspension for 1-10 days and/or enrollment in prevention programs.
- Subsequent Offenses — Suspension for 1-10 school days, special circumstances may warrant a recommendation for expulsion or other disciplinary action deemed appropriate by the administrator or designee. If so recommended, the expulsion procedures listed will be followed.
- **\*TRUANCY-** The following is a list of disciplinary actions, for truancy:
- First Citation — Parent or guardian meeting with school administration required. School officials will inform parents or guardians of such remedy they require and of the consequences of possible future truancy.
- Second Citation — Student and parent or guardian will be referred to the Local Interagency Council (LIC) for irradiation. Failure to appear at LIC mediation will require referral to Juvenile Court.
- Subsequent Citations — Student and parent or guardian will be referred to court per Utah Law 53A-11-101.

#### **MAJOR OFFENSES CLASS III - All Class III offenses are automatic court referrals.**

- Aggravated battery - Intentionally causing bodily harm, disability, or permanent disfigurement; use of a deadly weapon.
- Battery upon school employee - The actual unlawful, intentional use of physical force or striking of a school employee against his/her will, or causing bodily harm to a school employee.
- Simple assault on a school employee - The intentional, unlawful threat by word or act to do violence to the person of an employee, coupled with an apparent ability to do so, and the doing of some act which creates a well-informed fear in such a person that violence is imminent.
- Possession of weapons - A knife of any description, metallic knuckles; tear gas gun; chemical weapon or device; or any other weapon, instrument or object, which alludes to the intent to be armed.
- Possession of firearms - Any firearm which will, or is intended to, or may readily be converted to, expel a projectile by any action; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device.
- Discharging any pistol, rifle, shotgun, airgun or any such device.
- Drugs - Unauthorized possession, transfer, use or sale of drugs, drug paraphernalia, alcoholic beverages, or paraphernalia. This is an automatic court referral.
- Arson -The willful and malicious burning of any part of a building or its contents.
- Robbery - The taking of money or other property which may be the subject of larceny from the person or custody of another by force, violence, assault, or putting in fear of the same.
- Stealing, larceny, grand theft - The intentional, unlawful, taking, concealing and/or carrying away of property valued at \$100 or more belonging to, or in the lawful possession or custody of, another.
- Burglary of school property - Entering or remaining in a structure or conveyance with the intent to commit an offense therein during the hours the premises is closed to the public.
- Criminal mischief - Willful and malicious injury or damages at or in the excess of \$ 100 to public property, or to real or personal property belonging to another.
- Inciting or participating in major student disorder - Leading, encouraging, or assisting in major disruptions, which result in destruction or damage of private or public property or personal injury to participants or others.
- Possession and/or igniting of fireworks on grounds or in buildings.
- Explosives - Preparing, possessing or igniting on school board property explosives likely to cause serious bodily injury or property damage.
- Bomb threats - Any such communication to a school employee, which has the effect of interrupting the educational environment.
- Sexual acts - Acts of a sexual nature, including but not limited to battery, intercourse, attempted rapes, or rape.
- Any-other offense which the administrator or designee may reasonably deem to fall within this category.

### **CLASS III DISCIPLINARY ACTIONS: Elementary and Secondary Students**

Suspension and possible recommendation for expulsion by the school administrator, as authorized in the procedures outlined. Pending determination of the matter by the school, the school may extend the suspension. When behavior is a violation of the law, the appropriate administrator or designee shall report the offense to the proper authority. Restitution will also be required for property damage or loss.

### **PROCEDURES FOR FORMAL DISCIPLINARY ACTION**

When disciplinary action reaches the level of denial of educational participation, the following procedures shall be followed for the protection of the students' rights.

### **SUSPENSION**

Suspension shall be made by the administrator or his/her designee and shall not be more than ten (10) days, unless extended by the school board. Students shall be given verbal notice of the charge against them and shall have an opportunity to present their side of the story before any action is taken.

School officials shall send written notice to parents or guardians outlining the reason such action was taken. Generally, a notice and/or conference shall precede the student's suspension from school. If, however, immediate suspension of the student is necessitated by his/her presence endangering others, or school property, or disrupting the orderly learning process, the required notice and conference will follow as soon as possible. Parents will be required to coordinate homework assignments with a designated school representative during the suspension period.

Students with disabilities, whose disability has a direct bearing on specific behaviors, will be treated according to their Individual Educational Program (IEP) and Least Restrictive Behavioral Interventions (LRBI) procedures.

### **EXPULSION**

The school board makes the final disposition of an expulsion recommendation in accordance with Utah State law. Nevertheless, the school administration is responsible for determining that an offense, which may warrant expulsion, has been committed. After advising the student in writing of the pending charge and providing the student an opportunity to refute the charges, if the Administrator or his/her designee finds reasonable grounds to believe the student has committed the offense, the administrator or his/her designee may suspend the student until the next board meeting pending bearing for expulsion. Parents or guardians will be contacted at the earliest reasonable time following the official charge made by the administrator. The school administrator's conclusion shall be based on documentation of the facts pertaining to the incident. Such documentation shall contain all information available including, but not limited to, the following:

1. A detailed description of the offense.
2. Names of persons involved.
3. List of witnesses and their statements when available.
4. Time and location of the alleged offense.

Documentation gathered shall be forwarded to the administrator or designee for review, along with the school board's recommendation. The administrator or designee shall request a conference with the parent or guardian of the accused student, and the administrator, within the suspension period imposed upon the student for the purposes of:

- Explaining the expulsion process verbally and in writing.
- Determining if a mutually agreed upon alternative may include the voluntary withdrawal of the student from school for the remainder of the school year.
- Scheduling a hearing with the parent or guardian and conducted by the school board to determine if reasonable Cause for expulsion exists.
- shall a hearing conducted by the school board be elected, the request shall be forwarded to the administrator or designee at the conclusion of the conference.
- The CAO shall schedule the hearing to be held at the next regularly scheduled school board meeting, or at an earlier date approved by the board.
- shall the board elect to hear the matter directly, the board members during the meeting at which the request is considered shall determine the date of the hearing.

The school administrator or designee may conclude that disciplinary action other than expulsion is warranted because of extenuating circumstances. If the school administrator and or designee agree that extenuating circumstances appear to exist, the student shall be admitted back to school. If unanimous agreement does not occur, the student shall be referred to the School Board for a hearing.

Students with disabilities, whose disability has a direct bearing on specific behaviors, will be treated according to their Individual Educational Program (IEP) and Least Restrictive Behavioral Interventions (LRBI) procedures.

### **STUDENT CONDUCT ON SCHOOL BUSES**

In view of the fact that a school bus is an extension of the classroom, both within jurisdiction of the school board, student conduct on the bus will be within standards acceptable for the classroom and as outlined in this Code of Conduct. The bus driver's directions will be followed and he/she will be treated with respect at all times. The following rules and regulations established by the Schools are designed to promote the safety and comfort of students on school buses:

Rules And Regulations Students riding buses shall:

- Be under the authority of the bus driver and follow the driver's directive the first time it is given.
- Be courteous to fellow students, the bus driver and passersby.
- Keep the bus clean and refrain from damaging it. Students shall not eat food/or drink on the bus except on special occasions when the bus is stationary.
- Keep all articles out of the bus aisles.
- Not bring animals, matches, firearms, weapons, or other potentially hazardous materials onto the bus.
- Refrain from profanity, vulgar language, scuffling, wrestling, fighting, teasing at any time. Students may converse in normal tones.
- Refrain from indecent exposure.
- Not touch safety equipment or use the emergency door, except in an emergency.
- Be careful in approaching bus stops. Always walk on the left side of the road facing oncoming traffic.
- Not open or close windows without permission of the driver.
- Remain well back from the roadway while waiting for the bus and refrain from throwing things or playing while waiting for the bus.
- Enter the bus in an orderly fashion, go directly to a seat, and remain seated until reaching the destination. Bus drivers may assign seats.
- Share seats with three students per seat if necessary. No student is to stand.
- Never stand in the doorway or in front of the handrails back of the driver's seat.
- Do not extend hands, arms, or head through bus windows, nor throw items out of the bus.
- Contact the bus driver if they find or lose anything on the bus.
- Those students with disabilities whose deviant behavior is directly attributed to their disability will be managed on a case-by-case basis.

### **Consequences of Rule Breaking**

- First Offense — verbal warning and parental contact
- Second Offense — suspension from bus for one week and parental contact
- Third Offense — suspension from the bus for the remainder of the school year and parental contact

**Any sexual offense committed on the bus will result in automatic dismissal from the bus for at least one year.**

### **Severe Clause**

In the case of disorderly conduct, assault, arson, obscenities or other extremely unacceptable behavior the driver will invoke the severe clause. The severe clause entails immediate suspension of bus privileges. The student will be put off the bus at his school, bus garage or bus stop. Parents and administrators will be notified and bus privileges may or may not be reinstated until after a conference with driver, student, parent, administrator, and transportation supervisor. Automatic suspension is for five days and could be indefinite depending on the circumstances. Local law enforcement agencies may be contacted for assistance when necessary.

**Disciplinary Procedures**

In the event riding privileges are suspended, the parents or guardian then become responsible for the student's transportation to and from school.

# APPENDIX B: STATE EDUCATOR'S ETHICS GUIDELINES

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Rule R277-515. Utah Educator Professional Standards.

R277. Education, Administration.

R277-515. Utah Educator Professional Standards.

## **R277-515-1. Authority and Purpose.**

(1) This rule is authorized by:

- (a) Utah Constitution Article X, Section 3, which vests the general control and supervision of the public schools in the Board;
- (b) Subsection 53E-3-501(1)(a), which directs the Board to make rules regarding the certification of educators;
- (c) Title 53E, Chapter 6, Educator Licensing and Professional Practices Act, which provides all laws related to educator licensing and professional practices; and
- (d) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2) The purpose of this rule is to:

- (a) establish statewide standards for public school educators that provide notice to educators and prospective educators and notice and protection to public school students and parents;
- (b) recognize that licensed public school educators are professionals and, as such, shall share common professional standards, expectations, and role model responsibilities; and
- (c) distinguish behavior for which educators shall receive license discipline from behavior that all Utah educators aspire to and for which license discipline shall be initiated only in egregious circumstances or following a pattern of offenses.

## **R277-515-2. Definitions.**

- (1) (a) "Boundary violation" means crossing verbal, physical, emotional, and social lines that an educator must maintain in order to ensure structure, security, and predictability in an educational environment.
  - (b) A "boundary violation" may include the following, depending on the circumstances:
    - (i) isolated, one-on-one interactions with students out of the line of sight of others;
    - (ii) meeting with students in rooms with covered or blocked windows;
    - (iii) telling risqué jokes to, or in the presence of a student;
    - (iv) employing favoritism to a student;
    - (v) giving gifts to individual students;
    - (vi) educator initiated frontal hugging or other uninvited touching;
    - (vii) photographing individual students for a non-educational purpose or use;
    - (viii) engaging in inappropriate or unprofessional contact outside of educational program activities;
    - (ix) exchanging personal email or phone numbers with a student for a non-educational purpose or use;
    - (x) interacting privately with a student through social media, computer, or handheld devices; and
    - (xi) discussing an educator's personal life or personal issues with a student.
  - (c) "Boundary violations" does not include:
    - (i) offering praise, encouragement, or acknowledgment;
    - (ii) offering rewards available to all who achieve;
    - (iii) asking permission to touch for necessary purposes;
    - (iv) giving pats on the back or a shoulder;
    - (v) giving side hugs;
    - (vi) giving handshakes or high fives;
    - (vii) offering warmth and kindness;
    - (viii) utilizing public social media alerts to groups of students and parents; or
    - (ix) contact permitted by an IEP or 504 plan.
- (2) (a) "Conviction" means the final disposition of a judicial action for a criminal offense, except in cases of a dismissal on the merits.



- (b) "Conviction" includes: (i) a finding of guilty by a judge or jury; (ii) a guilty or no contest plea; and (iii) a plea in abeyance.
- (3) "Core Standard" means a statement:
- (a) of what a student enrolled in a public school is expected to know and be able to do at a specific grade level or following completion of an identified course; and
  - (b) established by the Board in Rule R277-700 as required by Section 53E-3-501.
- (4) "Diversion agreement" means an agreement between a prosecutor and defendant entered into prior to a conviction delaying prosecution of a criminal charge for a specified period of time and contingent upon the defendant satisfying certain conditions.
- (5)
- (a) "Educator" or "professional educator" means a person who currently holds a Utah educator license, held a license at the time of an alleged offense, is an applicant for a license, or is a person in training to obtain a license.
  - (b) "Professional educator" does not include a paraprofessional, a volunteer, or an unlicensed teacher in a classroom.
- (6) "Illegal drug" means a substance included in:
- (a) Schedules I, II, III, IV, or V established in Section 58-37-4;
  - (b) Schedules I, II, III, IV, or V of the federal Controlled Substances Act, Title II, Pub. L. No. 91-513; or
  - (c) any controlled substance analog.
- (7) "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.
- (8) "LEA" or "local education agency" for purposes of this rule includes the Utah Schools for the Deaf and the Blind.
- (9) "License applicant" means a person who is applying for: (a) an initial license; or (b) renewal of a license.
- (10) "Licensing discipline" means a sanction, including an admonition, a letter of warning, a written reprimand, suspension of license, and revocation of license, or other appropriate disciplinary measure, for violation of a professional educator standard.
- (11) "Misdemeanor offense," for purposes of this rule, does not include Class C or lower violations of Title 41, Utah Motor Vehicle Code
- (12) "Plea in abeyance" means a plea of guilty or no contest that is not entered as a judgment or conviction but is held by a court in abeyance for a specified period of time.
- (13) "Pornographic or indecent material" shall have the same meaning as defined in Subsection 76-10-1235(1)(a).
- (14) "School-related activity" means any event, activity, or program: (a) occurring at the school before, during, or after school hours; or (b) that a student attends at a remote location as a representative of the school or with the school's authorization, or both.
- (15) "Stalking" means the act of intentionally or knowingly engaging in a course of conduct directed at a specific person as defined in Section 76-5-106.5.
- (16)
- (a) "Under the influence of alcohol or an illegal drug" means that a person:
    - (i) is under the influence of alcohol, an illegal drug, or the combined influence of alcohol and drugs to a degree that renders the person incapable of effectively working in a public school;
    - (ii) has sufficient alcohol in the person's body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .08 grams or greater at the time of the test; or
    - (iii) has a blood or breath alcohol concentration of .08 grams or greater during work hours at a public school.
  - (b) An educator is presumed to be "under the influence of alcohol or an illegal drug" if the educator refuses a lawful request, made with reasonable suspicion by the educator's LEA, to submit to a drug or alcohol test.

(17) "Utah Professional Practices Advisory Commission" or "UPPAC" means an advisory commission established to assist and advise the Board in matters relating to the professional practices of educators, as established by Section 53E-6-501.

(18) "Weapon" means any item that in the manner of its use or intended use is capable of causing death or serious bodily injury.

### **R277-515-3. Educator as a Role Model of Civic and Societal Responsibility.**

(1) The professional educator is responsible for compliance with federal, state, and local laws.

(2) The professional educator shall familiarize himself or herself with professional ethics and is responsible for compliance with applicable professional standards.

(3) Failing to strictly adhere to Subsection (4) shall result in licensing discipline in accordance with Rule R277-215.

(4) The professional educator, upon receiving a Utah educator license:

- (a) may not be convicted of any felony or misdemeanor offense that adversely affects the individual's ability to perform an assigned duty and carry out the responsibilities of the profession, including role model responsibility;
- (b) may not be convicted of or commit any act of violence or abuse, including physical, sexual, or emotional abuse of any person;
- (c) may not commit any act of cruelty to a child or any criminal offense involving a child;
- (d) may not be convicted of a stalking crime;
- (e) may not possess or distribute an illegal drug or be convicted of any crime related to an illegal drug, including a prescription drug not specifically prescribed for the individual;
- (f) may not engage in conduct of a sexual nature described in Section 53E-6-603;
- (g) may not be convicted of or subject to a diversion agreement for a sex-related or drug-related offense;
- (h) may not provide to a student or allow a student under the educator's supervision or control to consume an alcoholic beverage or unauthorized drug;
- (i) may not attend school or a school-related activity in an assigned employment related capacity while possessing, using, or under the influence of alcohol or an illegal drug;
- (j) may not intentionally exceed the prescribed dosage of a prescription medication while at school or a school-related activity;
- (k) shall cooperate in providing all relevant information and evidence to the proper authority in the course of an investigation by a law enforcement agency or by the Division of Child and Family Services regarding potential criminal activity, except that an educator may decline to give evidence against himself or herself in an investigation if the evidence may tend to incriminate the educator as that term is defined by the Fifth Amendment of the U.S. Constitution;
- (l) shall report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services pursuant to Sections 53E-6-701 and 62A-4a-409 and comply with rules and LEA policy regarding the reporting of suspected child abuse;
- (m) shall strictly adhere to state laws regarding the possession of a firearm while on school property or at a school-sponsored activity and enforce an LEA policy related to student access to or possession of a weapon;
- (n) may not solicit, encourage, or consummate an inappropriate relationship, whether written, verbal, or physical, with a student or minor;
- (o) may not engage in grooming of a student or minor;
- (p) may not:
  - (i) participate in sexual, physical, or emotional harassment towards any public schoolage student or colleague; or
  - (ii) knowingly allow harassment toward a student or colleague;
- (q) may not make inappropriate contact in any communication, including written, verbal, or electronic, with a minor, student, or colleague, regardless of age or location;
- (r) may not interfere or discourage a student's or colleague's legitimate exercise of political and civil rights, acting consistent with law and LEA policy;
- (s) shall provide accurate and complete information in a required evaluation of himself or herself, another educator, or student, as directed, consistent with the law;

- (t) shall be forthcoming with accurate and complete information to an appropriate authority regarding known educator misconduct that could adversely impact performance of a professional responsibility, including a role model responsibility, by himself or herself, or another;
- (u) shall provide accurate and complete information required for licensure, transfer, or employment purposes;
- (v) shall provide accurate and complete information regarding qualifications, degrees, academic or professional awards or honors, and related employment history when applying for employment or licensure;
- (w) shall notify the CAO at the time of application for licensure of past license disciplinary action or license discipline from another jurisdiction;
- (x) shall notify the CAO honestly and completely of past criminal convictions at the time of the license application and renewal of licenses;
- (y) shall provide complete and accurate information during an official inquiry or investigation by LEA, state, or law enforcement personnel; and
- (z) shall report an arrest, citation, charge, or conviction to the educator's LEA in accordance with Section R277-516-3.

(5) An LEA shall report violations described in Subsection (4) to UPPAC.

- (6)
  - (a) Failure to adhere to this Subsection (6) may result in licensing discipline in accordance with Rule R277-215.
  - (b) A penalty shall be imposed, most readily, if an educator has received a previous documented warning from the educator's employer.
  - (c) An educator may not:
    - (i) exclude a student from participating in any program or deny or grant any benefit to any student on the basis of race, color, creed, sex, national origin, marital status, political or religious belief, physical or mental condition, family, social, or cultural background, or sexual orientation; and
    - (ii) may not engage in conduct that would encourage a student to develop a prejudice on the grounds described in Subsection (6)(c)(i) or any other, consistent with the law.
  - (d) An educator shall maintain confidentiality concerning a student unless revealing confidential information to an authorized person serves the best interest of the student and serves a lawful purpose, consistent with:
    - (i) 53E-9-202, Utah Family Educational Rights and Privacy Act; and
    - (ii) the Federal Family Educational Rights and Privacy Acts, 20 U.S.C. Sec. 1232g and 34 CFR Part 99.
  - (e) Consistent with Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act, Section 53E-3-512, and rule, a professional educator:
    - (i) may not accept a bonus or incentive from a vendor or potential vendor or a gift from a parent of a student, or a student where there may be the appearance of a conflict of interest or impropriety;
    - (ii) may not accept or give a gift to a student that would suggest or further an inappropriate relationship;
    - (iii) may not accept or give a gift to a colleague that is inappropriate or furthers the appearance of impropriety;
    - (iv) may accept a donation from a student, parent, or business donating specifically and strictly to benefit a student; (v) may accept, but not solicit, a nominal appropriate personal gift for a birthday, holiday, or teacher appreciation occasion, consistent with LEA policy and Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;
    - (vi) may not use the educator's position or influence to: (A) solicit a colleague, student, or parent of a student to purchase equipment, supplies, or services from the educator or participate in an activity that financially benefits the educator unless approved in writing by the LEA; or (B) promote an athletic camp, summer league, travel opportunity, or other outside instructional opportunity from which the educator receives personal remuneration and that involve students in the educator's school system, unless approved in writing consistent with LEA policy and rule; and
    - (vii) may not use school property, a facility, or equipment for personal enrichment, commercial gain, or for personal uses without express supervisor permission.

**R277-515-4. Educator Responsibility for Maintaining a Safe Learning Environment and Educational Standards.**

- (1) A professional educator maintains a positive and safe learning environment for a student and works toward meeting an educational standard required by law.

- (2) (a) Failure to strictly adhere to this Subsection (2) shall result in licensing discipline in accordance with Rule R277-215.
- (b) The professional educator, upon receiving a Utah educator license:
  - (i) shall take prompt and appropriate action to prevent harassment or discriminatory conduct toward a student or school employee that may result in a hostile, intimidating, abusive, offensive, or oppressive learning environment;
  - (ii) shall resolve a disciplinary problem according to law, LEA policy, and local building procedures and strictly protect student confidentiality and understand laws relating to student information and records;
  - (iii) shall supervise a student appropriately at school and a school-related activity, home or away, consistent with LEA policy and building procedures and the age of the students;
  - (iv) shall take action to protect a student from any known condition detrimental to that student's physical health, mental health, safety, or learning;
  - (v)(A) shall demonstrate honesty and integrity by strictly adhering to all state and LEA instructions and protocols in managing and administering a standardized test to a student consistent with Section 53E-4-312 and Rule R277-404; (B) shall cooperate in good faith with a required student assessment; (C) shall submit and include all required student information and assessments, as required by statute and rule; and (D) shall attend training and cooperate with assessment training and assessment directives at all levels;
  - (vi) may not use or attempt to use an LEA computer or information system in violation of the LEA's acceptable use policy for an employee or access information that may be detrimental to young people or inconsistent with the educator's role model responsibility;
  - (vii) may not knowingly possess, while at school or any school-related activity, any pornographic or indecent material in any form;
  - (viii) may not knowingly use school equipment to view, create, distribute, or store pornographic or indecent material in any form; and
  - (ix) may not knowingly use, view, create, distribute, or store pornographic or indecent material involving children.

(3) An LEA shall report violations of Subsection (2) to UPPAC.

- (4) (a) Failure to adhere to this Subsection (4) may result in licensing discipline in accordance with Rule R277-215.
- (b) A penalty shall be imposed, most readily, if an educator has received a previous documented warning from the educator's employer.
- (c) A professional educator:
  - (i) shall demonstrate respect for a diverse perspective, idea, and opinion and encourage contributions from a broad spectrum of school and community sources, including a community whose heritage language is not English;
  - (ii) shall use appropriate language, eschewing profane, foul, offensive, or derogatory comments or language;
  - (iii) shall maintain a positive and safe learning environment for a student;
  - (iv) shall make appropriate use of technology by:
    - (A) involving students in social media responsibly, transparently, and primarily for purposes of teaching and learning per school and district policy;
    - (B) maintaining separate professional and personal virtual profiles;
    - (C) respecting student privacy on social media; and
    - (D) taking appropriate and reasonable measures to maintain confidentiality of student information and education records stored or transmitted through the use of electronic or computer technology;
  - (v) shall work toward meeting an educational standard required by law;
  - (vi) shall teach the objectives contained in a Core Standard;
  - (vii) may not distort or alter subject matter from a Core Standard in a manner inconsistent with the law;
  - (viii) shall use instructional time effectively consistent with LEA policy; and
  - (ix) shall encourage a student's best effort in an assessment.

**R277-515-5. Professional Educator Responsibility for Compliance with LEA Policy.**

- (1) (a) Failure to strictly adhere to this Subsection (1) shall result in licensing discipline in accordance with Rule R277-215.
- (b) A professional educator:
  - (i) understands, respects, and does not violate appropriate boundaries:

(A) established by ethical rules and school policy and directive in teaching, supervising, and interacting with a student or colleague; and (B) described in Subsection R277-515-2(1); and  
(ii) shall conduct financial business with integrity by honestly accounting for all funds committed to the educator's charge, as school responsibilities require, consistent with LEA policy.

(2) An LEA shall report violations of Subsection (1) to UPPAC.

- (3) (a) Failure to adhere to this Subsection (3) may result in licensing discipline in accordance with Rule R277-215.  
(b) A penalty shall be imposed most readily, if an educator has received a previous documented warning from the educator's employer.  
(c) The professional educator:  
(i) understands and follows a rule and LEA policy;  
(ii) understands and follows a school or administrative policy, procedure, or documented directive specific to a rule or policy;  
(iii) resolves a grievance with a student, colleague, school community member, and parent professionally, with civility, and in accordance with LEA policy; and  
(iv) follows LEA policy for collecting money from a student, accounting for all money collected, and not commingling any school funds with personal funds.

#### **R277-515-6. Professional Educator Conduct.**

(1) A professional educator exhibits integrity and honesty in relationships with an LEA administrator or personnel.

- (2) (a) Failure to adhere to this Subsection (2) may result in licensing discipline in accordance with Rule R277-215.  
(b) A penalty shall be imposed most readily, if an educator has received a previous documented warning from the educator's employer.  
(c) The professional educator:  
(i) shall communicate professionally and with civility with a colleague, school and community specialist, administrator, and other personnel;  
(ii) shall maintain a professional and appropriate relationship and demeanor with a student, colleague, school community member, and parent;  
(iii) may not promote a personal opinion, personal issue, or political position as part of the instructional process in a manner inconsistent with law;  
(iv) shall express a personal opinion professionally and responsibly in the community served by the school;  
(v) shall comply with an LEA policy, supervisory directive, and generally-accepted professional standard regarding appropriate dress and grooming at school and at a school related event;  
(vi) shall work diligently to improve the educator's own professional understanding, judgment, and expertise;  
(vii) shall honor all contracts for a professional service;  
(viii) shall perform all services required or directed by the educator's contract with the LEA with professionalism consistent with LEA policy and rule; and  
(ix) shall recruit another educator for employment in another position only within a LEA timeline and guideline.

#### **R277-515-7. Violations of Professional Ethics.**

(1) This rule establishes standards of ethical decorum and behavior for licensed educators in the state.

(2) Beginning in the 2018-19 school year, to obtain a license or renew a license issued by the Board, a license applicant shall review this rule and execute a form as part of the licensure or renewal process verifying that the educator:

- (a) has read R277-515 and R277-516; and  
(b) understands that the educator's conduct is governed by R277-515 and R277-516.

(3) An LEA shall:

- (a) annually train educators employed by the LEA on the Utah Educator Professional Standards described in Rules R277-515 and R277-516; and
- (b) provide written assurance of the training described in Subsection (3)(a) in accordance with R277-108.

(4) Provisions of this rule do not prevent, circumvent, replace, nor mirror criminal or potential charges that may be issued against a professional educator.

(5) The Board and CAO shall adhere to the provisions of this rule in licensing and disciplining a licensed Utah educator.

(6) Reporting and employment provisions related to professional ethics are provided in:

- (a) Section 53G-11-406;
- (b) Section 53E-6-604;
- (c) Section 53G-8-503; and
- (d) Section R277-516-7.

KEY: educators, professional, standards Date of Enactment or Last Substantive Amendment: December 1, 2017 Notice of Continuation: November 6, 2017 Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-501(1)(a); 53E-6; 53E-3-401(4)

## APPENDIX C: PINNACLE PERSONNEL AGREEMENTS

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Pinnacle employees will check the boxes signifying they have read and understand all school and state policies and will sign and date this document for their personnel file.

[ ] **State of Utah Professional Ethics (see Appendix B of The Pinnacle Code)**

I have read the State of Utah statutes R277-515 and R277-516 and understand that as a licensed educator my contact is governed by R277-515 and R277-516. I understand that the Board and CAO shall adhere to the provisions of these rules in licensing and disciplining a licensed Utah educator.

[ ] **Pinnacle Code Personnel Agreement**

As an employee of Pinnacle, I assume the responsibility for representing the school in a manner characterized by trust, morality, and ethical principles. I have read The Pinnacle Code and agree to abide by its provisions in addition to the terms of my employment contract with the Board of Directors of Pinnacle.

[ ] **Standard Test Administration and Testing Ethics Policy**

I certify that during the current school year, and prior to administering any state-mandated or district-mandated assessments, I received training on standard test administration and testing ethics procedures, and read the Standard Test Administration and Testing Ethics Policy. I understand that I am responsible for administering assessments in an appropriate and ethical manner as outlined by the following documents: Utah Code chapter 63A, State Board Rule R277-43, and Test Administration Manuals (TAM) for each assessment. Information provided by the Assessment section of the Utah State Office of Education and by my school will be read. I understand that failure to conduct testing in an ethical manner places me in jeopardy of losing my employment and/or my Utah teaching license.

[ ] **Anti-bullying and Suicide Prevention Training**

I have completed both the anti-bullying and suicide prevention training and commit to reporting bullying as required by Utah state law.

[ ] **Employee Fee Agreement (Section PP32 of The Pinnacle Code)**

I have read and understand the Employee Fee Agreement per section PP32 of The Pinnacle Code.

[ ] **Digital Acceptable Usage and Confidentiality (see Acceptable Use Policy in Appendix D)**

Pinnacle will make every effort to abide by all applicable State and Federal guidelines, policies, regulations, statutes, and procedures pertaining to the confidentiality, acceptable usage, and privacy of data. Educational organizations have a legal and ethical responsibility to protect the privacy and security of education data, including Personal Identification Information (PII). The Family Educational Rights and Privacy Act (FERPA) protects PII from education records regardless of whether student records are paper or electronics. FERPA assures students that their records are protected from unauthorized access or disclosure (this includes unauthorized external hard drives) and used in ways acceptable and appropriate for their purpose.

**Acceptable Usage.** Usage of the digital records requires that all users conduct themselves in a responsible, decent, and ethical manner while using digital information. You, the user, are ultimately responsible for your actions in accessing the digital information shared. As a user of a digital system you are expected to use the data provided for educational purposes only. The use of information outside of the organization and/or for matters that do not fall under the scope of the organization is unethical and inappropriate. Usage of the digital files shared shall be for the purpose of classroom/educational support, grading/filing, and documentation of data.

**Confidentiality.** Confidentiality is an extremely important component of the law (FERPA). Information or records falling under this law must remain confidential. Significant penalties can occur from failure to comply with the privacy act. The following items must be followed in order to maintain compliant under the law of privacy: digital files cannot be shared with others for purpose other than educational support of the student/member, digital files may not be sent/transmitted electronically without a statement of confidentiality and/or encryption, digital Files may not be sent outside of the organization without signed authorization form the parent/guardian/adult student, information held within the digital files may not be divulged or discussed with non-organization members.

I agree that information shared digitally will be used in an acceptable manner for the purpose of and solely for education. The digital information including Personal Identification Information will be used in an acceptable manner that is appropriate for Pinnacle Schools. I agree that any and all knowledge or information that may be obtained in the course of working with students at Pinnacle, digital or otherwise will be maintained as confidential. If I do so violate FERPA law, I can/will be held personally liable. I understand that I have agreed to the items/procedures/expectations as well as being informed of my responsibilities listed in this statement.

I also agree that I am held accountable for the items I have agreed to. If I violate this agreement, I am held personally liable and violation will result in disciplinary action up to and including termination of employment.

EMPLOYEE NAME: \_\_\_\_\_

EMPLOYEE SIGNATURE: \_\_\_\_\_

TITLE: \_\_\_\_\_

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



## APPENDIX D: ACCEPTABLE USE POLICY

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Pinnacle is committed to providing students and staff with access to technology and resources that provide the most effective educational experiences possible. Pinnacle firmly believes that the valuable information and interactions available through computer network communications is fundamental to these experiences and far outweigh the small percentage of materials that are not consistent with educational goals.

As global communication tools become available, it is imperative that individual users understand the benefits and responsibilities of accessing a growing collection of resources. Although Pinnacle has taken precautions to restrict access to controversial materials, it is impossible on a global network to control all access.

The Appropriate Use Policy that follows provides details regarding the appropriate and inappropriate use of Pinnacle's computers. The procedures do not attempt to articulate all required or proscribed behavior by users. Successful operation of the school computer network requires that all users conduct themselves in a responsible, decent, ethical, and polite manner while using the school computers. You, the user, are ultimately responsible for your actions in accessing and using District computers and the District computer network. As a user of Pinnacle's computers, you are expected to review and understand the guidelines and procedures in this document.

Before any employee or student will be given access Pinnacle's computer resources, the employee or student must present the "Acceptable Use Agreement" (AUA) form, properly signed by the employee or by the student and a parent or guardian, which AUA acknowledges that Pinnacle is not responsible for unauthorized or improper access or use of Pinnacle's Computer Network Communications services. To maximize the benefits of these tremendous resources, and to avoid abuse or access to inappropriate information and services, the Pinnacle Board of Education has adopted the following "Acceptable Use" policy.

### Student Usage Guidelines

**Responsibility:** Access is a privilege, not a right. Access entails responsibility.

- The Board expects that staff will integrate thoughtful use of networked information resources throughout the curriculum.
- Student access from Pinnacle to telecommunications and networked information resources shall follow guidelines developed for the selection of appropriate instructional materials and shall be directed to resources evaluated prior to use.
- Since access could extend beyond evaluated or previewed resources, the staff will supervise and provide developmentally appropriate guidance and instruction to students in the appropriate and effective use of such resources.
- Students are responsible for appropriate behavior on school computer networks, just as in classrooms and other areas of the school corporation. Communications on networks are often public in nature.
- Outside of school, families are responsible for setting and conveying the same standards that their children exercise in the use of television, telephones, radio, movies and other media to the use of telecommunications and networked information resources. Therefore, Pinnacle supports and respects each family's decision whether or not to apply for student access and to request alternative activities not requiring access.
- The educational value of student networked information resources access is the joint responsibility of students, parents, and employees of the school corporation.
- Students will adhere to all UEN UtahLINK Network Acceptable Use Policy (see below).

**Rights and Privileges:** The network services are provided for educationally related communication, research and other activities. Access to Pinnacle network services will be provided to students who agree to act in a considerate and responsible manner.

- Students will submit a properly signed Acceptable Use Agreement, which includes staff and parental/guardian permission, to the network administrator.
- A network account, as well as an SIS account will include a username or number and private password, assuring that access is the responsibility of the student. In some cases, Pinnacle's system administrator may issue a limited "class" account to groups of students which may be used for specific purposes for a specific amount of time.

- Each student or "class" with network access shall be assigned storage space on the corresponding file servers that may be treated like school lockers.
- Network security is designed to allow access to these spaces only by the assigned user; however, network administrators may review files and communications to maintain system integrity and insure that users are using the system responsibly. Teachers may also review files for paperless grading of assignments.
- Users shall not expect that files stored on district resources will always be private.
- Parents are permitted to use school computers to check their own students' grades via the SIS system. Parents may also make arrangements to use school computers for school use activities. School computers are not to be used by parents for personal use.

**Restrictions:** The following activities are **not permitted** on Pinnacle's electronic resources:

- Accessing, uploading, downloading, transmitting, displaying, or distributing obscene or sexually explicit material; transmitting obscene, abusive, or sexually explicit language.
- Damaging computers, computer systems or computer networks; vandalizing, damaging or disabling the property of another person or organization; debilitating or disabling computers, systems or networks through the intentional misuse or overuse of electronic distribution or the spreading of computer "viruses" through the inappropriate use of files or diskettes.
- Engaging in practices that threaten the network (e.g., loading files that may introduce a virus).
- Harassing, insulting or attacking others.
- Violating copyright, or otherwise using another person's intellectual property without his or her prior approval or proper citation; using another person's passwords; trespassing in another person's folders, work or files.
- Using others' passwords.
- Trespassing in others' folders, documents, or files.
- Intentionally wasting limited resources.
- Employing the network for commercial purposes, financial gain, or fraud.
- Violating regulations prescribed by the network provider.
- Promoting, supporting or celebrating religion or religious institutions.
- Violating local, state or federal statute.

**Disclaimers:** Pinnacle makes no warranties of any kind, either expressed or implied, for the access being provided.

- The staff, the school, and the Board of Education are not responsible for any damages incurred, including, but not limited to, loss of data resulting from delays or interruption of service, for the loss of data stored on Pinnacle resources, or for personal property used to access Pinnacle resources.
- Pinnacle will not be responsible for the accuracy, nature, or quality of information stored on Pinnacle resources or gathered through school-provided access.
- Pinnacle will not be responsible for unauthorized financial obligations resulting from use of school-provided access.
- Further, even though Pinnacle may use technical or manual means to regulate access and information, these methods do not provide a foolproof means for enforcing the provisions of this policy.

**Sanctions:** Disciplinary action related to student access to electronic resources may be determined at the building and/or classroom level in accordance with existing practice regarding inappropriate language or behavior, as stated in the student code of Conduct.

- Violations of the school acceptable use policies may result in a loss of access to electronic resources, suspension, or expulsion.
- Additional sanctions for inappropriate behavior and communication shall be governed by the school discipline policy.
- When appropriate, law enforcement agencies may be involved.

### **Employee Usage Guidelines**

Pinnacle expects everyone to exercise good judgment and use the computer equipment in a professional manner. Your use of the equipment shall relate to the school's goals of educating students and/or conducting Pinnacle business. Pinnacle recognizes, however, that some personal use is inevitable, and that incidental and occasional personal use that is infrequent or brief in duration is permitted so long as it occurs on personal time, does not interfere with school business, and is not otherwise prohibited by Pinnacle policy or procedures.

### **Responsibilities, Rights and Privileges:**

### **Use of School Software**

School software is licensed to Pinnacle by a large number of vendors and may have specific license restrictions regarding copying or using a particular program. Users of this software must obtain permission from the IT Director prior to copying or loading Pinnacle software onto any computer, whether the computer is privately owned or is a school Computer.

### **Use of Non-Pinnacle Software**

Prior to loading non-Pinnacle licensed software onto school computers (including laptops and desktops); a user must receive permission from the IT Director. All software must be legally licensed by the user prior to loading onto school equipment. The unauthorized use of and/or copying of software is illegal. It is against Pinnacle practice for staff or students to copy or reproduce any licensed software on Pinnacle computing equipment, except as expressly permitted by the specific software license. Unauthorized use of software is regarded as a serious matter and any such use is without the consent of Pinnacle and will be referred to the Board of Education for Disciplinary Action.

### **Privacy**

District Computers, the Internet, and use of email are not inherently secure or private. For example, the content of an email message, including attachments, is most analogous to a letter or official memo rather than a telephone call, since a record of the contents of the email may be preserved by the sender, recipient, any parties to whom the email may be forwarded, or by the email system itself. It is important to remember that once an email message is sent, the sender has no control over where it may be forwarded and deleting a message from the user's computer system does not necessarily delete it from the school computer system. In some cases, emails have also been treated as public records in response to a public records disclosure request. Likewise, files, such as Internet "cookies" may be created and stored on a computer without the user's knowledge. Users are urged to be caretakers of your own privacy and to not store sensitive or personal information on Pinnacle Computers. The school may need to access, monitor, or review electronic data stored on Pinnacle Computers, including email and Internet usage records. While Pinnacle respects the privacy of its staff; however, Pinnacle reserves the right to monitor or review electronic information for any reason. Pinnacle may monitor and review the information in order to analyze the use of systems or compliance with policies, conduct audits, review performance or conduct, obtain information, or for other reasons. Pinnacle reserves the right to disclose any electronic message to law enforcement officials, and under some circumstances, may be required to disclose information to law enforcement officials, the public, or other third parties, for example, in response to a document production request made in a lawsuit involving Pinnacle or by a third party against the user or pursuant to a public records disclosure request.

### **Care for Pinnacle Computers**

Users of Pinnacle Computers are expected to respect the school's property and be responsible in using the equipment. Users are to follow any instructions given regarding maintenance or care of the equipment. Users may be held responsible for any damage caused by your intentional or negligent acts in caring for school computers under your control. Pinnacle is responsible for any routine maintenance or standard repairs to school computers. Users are expected to timely notify the technology department of any need for service. Users are not to delete or add software to school computers without school permission. Due to different licensing terms for different software programs, it is not valid to assume that if it is permissible to copy one program, then it is permissible to copy others.

### **Using Email Wisely**

Email encourages informal communication because it is easy to use. However, unlike a telephone call, email creates a permanent record that is archived and often transmitted to others. Remember that even when you delete an email from your mailbox; it still may exist in the system for some period of time. Be circumspect about what you send and to whom. Do not say anything in an email that you would not want to see republished in Internet email or hard copy. Remember that email invites sharing; a push of the button will resend your message worldwide, if any recipient (or hacker) decides to do so. What you say can be republished and stored by others. Beware of the "Reply All" button. Often your message only needs to be returned to one individual -- is the message really appropriate for (and shall it really take the time of) everyone on the address list. You can create liability for yourself and the school. For example, within or outside the school, if you "publish" (type or resend) words that defame another individual or disparage another individual or institution, if you upload or download or resend copyrighted or pornographic material, if you use email to harass or discriminate against someone, or if you send private information or data about someone, you may violate applicable laws and Pinnacle policy. Make sure none of your activities violate any law or policy. Please keep in mind that because of intermediary server problems and other potential delays,

Internet email can sometimes take anywhere from five minutes to several days to arrive. It may not be the best means to send time-sensitive information.

### **Using the Internet Access Wisely**

Be circumspect about where you go and what you do. Do not visit any site or download or share any material that might cause anyone to question your professionalism, or Pinnacle's. Read the "License" or "Legal" contract terms on every site. Do not purport to bind the school to any license or other contract. If you make an agreement on your own behalf, do not violate that agreement using the school equipment or Internet account. Do not assume that just because something is on the Internet, you may copy it. As a general rule, assume that everything is copyrighted and do not copy it unless there is a notice on the site stating that you may do so. For example, if you see a clever cartoon assume that you may NOT copy it. Governmental documents are an exception (you may copy them), but you must confirm that it is the "government" and not a government-related entity such as the post office. Be aware of the "Do you want a cookie?" messages (if you have configured your browser to get such messages). If you answer yes, whatever activity in which you are engaged will be logged by the site owner to help it or its advertisers develop a profile about you or the school. It is possible that your browser is set to accept cookies without asking you each time. You can create liability for yourself and the school. For example, if you "publish" (type or re-send) words that defame or disparage another individual or institution, if you upload or download or re-send copyrighted or pornographic material, if you use the Internet to harass or discriminate against someone, or if you provide private information or data about someone, you may violate applicable laws or Pinnacle policy. Make sure none of your activities violate any law or policy. Do not engage in any "spamming" or other activities that could clog or congest Internet networks.

### **Webpage/Online Learning Platforms (See Board Approved Change at EP 17. Teacher Webpages/Online Learning Platforms).**

Teachers are required to create and maintain a webpage. If a teacher uses an online learning platform (Google classroom, Showbie or Canvas) that online platform fulfills this requirement. Your webpage/online learning platform may contain pictures of groups of students, student work, or student web pages. **You must verify that permission to post a student picture or work has been granted to the school by the student's parent or guardian.** Names shall not be posted with student pictures to protect the privacy of the students. Pictures of individual students shall only be posted as an exception, such as a contest winner with the specific permission of the parent or guardian.

### **UEN**

Employees will adhere to the UEN UtahLINK Usage Policy below. Certified employees shall maintain a MYUEN account. MYUEN is a state supported resource for educational personnel.

### **SIS (Student Information System)**

Teachers are required to record attendance and grades via the use of SIS. Teachers will be issued a user login and password. This password shall only be shared with the SIS administrator. Grades shall be posted in a timely manner, preferably weekly; however, grades are required to be posted every two weeks or according to the progress report schedule.

### **SSID (State Student Identification)**

Employees who are given the responsibility and access to the SSID system must adhere to the policy set forth by USOE. USOE requires an adherence signature and background check on such employees.

### **Restrictions:**

Pinnacle Computers may not be used for the following purposes:

- Commercial Use: Using School Computers for personal or private gain, personal business, or commercial advantage is prohibited.
- Political Use: Using School Computers for political purposes in violation of federal, state, or local law is prohibited. This prohibition includes using school computers to assist or to advocate, directly or indirectly, for or against a ballot proposition and/or the election of any person to any office. The use of school computers for the expression of personal political opinions to elected officials is prohibited. Only those staff authorized by the CAO may express the District's position on pending legislation or other policy matters.
- Illegal or Indecent Use: Using School Computers for illegal, harassing, vandalizing, inappropriate, or indecent purposes (including accessing, storing, or viewing pornographic, indecent, or otherwise inappropriate material), or in support of such activities is prohibited. Illegal activities are any violations of federal, state, or local laws (for example, copyright

infringement, publishing defamatory information, or committing fraud). Harassment includes slurs, comments, jokes, innuendoes, unwelcome compliments, cartoons, pranks, or verbal conduct relating to an individual that (1) have the purpose or effect of creating and intimidating, a hostile or offensive environment; (2) have the purpose or effect of unreasonably interfering with an individual's work or school performance, or (3) interfere with school operations. Vandalism is any attempt to harm or destroy the operating system, application software, or data. Inappropriate use includes any violation of the purpose and goal of the network. Indecent activities include violations of generally accepted social standards for use of publicly-owned and operated equipment.

- Non-School Employee Use: District Computers may only be used by Pinnacle staff and students, and others expressly authorized by Pinnacle to use the equipment. Parents and Volunteers may only use school computers for the use of checking their student's grades and activities pertaining to the school as assigned by school personnel. Parents and other volunteers are not allowed access to the administrative side of the SIS or the SSID systems.
- Disruptive Use: Computers may not be used to interfere or disrupt other users, services, or equipment. For example, disruptions include distribution of unsolicited advertising ("Spam"), propagation of computer viruses, distribution of large quantities of information that may overwhelm the system (chain letters, network games, or broadcasting messages), and any unauthorized access to or destruction of Pinnacle Computers or other resources accessible through the schools computer network ("Cracking" or "Hacking").

### **Sanctions**

The Appropriate Use Policy is applicable to all users of Pinnacle Computers and refers to all information resources whether individually controlled, shared, stand alone, or networked. Disciplinary action, if any, for students, staff, and other users shall be consistent with the school's standard policies and practices. Violations may constitute cause for revocation of access privileges, suspension of access to school computers, other school disciplinary action, and/or appropriate legal action. Specific disciplinary measures will be determined on a case-by-case basis.

### **Disclaimers**

Pinnacle makes no warranties of any kind, either expressed or implied, for the access being provided. The staff, the school, and the Board of Education are not responsible for any damages incurred, including, but not limited to, loss of data resulting from delays or interruption of service, for the loss of data stored on Pinnacle resources, or for personal property used to access Pinnacle resources. Pinnacle will not be responsible for the accuracy, nature, or quality of information stored on Pinnacle resources or gathered through school-provided access. Pinnacle will not be responsible for unauthorized financial obligations resulting from use of school-provided access. Further, even though Pinnacle may use technical or manual means to regulate access and information, these methods do not provide a foolproof means for enforcing the provisions of this policy.

**Pinnacle provides a wide range of computer resources to its students and staff for the purpose of advancing the educational mission of the school. As a user of Pinnacle computers, you are expected to review and understand the Acceptable Use Policy and sign an Acceptable Use Agreement.**

## **UTAH EDUCATION NETWORK ACCEPTABLE USE POLICY**

### **Purpose of UtahLINK for Public Schools:**

The purpose of the use by Utah Public Education of UtahLINK, the educational network supported by the Utah Education Network (UEN), is to advance and promote a world-class public education in Utah. UtahLINK is intended to assist in the collaboration and exchange of information between and among schools, school offices, the Utah Education Network, and other State and educational entities as well as provide access to the 'world of information' via networking facilities like the Internet.

### **UtahLINK's Goal for Public Schools:**

The goal of UtahLINK is to promote innovation and educational excellence in Utah's public schools by facilitating resource sharing and expanded communications capabilities. To achieve this, the Network must provide quality, equitable, and cost-effective information and communication resources to the public education community.

### **UtahLINK's Mission Statements & Priority Listing for Public Education:**

- To provide electronic mail service and electronic conferencing capabilities to public school professional employees;
- To provide basic services at no cost to public education end users;

- After first providing basic services, to provide opportunities for wider networking (interstate and international) by promoting the addition of full Internet services where economically feasible and deemed appropriate by the State Board of Education and UEN;
- To provide for both administrative and instructional file transfer capabilities where feasible.

**UtahLINK Use by the Public Schools:**

All use of UtahLINK shall be consistent with the purpose, goal, and mission of the Network. Successful operation of the network requires that its users regard UtahLINK as a shared resource, and cooperate to form a community of diverse interests in an effort to promote educational excellence and provide world-class education throughout the state of Utah. It is therefore imperative that UtahLINK members conduct themselves in a responsible, decent, ethical, and polite manner while using the network. Further, they must abide by all local, state and federal laws. To ensure the smooth and continued operation of this valuable resource, members must accept the responsibility of adhering to high standards of professional conduct and strict guidelines.

The intent of the UtahLINK Public Education Acceptable Use Policy is to ensure that all uses of UtahLINK are consistent with its stated purpose, goal, and mission. UtahLINK is an open network in both implementation and spirit and encourages the pursuit of higher knowledge. However, it is important to recognize that with increased access to computers and people all over the world also comes the availability of controversial material that may not be considered of educational value in the context of the school setting. Further, UtahLINK recognizes the importance of each individual's judgment regarding appropriate conduct in maintaining a quality resource system. And while this policy does not attempt to articulate all required or proscribed behavior by its members, it does seek to assist in such judgment by providing the following guidelines:

- I. Any use of UtahLINK for illegal or inappropriate purposes or to access materials that are objectionable in a public school environment, or in support of such activities, is prohibited. Language that is deemed to be vulgar is also prohibited. Illegal activities shall be defined as a violation of local, state, and/or federal laws. Inappropriate use shall be defined as a violation of the intended use of the network, and/or purpose and goal. Objectionable is defined as materials that are identified as such by the rules and policies of the Utah State Board of Education that relate to curriculum materials and textbook adoption.
- II. All use of UtahLINK must be in support of a world class public education and educational research in Utah and consistent with the purposes of the network;
- III. The following uses are also prohibited: any use for commercial purposes or financial gain, any use for product advertisement or political lobbying, and/or any use which shall serve to disrupt the use of the network by other users.
- IV. UtahLINK accounts shall be used only by the authorized owner of the account. Account owners are ultimately responsible for all activity under their account;
- V. Unbridled and open-ended use of the network in terms of access time cannot be accommodated due to cost. Users are cautioned to exercise prudence in the shared use of this resource;
- VI. All communications and information accessible via UtahLINK shall be assumed to be private property. Great care is taken by the UtahLINK's administrators to ensure the right of privacy of users. However, it is recommended that users not give out personal information like home addresses and/or telephone numbers. Also, passwords shall be kept private and changed frequently;
- VII. Neither the USOE nor the UEN have control of the information on the Internet. Other sites accessible via the Internet may contain material that is illegal, defamatory, and inaccurate or potentially offensive to some people;
- VIII. Under prescribed circumstances; public school student use may be permitted, provided proper supervision is maintained by school officials and parents;
- IX. Under prescribed circumstances\*, non-educator use may be permitted, provided such individuals provide evidence that their use furthers the purpose and goal of the network and public education in general;

- X. As necessary, the Utah State Office of Education will determine whether specific Public Education uses of UtahLINK are consistent with this policy. The State Office shall be the final authority on use of the Network and the issuance of public education user accounts;
- XI. Each school district and school shall define and adopt an Acceptable Use Policy that identifies the standards and guidelines that are appropriate to their local circumstances. However these local policies may not permit uses that are outside of the guidelines of this policy;
- XII. All accounts for the school professionals within a district will be issued and managed by the local node administrator(s). The issuing of these accounts will be coordinated with the UEN Network Operations Center;
- XIII. Extensive use of the network for private or personal business is prohibited;
- XIV. This is a legally binding document and careful consideration shall be given to the principles outlined herein;
- XV. Violations of the provisions stated in this policy may result in suspension or revocation of network privileges.

**\* Such prescribed circumstances and uses shall be defined in writing by the Utah department of Education and from time to time are subject to change.**

**Guidelines for Student Accounts on Utah's Public Education Network**

The primary purpose of the UtahLINK is for the use of the public school professional staff and secondary student access. The use of an individual student account is considered to be a privilege and is permitted to the extent that available resources allow.

Secondary students may be granted an account for up to one academic year at a time provided they:

- Read and agree to follow all guidelines outlined in the Acceptable Use Policy. This agreement is formalized through their signature on the application form;
- Have at least one teacher sign the application form as a sponsor;
- Obtain the signature of a parent on the application form.

Elementary students are not allowed individual accounts. Teachers of these grades may apply for a class account, but are obligated to directly teach these students in proper network use and supervise them regarding the Acceptable Use Policy. \* The teacher holding this account is ultimately responsible for use of the account and is required to maintain confidentiality with the password (not giving it to students) and is advised to change the password frequently.

Students may not maintain accounts upon graduation unless they otherwise qualify under one of the other acceptable use provisions. Generally, students are not permitted to enter professional UtahLINK or Usenet discussion groups. Under certain conditions, posting privileges to specific news groups may be granted. All public school student accounts will be issued by the local node administrators and will receive final approval by the State Office of Education.

The above-mentioned use is subject to revision in policy. In all cases, use by professional public education staff shall take precedence. The State Office of Education reserves its right as final authority on use of the network.

**§ 54.1716 Children's Internet Protection Act Certifications.**

(a) Definitions -

(1) School. For the purposes of the certification requirements of this section, school means school, school board, school district, local education agency or other authority responsible for administration of a school.

(2) Library. For the purposes of the certification requirements of this section, library means library, library board or authority responsible for administration of a library.

(3) Billed entity. Billed entity is defined in § 54.1700. In the case of a consortium, the billed entity is the lead member of the consortium.

(4) Connected devices. Connected devices are defined in § 54.1700.

(b) Who is required to make certifications?

(1) A school or library that receives support for internet access, internet service, or internal connections services under the Federal universal service support mechanism for schools and libraries, or internet access or internet service through the Emergency Connectivity Fund, must make such certifications as described in paragraph (c) of this section. The certifications required and described in paragraph (c) of this section must be made in each funding year.

(2) A school or library that receives support for connected devices through the Emergency Connectivity Fund and uses internet access or internet service funded through the Federal universal service support mechanism for schools and libraries or through the Emergency Connectivity Fund must make the certifications as described in paragraph (c) of this section. The certifications required and described in paragraph (c) of this section must be made in each funding year.

(3) Schools and libraries that are not receiving support for internet access, internet service, or internal connections under the Federal universal service support mechanism for schools and libraries; internet access or internet service through the Emergency Connectivity Fund; or connected devices that do not use internet access or internet service funded through the Federal universal service support mechanism for schools and libraries or the Emergency Connectivity Fund are not subject to the requirements in 47 U.S.C. 254(h) and (l), but must indicate, pursuant to the certification requirements in paragraph (c) of this section, that they are not receiving support for such services or that the connected devices do not use internet access or internet service funded through the Federal universal service support mechanism for schools and libraries or the Emergency Connectivity Fund.

(c) Certifications required under 47 U.S.C. 254(h) and (l).

(1) An Emergency Connectivity Fund applicant need not complete additional Children's Internet Protection Act (CIPA) compliance certifications if the applicant has already certified its CIPA compliance for the relevant funding year (i.e., has certified its compliance in an FCC Form 486 or FCC Form 479).

(2) Emergency Connectivity Fund applicants that have not already certified their CIPA compliance for an E-Rate application for the relevant funding year (i.e., have not completed a FCC Form 486 or FCC Form 479), will be required to certify:

(i) That they are in compliance with CIPA requirements under sections 254(h) and (l);

(ii) That they are undertaking the actions necessary to comply with CIPA requirements as part of their request for support through the Emergency Connectivity Fund; or

(iii) If applicable, that the requirements of CIPA do not apply, because the applicant is not receiving support for internet access, internet service, or internal connections under the Federal universal service support mechanism for schools and libraries or internet access or internet service through the Emergency Connectivity Fund, or the connected devices do not use internet access or internet service funded through the Federal universal support mechanism for schools and libraries or the Emergency Connectivity Fund.

(d) Failure to provide certifications -

(1) Schools and libraries. A school or library that knowingly fails to submit certifications as required by this section shall not be eligible for support through the Emergency Connectivity Fund until such certifications are submitted.

(2) Consortia. A billed entity's knowing failure to collect the required certifications from its eligible school and library members or knowing failure to certify that it collected the required certifications shall render the entire consortium ineligible for support through the Emergency Connectivity Fund.



(3) Reestablishing eligibility. At any time, a school or library deemed ineligible for equipment and services under the Emergency Connectivity Fund because of failure to submit certifications required by this section may reestablish eligibility for support by providing the required certifications to the Administrator and the Commission.

(e) Failure to comply with the certifications -

(1) Schools and libraries. A school or library that knowingly fails to comply with the certifications required by this section must reimburse any funds and support received under the Emergency Connectivity Fund for the period in which there was noncompliance.

(2) Consortia. In the case of consortium applications, the eligibility for support of consortium members who comply with the certification requirements of this section shall not be affected by the failure of other school or library consortium members to comply with such requirements.

(3) Reestablishing compliance. At any time, a school or library deemed ineligible for support through the Emergency Connectivity Fund for failure to comply with the certification requirements of this section and that has been directed to reimburse the program for support received during the period of noncompliance may reestablish compliance by complying with the certification requirements under this section. Upon submission to the Commission of a certification or other appropriate evidence of such remedy, the school or library shall be eligible for support through the Emergency Connectivity Fund.

(f) Waivers based on state or local procurement rules and regulations and competitive bidding requirements.

Waivers shall be granted to schools and libraries when the authority responsible for making the certifications required by this section cannot make the required certifications because its state or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required. The waiver shall be granted upon the provision, by the authority responsible for making the certifications on behalf of schools or libraries, that the schools or libraries will be brought into compliance with the requirements of this section before the close of the relevant funding year.

# APPENDIX E: TITLE I PARENTAL INVOLVEMENT POLICY

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## **Purpose and Philosophy**

Three decades of research provide convincing evidence that parents are an important influence in helping their children to achieve high academic standards. In support of strengthening student academic achievement in Title I, Part A the Board adopts this policy establishing its expectations for collation with parents to help their children learn and parents' involvement in school activities and decision-making about their children's education.

## **General Expectations for Involvement of Parents**

- A. Pinnacle will put into operation programs, activities and procedures for the involvement of parents. This will be consistent with section 6318 of the Elementary and Secondary Education Act (ESEA). These programs, activities and procedures will be carried out in consultation with the parents of participating children.
- B. Consistent with section 6t318, Pinnacle will ensure that the required school-level parental involvement policies meet the requirements of section 6318(b) of the ESEA, and include a school/parent compact consistent with Section 6318(d) of ESEA.
- C. Pinnacle will incorporate this parental involvement policy into the LEA plan developed under section 6312 of the ESEA.
- D. In carrying out the Title I, Part A, parental involvement requirements, to the extent practicable the school will provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required under section 6311 of the ESEA in an understandable and uniform format and to the extent practical, in a language parents understand.
- E. If the LEA plan for Title 1, Part A, is not satisfactory to the parents of participating children, the school will submit any parent comments with the plan when the school submits the plan to USOE. Parents will be instructed to review the plan on the website and provide comments via the website or other electronic media.
- F. The school will involve the parents of children served in Title I, Part A, in decisions about how the one percent of Title I, Part A funds reserved for parental involvement is spent, and ensure that not less than 95 percent of the percent reserved goes directly to the school.
- G. The school will be governed by the following statutory definition of parental involvement, and will carry out programs, activities and procedures in accordance with this definition: Parent involvement means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensure that parents play an integral role in assisting their child's learning; that parents are encouraged to be actively involved in their children's education at school; that parents are full partners in their child's education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child and the carrying out of other activities, such as those described in section 6311 of the ESEA.

## **Description of Pinnacle Parental Involvement Policy**

- Pinnacle will take the following actions to involve parents in the joint development of its parental involvement plan under section 6312 ESEA. A list will be compiled of parents who want to serve on a committee to review the policy. Parents will be called and invited to a meeting. Information concerning this policy will be prepared and given to each committee member.
- The school will take the following actions to involve parents in the process of school review and improvement under section 6316. A school plan will be developed yearly and reviewed by the Board. The school plan will be posted on the school webpage. Parents will be instructed to provide comments to the plan via the website or other electronic media.
- The school will provide the following necessary coordination, technical assistance and other support to assist in planning and implementing effective parental involvement activities to improve student academic achievement and school performance.
- The school will coordinate and integrate parental involvement strategies in Title 1, Part A, with parental involvement strategies under other programs by: Coordinating parental involvement strategies with directors of other departments, i.e., Special Education, Assessment, etc. Administrators will provide teachers and staff with information on resources to use throughout the year as they involve parents in classrooms, at conferences and school activities.
- The school will take the following actions to conduct, with the involvement of the parents, an annual evaluation of the content and effectiveness of this parental involvement policy in improving the quality of Title 1, Part A, programs. The evaluation will include identifying barriers to greater participation of parents. The school will use the findings of

the evaluation to design strategies for more effective parental involvement and to revise it if necessary. The school will involve parents of Title 1 students to develop, review and revise the Parental Involvement Policy. The school will work with parents to identify barriers to parental involvement. A list of barriers will be submitted to the leadership team for review at the end of each year.

- The school will build the school's and the parents' capacity for strong parental involvement to support a partnership among the schools involved, parents and community to improve student academic achievement through the activities as listed below: Information and assistance in understanding topics such as: Utah's academic content standards, Utah's student academic achievement assessments, the requirements of Title 1, Part A, monitoring their children's progress and working with educators. Information will be disseminated to parents through parent meetings, information with report cards, and on the school webpage and through *schoolreach*.
- The school will provide materials and training to help parents work with their children to improve their children's academic achievement, such as literacy training, and using technology, as appropriate to foster parental involvement by: By providing resources to sponsor parent seminars, family nights, and other parent child activities. Developing the school webpage, online learning platforms and the SIS system to keep parents current on their child's academic performance. Providing hard copies to parents as needed. Providing information to parents via automated phone calls.
- The school will educate its teachers, student services personnel, principals and other staff on how to reach out to, communicate with, and work with parents as partners in building ties between home and schools by: offering suggestions to teachers during staff meetings, providing training for administrators, support personnel, etc.
- The school will ensure that information related to school and parent programs, meetings and other activities is sent to the parents of participating students in understandable and uniform format, including alternative formats upon request, and, to the extent practicable, in a language the parents can understand by: Have interpreters available when possible to translate information, provide training to staff on culture, poverty, discipline, etc... and provide materials upon request as often as possible in a language the parent understands.

### **TIME AND EFFORT REPORTING**

Employees that are working in the Title I programs need to be aware of the policy and procedures required for Time and Effort certification and documentation. All employees that are identified as Title I employees are required to sign and certify that they are aware of the time and effort requirements Please see sample of documentation.

#### **Time-and-Effort Reporting – Substitute System**

State educational agencies (SEAs) are authorized to approve local educational agencies (LEAs) to use a substitute system for time-and-effort reporting in accordance with the following guidelines. In permitting an LEA to use the substitute system, the SEA must obtain from the LEA a management certification certifying that only eligible employees will participate in the substitute system and that the system used to document employee work schedules includes sufficient controls to ensure that the schedules are accurate. Additionally, the certification must include a full disclosure of any known deficiencies with the system or known challenges with implementing the substitute system. This certification may be used by auditors and SEA oversight personnel when conducting audits and sub-recipient monitoring of the substitute time- and-effort system.

#### **System Guidelines**

- (1) To be eligible to document time and effort under the substitute system, employees must (a) currently work on a schedule that includes multiple activities or cost objectives that must be supported by monthly personnel activity reports, (b) work on specific activities or cost objectives based on a predetermined schedule, and (c ) not work on multiple activities or cost objectives at the exact same time on their schedule.
- (2) Under the substitute system, in lieu of personnel activity reports, eligible employees may support a distribution of their salaries and wages through documentation of an established work schedule that meets the standards under section (3). An acceptable work schedule may be in a style and format already used by an LEA.
- (3) Employee schedules must: (a) Indicate the specific activity or cost objective that the employee worked on for each segment of the employee's schedule, (b) account for the total hours for which each employee is compensated during the period reflected on the employee's schedule; and (c ) be certified at least semiannually and signed by the employee and a supervisory official having firsthand knowledge of the work performed by the employee.
- (4) Any revisions to an employee's established schedule that continue for a prolonged period must be documented and certified in accordance with the requirements in section (3). The effective dates of any changes must be clearly indicated in

the documentation provided.

(5) Any significant deviations from an employee's established schedule, that require the employee to work on multiple activities or cost objectives at the exact same time, including but not limited to lengthy, unanticipated schedule changes, must be documented by the employee using a personnel activity report that covers the period during which the deviations occurred. States shall put forth guidelines and examples for what constitutes a significant deviation from an employee's established schedule that would warrant an individual reverting to a personnel activity report.

# APPENDIX F: PARENT/SCHOOL COMPACT (UNDER REVIEW)

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## Pinnacle Canyon Academy Parent/School Compact

### Parent Responsibilities:

- I understand that this is a Parent/Teacher/Board governed school.
- By my personal participation, I will help the school to make learning a primary occupation for my child.
- I will supervise my child's homework to assure that all assignments are completed on schedule.
- I will spend at least 30 minutes per day reading with my child and/or encourage my secondary student to read 30 minutes per day.
- I will ensure that my child is dressed for school in appropriate clothing that adheres to the dress code.
- My child will be sent to school healthy, well nourished, clean and prepared to learn.
- I will provide transportation for my child to and from school, unless my student rides the school bus. Students shall be in class by 8:30 a.m. each day and picked up by 3:15 each day.
- I will attend all parent-teacher conferences and all meetings requested by teachers.
- I will take responsibility for the behavior of my child in school.

### Student Responsibilities:

- Students will be respectful to school staff.
- Students will adhere to school policies.
- When students ride Pinnacle school buses they will adhere to state busing policies and school policies.

### School Responsibilities:

- The school commits to provide teachers who are licensed in the State of Utah in their content areas, who arrive at work prepared to teach, who are substance free and respond appropriately to student behavior.
- The school commits to provide adequate supervision for your child during recess, lunch and throughout the school day.
- The school commits to prepare students academically.
- The school commits to provide safe and clean facilities for students.
- The school commits to follow all the guidelines, rules and responsibilities as outlined by Utah law, the State Office of Education, The State Charter School Board and Pinnacle Canyon Academy's Board of Directors.

I understand that this contract is an agreement with all other parents in the school to support teachers, staff and volunteers as they work to help make my child a productive, cooperative member of the school community.

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Parent Signature

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Student Signature

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School Signature

## APPENDIX G: ANTI-BULLYING POLICY

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The Board of Directors of Pinnacle is committed to protecting its students, employees, and applicants for admission from bullying, harassment, or discrimination for any reason and of any type. The Board of Directors believes that all students and employees are entitled to a safe, equitable, and harassment-free school experience. Bullying, harassment, or discrimination will not be tolerated and shall be just cause for disciplinary action.

The standards of this policy constitute a specific, focused, coordinated, integrated, culturally sensitive system of supports for all students, staff, families, and community agencies that will improve relations within the school.

### Definitions

- A. **“Bullying”** means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as: unwanted purposeful written, verbal, non-verbal, or physical behavior, including but not limited to any threatening, insulting, or dehumanizing gesture, by an adult or student, that has the potential to create an intimidating, hostile, or offensive educational environment or cause long term damage; cause discomfort or humiliation; or unreasonably interfere with the individual’s school performance or participation, is carried out repeatedly and is often characterized by an imbalance of power. Bullying may involve, but is not limited to:
- unwanted teasing
  - threatening
  - intimidating
  - stalking
  - cyber-stalking
  - cyber-bullying
  - physical violence
  - theft
  - sexual, religious, or racial harassment
  - public humiliation
  - destruction of school or personal property
  - social exclusion, including incitement and/or coercion
  - rumor or spreading of falsehoods
- B. **“Harassment”** means any threatening, insulting, or dehumanizing gesture, use of technology, computer software, or written, verbal or physical conduct directed against a student or school employee that:
- places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property;
  - has the effect of substantially interfering with a student’s educational performance, or employee’s work performance, or either’s opportunities, or benefits;
  - has the effect of substantially negatively impacting a student’s or employee’s emotional or mental well-being; or
  - has the effect of substantially disrupting the orderly operation of a school and/or school work environment.
- C. **“Cyber-stalking”**, means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at or about a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.
- D. **“Cyber-bullying”** is defined as the willful and repeated harassment and intimidation of a person through the use of digital technologies, including, but not limited to, email, blogs, texting on cell phones, social websites (e.g., Facebook, Twitter, Instagram, SnapChat, etc.), chat rooms, “sexting”, instant messaging, or video voyeurism.
- E. **“Bullying”, “Cyberbullying”, and/or “Harassment”** also encompass:
- retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying, harassment, or discrimination.

- retaliation also includes reporting a baseless act of bullying, harassment, or discrimination that is not made in good faith.
  - perpetuation of conduct listed in the definition of bullying, harassment, and/or discrimination by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:
    - incitement or coercion;
    - accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the school system; or
    - acting in a manner that has an effect substantially similar to the effect of bullying, harassment, or discrimination.
- F. **“Bullying,” “Cyber-bullying,” “Harassment,” and “Discrimination”** (hereinafter referred to as bullying, as defined in Section A, for the purpose of this Policy) also encompass, but are not limited to, unwanted harm towards a student or employee in regard to their real or perceived: sex, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socio-economic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background or being viewed as different in its education programs or admissions to education programs and therefore prohibits bullying of any student or employee by any Board member, School employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school-sponsored events, on school buses, and at training facilities or training programs sponsored by the School.
- G. **“Accused”** is defined as any School employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school sponsored events, on school buses, and at training facilities or training programs sponsored by the school who is reported to have committed an act of bullying, whether formally or informally, verbally or in writing, of bullying.
- H. **“Complainant”** is defined as any school employee, consultant, contractor, agent, visitor, volunteer, student, or other person who formally or informally makes a report of bullying, either verbally or in writing.
- I. **“Victim”** is defined as any school employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school-sponsored events, on school buses and at training facilities or training programs sponsored by the school, who is reported to have been the target of an act of bullying during any educational program or activity.

### **Expectations**

Pinnacle Board of Directors expects students and employees to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

- A. The School prohibits the bullying of any student or school employee:
- during any educational program or activity conducted by the school;
  - during any school-related or school-sponsored program or activity or on a school bus;
  - through the use of any electronic device or data while on school grounds or on a school bus, computer software that is accessed through a computer, computer system, or computer network of the school. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated under this section.
  - through threats using the above to be carried out on school grounds. This includes threats made outside of school hours, which are intended to be carried out during any school-related or school-sponsored program or activity, or on a school bus.
  - while the school does not assume any liability for incidents that occur at a bus stop or en route to and from school, a student or witness may file a complaint following the same procedures for bullying against a student and the school will investigate and/or provide assistance and intervention as the principal/designee deems appropriate. The principal/designee shall use the Student Information System (SIS) to log all reports and interventions. However, if a

student's ability to receive an education or a school's ability to provide an education is significantly impaired, as determined by the school administration, disciplinary sanctions may be issued, see Section V. A. 1.a of this policy.

- though an incident of alleged bullying (cyberbullying or other) may occur off campus and may not entail threats of acts to occur during school hours, if a student's ability to receive an education or a school's ability to provide an education is significantly impaired, as determined by the school administration, disciplinary sanctions may be issued.

- B. All administrators, teachers, and staff, in collaboration with parents, students, and community members, will incorporate systemic methods for student and staff recognition through positive reinforcement for good conduct, self discipline, good citizenship, and academic success, as seen in the required school plan to address positive school culture and behavior (aka Discipline Plan).
- C. Student rights shall be explained as outlined in this policy.
- D. Proper prevention and intervention steps shall be taken based on the level of severity of infraction as outlined in the Student Code of Conduct and this Policy.

**Training for students, parents, teachers, staff, school administrators, student support staff, counseling staff, bus drivers, contractors and school volunteers on identifying, preventing, and responding to bullying will be conducted.**

- A. At the beginning of each school year, the school principal/designee and or appropriate administrator shall provide awareness of this policy, as well as the process for reporting incidents, investigation and appeal, to students, school staff, parents, or other persons responsible for the welfare of a pupil through appropriate references in the Student Code of Conduct, Employee Handbooks, the school website, and/or through other reasonable means.

**Disciplinary sanctions (consequences) and due process for a person who commits an act of bullying under this policy.**

- A. Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances, followed by the determination of disciplinary sanctions appropriate to the perpetrator's position within the school.
  - Consequences and appropriate interventions for students who commit acts of bullying may range from positive behavioral interventions up to, but not limited to suspension, as outlined in the Student Code of Conduct.
  - Consequences and appropriate interventions for a school employee found to have committed an act of bullying will be instituted in accordance with School policies, procedures, and agreements. Additionally, egregious acts of bullying by certified educators may result in a sanction against an educator's state issued certificate.
  - Consequences and appropriate intervention for a visitor, volunteer, or parent/guardian found to have committed an act of bullying shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.
  - These same actions will apply to persons, whether they are students, school employees, parents/guardians, or visitors/volunteers/independent contractors, who are found to have made wrongful and intentional accusations of another as a means of bullying.

**Reporting an act of bullying**

- A. The principal/designee is responsible for receiving verbal or written complaints alleging violations of this policy, as with all infractions from the Student Code of Conduct.
- B. Students may report complaints of bullying to any school employee, teachers or staff. All school employees, teachers and staff are required and must report, in writing, any allegations of bullying or violations of this Policy involving students to the principal/designee or appropriate administrator. Failure to report will result in action(s) or discipline, up to and including termination of employment. Any school teachers or staff who suspects adult-on-adult bullying is strongly encouraged to report any concerns.
- C. Any other members of the school community who have credible information that an act of bullying has taken place may



file a report of bullying, whether a victim or witness.

- D. Any student (and/or the parent on that complainant's behalf if the complainant is a minor) who believes he/she is a victim of bullying (or any individual, including any student who has knowledge of any incident(s) involving bullying of students) is strongly encouraged to report the incident(s) in writing to a school official. Complaints shall be filed as soon as possible after the alleged incident and noted on the specified data system, but must be filed within ninety (90) school days after the alleged incident (i.e., within 90 school days of the last act of alleged bullying). Failure on the part of the victim to initiate and/or follow up on the complaint within this period may result in the complaint being deemed abandoned.
- E. The principal of each school shall establish, and prominently publicize to students, staff, volunteers, and parents, how a report of bullying may be filed and what actions may be taken.
- F. A school employee, school volunteer, contractor, student, parent/guardian or other persons who promptly reports in good faith an act of bullying to the appropriate school official, and who makes this report in compliance with the procedures set forth in this School Policy, is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. Submission of a good faith complaint or report of bullying will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments.
- G. Administrators/principal/designee(s) shall document in writing and/or via the specified data system all complaints regarding bullying, as with all infractions of the Code of Student Conduct, to ensure that problems are appropriately addressed in a timely manner, whether the report is made verbally or in writing.

#### **Bullying Complaints and Resolution**

- A. The investigation of a reported act of bullying of a student, school-based employee, parent/guardian or other persons providing service to the school is deemed to be a school-related activity and begins with a report of such an act.
- B. The principal/designee and/or Investigative Designee shall document all complaints in writing and/or through the appropriate data system to ensure that problems are addressed in a timely manner. This process is to be followed with all anonymous complaints as well.
- C. If the complaint is about the principal, the Board President shall be asked to address the complaint.
- D. The trained Investigative Designee(s) will make the determination if a reported act of bullying or harassment falls within the scope of the school.
  - If it is within the scope of the School, move to Procedures for Investigating Bullying and/or Harassment as outlined below.
  - If it is outside the scope of the School, and it is determined to be an alleged criminal act, refer to appropriate law enforcement, provide any applicable interventions, and document according to Policy.
  - If it is outside the scope of the School, and determined not a criminal act, inform parents/guardians of all students involved, provide appropriate interventions and document according to Policy.
- E. Informal Resolution - where the administrator, along with the alleged victim and the accused/student, may agree to informally resolve the complaint. Documented interviews of the victim, alleged perpetrator, and witnesses are conducted privately separately, and are confidential. Each party's agreement to Informal Resolution must be in writing. The incident and the resolution must be documented on the appropriate data system.
  - If a mutual resolution has not been achieved, a formal written appeal must be filed within five (5) work days after the informal meeting and submitted to the principal or appropriate area/school supervisor.
- F. Formal Resolution - the alleged victim/complainant/student/employee or parent(s), on behalf of the student, may file a written complaint with the principal/designee.
  - According to the level of infraction, parents will be promptly notified of any actions being taken to protect the victim via written notice, telephone or personal conference; the frequency of notification will depend on the seriousness of the bullying incident.

- G. The resolution, all interviews and interventions that take place and the corresponding dates shall be documented in writing and/or noted in the school specified data system.

**Investigation requirements for reported acts of bullying under this policy.**

- A. The procedures for investigating school-based bullying must include the principal/designee and/or the Investigative Designee, in the case of student-to-student bullying. The principal, Investigative Designee and Prevention Liaison shall be trained in investigative procedures and interventions as outlined in this Policy. For incidents at the area/school level, or for school-based adult-on-adult bullying, the appropriate administrator will be responsible for the investigation as outlined in this policy and will run concurrently and in addition, to all agreed upon procedures for staff discipline.
- B. The investigator may not be the accused or the alleged victim.
- C. The principal/designee or appropriate area/school administrator shall begin a thorough investigation with the alleged victim and accused within two (2) school days of receiving a notification of complaint.
- D. During the investigation, the principal/designee or appropriate area/school administrator may take any action necessary to protect the complainant, alleged victim, other students or employees consistent with the requirements of applicable regulations and statutes.
- Documented interviews of the alleged victim, alleged perpetrator, and witnesses are conducted privately, separately, and are confidential. Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim be interviewed together. At no time during the investigation will the name of the complainant be revealed by the investigator.
  - In general, student complainants and/or alleged victims will continue attendance at the school and pursue their studies as directed while the investigation is conducted and the complaint is pending resolution. Any legal order of a court will prevail.
  - When necessary to carry out the investigation or for other good reasons, and consistent with federal and state privacy laws, the principal/designee or appropriate area/school administrator also may discuss the complaint with any school employee, the parent of the alleged victim, the parent of the complainant or accused, if one or both is a minor (or has given consent or is an adult who has been determined to be incompetent or unable to give informed consent due to disability), and/or child protective agencies responsible for investigating child abuse.
  - During the investigation where an employee is the accused, the principal/designee or the appropriate area/school administrator may recommend to the Board, any action necessary to protect the complainant, the alleged victim, or other students or employees, consistent with the requirements of applicable statutes, State Board of Education Rules and School Board Policies.
- E. Within ten (10) school days of the notification as to the filing of the complaint, there shall be a written decision by the Principal/Designee or appropriate area/school administrator regarding the completion and determination of the investigation. The principal/designee shall make a decision about the validity of the allegations in the complaint and about any corrective action.
- F. The Principal/Designee or appropriate area/school administrator will inform all relevant parties in writing of the decision and the right to appeal.
- G. No retaliation of any kind is permitted in connection with an individual having made a bullying complaint and if it occurs, it shall be deemed an additional act of bullying as stated herein this Policy.

**Referral for Intervention**

- A. Referral of a student to the student services team for consideration of appropriate services is made through the school problem-solving process by school personnel or parent to the principal/designee. Parent notification is required. When such a report of formal discipline or formal complaint is made, the principal/designee shall refer the student(s) to the student services team for determination of need for counseling support and interventions.

- B. Referral of school or area/school personnel to the Employee Assistance Program (EAP) for consideration of appropriate services will be made by the administrator.
- C. School-based intervention and assistance will be determined by the student services team and may include, but is not limited to:
  - counseling and support to address the needs of the victims of bullying.
  - counseling interventions to address the behavior of the students who bully (e.g., empathy training, anger management).
  - intervention which includes assistance and support provided to parents.
  - analysis and evaluation of school culture with resulting recommendations for interventions aimed at increasing peer ownership and support.
- D. Self-referral for informal consultation: School staff, students or parents may request informal consultation with school staff (e.g., school social worker, school counselor, EAP, etc.) to determine the severity of concern and appropriate steps to address the concern of bullying (the involved students' parents may be included) verbally or in writing to the principal/designee.
- E. Any investigations and interventions shall be recorded on the School specified data system.

#### **Incident reporting requirements**

- A. The procedure for including incidents of bullying in the school's report of safety and discipline data is required under F.S. 1006.09(6). The report must include each incident of bullying and the resulting consequences, including discipline, interventions and referrals. In a separate section, the report must include each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this policy, with recommendations regarding said incident.
- B. The School will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes bullying/harassment in its codes.
- C. Discipline, referral data, investigations, interventions, and actions of discipline shall be recorded on the specified data system, as with other infractions from the Code of Student Conduct.

#### **Process for referral for external investigation**

- A. If the act is outside the scope of the School, and determined a criminal act, referral to appropriate law enforcement shall be made immediately, the parent will be notified, and the referral documented by the principal/designee in the specified data system.
- B. While the School does not assume any liability for incidences that must be referred for external investigation, it encourages the provision of assistance and intervention as the principal/designee deems appropriate, including the use of the local Law Enforcement Officer/School Resource Officer and other personnel. The principal/designee shall use School Reporting Systems to log all reports and interventions.

#### **Appeals process**

- A. Appeal procedure for bullying by a student will follow the steps outlined in the Code of Student Conduct – "Right to Appeal Unfair Penalties." see SCHEDULE
- B. Appeal procedure for an accused/employee:
  - If the accused/employee wishes to appeal the action taken in resolution of the complaint, such appeal shall be filed either in accordance with SBBC Board Policy 4015 or pursuant to the relevant collective bargaining agreement.
  - For those employees not in a bargaining unit, the appeal shall be filed in accordance with SBBC Policy 4015. In reaching a decision about the complaint, the following shall be taken into account:

- SBBC Policy 4.9, Employee Disciplinary Guidelines

**Parent Notification** (Board Approved 6/2021)

*Pinnacle will comply with parental notification of certain incidents and threats as outlined in 53G-9-604. A school shall notify a parent if the parent's student threatens to commit suicide; or notify the parents of each student involved in an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation of the incident involving each parent's student. If a school notifies a parent of an incident or threat required to be reported, the school shall produce and maintain a record that verifies that the parent was notified of the incident or threat. When parents are notified, Pinnacle will place a written record of the parent notification in the student cumulative file. At the request of the parent, Pinnacle will provide recommendations related to such incidents. Pinnacle will provide a student with a copy of a record maintained in accordance with this section that relates to the student if the student requests a copy and will expunge a record in accordance with this section that relates to a student if the student graduates or requests that the record be expunged. (Utah Code 53G-9-604 Parental notification of certain incidents and threats required, effective 5/14/19).*

# APPENDIX H: PINNACLE FEE WAIVER POLICY

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## I. Purpose

The purpose of a Fee Schedule and a Fee Waiver 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. Pinnacle abides by the State Board of Education's rules direct the Board of Directors to implement policies regarding student fees. The rule is authorized under Article X, Sections 2 and 3 of the Utah Constitution which vests general control and supervision of the public education system in the State Board of Education and provides that elementary and secondary schools shall be free except that fees may be imposed in secondary schools as authorized by the Legislature. State Law also allows schools to establish money collection and handling procedures.

## II. Policy

Under the direction of the Board of Directors, the principal is authorized to administer this policy and to do so fairly, objectively, without delay, avoiding stigma and unreasonable burdens on students or parents/ guardians.

## III. Classes and Activities During the Regular School Day

No fee may be charged in kindergarten through fifth grades for materials, textbooks, supplies, or for any class or activity, including assemblies and field trips. Textbook fees will be charged in grades six through twelve If a class is established or approved which requires payment of fees or purchase of materials, tickets to events, etc. In order for students to participate fully and to have the opportunity to acquire all skills and knowledge required for full credit and highest grades, the class shall be subject to the fee waiver provisions of Utah Administrative Code R277-407-6. Students of all grade levels may be required to provide materials for their optional projects, but a student may not be required to select an optional project as a condition for enrolling in or completing a course. Project-related courses must be based upon projects and experiences that are free to all students. Student supplies must be provided for elementary students. Secondary students may be required to provide their own student supplies.

Elementary and secondary students may be required to replace supplies provided by the school which are lost, wasted or damaged by the student through careless or irresponsible behavior in which a fee waiver will not be applicable for such damages.

## IV. School Activities Outside of the Regular School Day

Fees may be charged, subject to the Board approved fee schedule, in connection with any school-sponsored activity which does not take place during the regular school day, regardless of the age or grade level of the student, if participation is voluntary and does not affect a student's grade or ability to participate fully in any course taught during the regular school day. Such fees are subject to the fee waiver requirement.

## V. General Provisions

No fee may be charged or assessed In connection with any class or school-sponsored or supported activity, including extracurricular activities, unless the fee has been set and approved by the Board of Directors and distributed in an approved fee schedule. Fee schedules and policies for the School shall be adopted at least once each year when the Board of Directors adopts its annual budget in a regularly scheduled public meeting of the Board.

Principals shall ensure that written copies of the School Fee Schedule and Waiver Policy are included with all registration materials provided to potential or continuing students. School procedures for obtaining the waivers and for appealing a denial of a waiver shall be provided as soon as possible prior to the time the fees become due. No present or former student may be denied receipt of unofficial transcripts or diplomas for failure to pay school fees.

- A reasonable charge may be made to cover the cost of duplicating or mailing Transcripts or other school records.

- No charge may be made for duplicating or mailing copies of school records to an elementary or secondary school in which the student is enrolled or intends to enroll. In accordance with Utah Code Ann. § 53A-11-806, any school whose property has been lost or willfully cut, defaced, or otherwise injured may withhold the issuance of official written grade reports, diploma, and transcripts of the student responsible for the damage or loss until the student or the student's parent or guardian has paid for the damages.
- 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.

## **VI. Waivers**

To ensure that no student is denied the opportunity to participate in a class or school-sponsored or supported activity because of an inability to pay a fee, the school will provide for adequate waivers or other provisions in lieu of fee waivers. The procedure will include the following:

- The principal will administer the policy and grant waivers.
- The process for obtaining waivers or pursuing alternatives shall be administered fairly, objectively, and without delay, and avoid stigma and unreasonable burdens on students and parents.
- The Principal will inform patrons of the process for obtaining waivers.
- Students who are granted waivers or provisions in lieu of fee waivers shall not be treated differently from other students or identified to persons who do not need to know of the waiver.
- Fee waivers or other provisions in lieu of fee waivers are to be available to any eligible student.

## **VII. Eligibility for fee waivers**

- A. Inability to pay is presumed for students who are:
  - In state custody or foster care, or
  - Receiving public assistance in the form of Aid to Families with Dependent Children, or Supplemental Security Income (SSI), or
  - Are eligible for free school lunch (if applicable)
- B. Case by case determinations are to be made for those who do not qualify under one of the foregoing standards but who, because of extenuating circumstances such as, but not limited to, exceptional financial burdens such as loss or substantial reduction of income or extraordinary medical expenses, are not reasonably capable of paying the fee.
- C. In accordance with Utah State Code §53A-12-103.5, a parent or guardian of a student applying for a fee waiver is to provide documentation and certification of eligibility including income tax returns or current pay stubs.
- D. If a student is eligible for waivers, textbook fees must be waived; no work alternative is permissible. A student may however, be offered a work alternative to a waiver for all other kinds of fees.
- E. If a parent or guardian of an eligible student asks to pay fees in installments instead of having all or part of the fees waived, an alternative method of payment may be arranged.
- F. Denial of eligibility for a waiver may be appealed in writing to the school principal within ten (10) school days of receiving notice of denial:
  - The school shall contact the parent within two (2) weeks after receiving the appeal and schedule a meeting with the school principal to discuss the parent's concerns.
  - If, after meeting with the school principal, the waiver is still denied the parent may appeal, in writing, within ten (10) school days of receiving notice of denial to the Board of Directors.
- G. Any requirement that a student pay a fee will be suspended during any period in which the student's eligibility for waiver is being determined or during the time a denial of waiver is being appealed.

## **Provisions in Lieu of Waivers**

- A. Principal may consider waiver eligible students to perform a work assignment or public service as payment-in-kind in lieu of a fee waiver. Work or service alternatives must be administered according to the following guidelines:

- The student given work alternatives shall not be treated differently from other students or identified to persons who do not need to know.
- The work shall be appropriate to the age, abilities, and situation of the student and shall not create an unreasonable burden on the student or parents.
- The work shall be a fair exchange of time for the value of fees to be waived.

B. Parents are to be given the opportunity to review proposed alternatives to fee waivers.

**IX. Items Eligible for Fee Waivers**

Any charge, deposit, rental, or other mandatory payment for required student participation in any class, program, or activity; provided, sponsored, or supported by the School, are fees requiring approval of the Board, and are subject to the fee waivers requirement.

**X. Items Not Subject to School Waivers**

The requirements of fee waiver and availability of other provisions in lieu of fee waiver do not apply to charges assessed pursuant to a student's damaging or losing school property. The school shall pursue reasonable methods for obtaining payment for such charges. Charges for yearbooks, picture books, Drivers Education and similar articles not required for participation in a class or activity are not fees and are not subject to the waiver requirements. Student supplies for secondary students are not subject to waivers as long as the item is something that is commonly found in students' homes regardless of wealth. If a student must repeat a course or requires remediation to advance or graduate and a fee is associated with the course or the remediation program, it is presumed that the student will pay the fee.

# APPENDIX I: GENERAL FINANCIAL POLICIES

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Per State of Utah guidelines found at

<http://www.schools.utah.gov/main/search.aspx?q=all%20checks%20or%20check%20stock,%20credit/purchase%20cards,%20access%20to%20bank%20accounts>

## A. General Policies

1. All checks or check stock, credit/purchase cards, access to bank accounts and statements, purchases shall be secured and controlled by the accounting/front office with limited access.
2. All disbursing of funds at the school or LEA shall be done through the accounting/front office.
3. Expenditure transactions must be approved by an individual having sufficient knowledge and authority to evaluate the transaction for reasonableness and appropriateness. The school or LEA shall designate employees by title or job descriptions who are authorized to approve various dollar amount levels of disbursements and instructed never to sign blank checks (see the Decision Chart for Purchasing Thresholds).
4. All expenditures made using cash, checks, credit/purchase cards, electronic fund transfers, etc. shall be recorded in the school or LEA's accounting records.
5. Passwords shall be established on user access to the accounting system and changed periodically.
6. Checks shall be made payable to specified payees and never to "cash" or "bearer."
7. All disbursement activity shall be substantiated by supporting documents. Documents shall be available, and shall demonstrate that proper disbursement controls are in place (signatures for approval, purchase orders, receipts, invoices, bids or quotes, reimbursement forms, travel forms, journal entries, reconciliations, etc.).
  - a. Quotes shall contain the following information:
    - (1) Date received or dates that the quoted price is valid and delivery date
    - (2) Company name and address
    - (3) Each item, description or specifications, unit, total price, and quantity listed
    - (4) Shipping and freight charges
    - (5) Salesperson and contact information
    - (6) Vendor, LEA employee name and position
  - b. Quotes may be obtained and documented by printing pages from a website; however, all of the quote elements must be documented. Better prices are usually obtained by contacting vendors directly. Telephone quotes must be documented and include all quote elements. Written quotes shall be requested on vendor's letterhead.
8. Bank and credit card statements shall be reviewed and accounts reconciled in a timely manner. Activity accounts shall be reviewed quarterly by the custodian of the activity.
9. The school or LEA must comply with applicable LEA and state purchasing laws.
10. Expenditures will follow the guidelines outlined in the State Procurement Code (Utah Code 63G-6a) and federal purchasing laws, or the school or LEA will adopt stricter policies (see Decision Chart for Purchasing Thresholds).
11. Contracts must follow guidelines outlined in the State Procurement Code, specifically regarding the length of multi-year contracts [Utah Code 63G-6a-1204(7)].
12. Construction and improvements must comply with the provisions of the State Procurement Code (Utah Code 63G-6a), Utah Code concerning school construction (Utah Code 53A-20), the Utah State School Board Administrative Rules, and Title IX.
13. Exclusive contracts must comply with the guidelines outlined in the State Procurement Code (Utah Code 63G-6a), the LEA's procurement policy, and the Utah Public Officers' and Employees' Ethics Act (Utah Code 67-16).
14. Purchases of goods or services with LEA funds for personal use or personal gain are strictly prohibited; see the Utah Public Officers' and Employees' Ethics Act (Utah Code 67-16).
15. Multi-year contracts must comply with Utah Code 63G-6a-1204.

## B. LEA Procurement Thresholds



The LEA's procurement policy shall be followed for all qualifying purchases of goods or services. The procurement policy shall include the basic items:

**1. Small Purchases**

- a. The "individual procurement threshold" for the LEA is \$1,000. This is the maximum amount that the LEA can expend to obtain a single item/service from one vendor at one time without requiring competitive purchasing (Utah Code 63G-6a-408, Administrative Code R33-4).
- b. The "single procurement aggregate threshold" for the LEA is \$5,000. This is the maximum amount that the LEA can expend to obtain any combination of individual procurement items/services costing less than \$1,001 from one vendor at one time up to \$5,000. (Utah Code 63G-6a-408, Administrative Code R33-4).
- c. The "annual cumulative threshold" for the LEA is \$50,000. This is the maximum total annual amount that the LEA can expend to obtain individual procurement item(s) costing less than \$1,001 purchased from the same vendor during the fiscal year (July 1 – June 30) not to exceed \$50,000. If a purchase exceeds \$50,000, it is not considered a small purchase and shall be processed through a bidding process or a request for proposal (RFP) process (Utah Code 63G-6a-408 and Administrative Code R33-4).
- d. Professional services, such as architectural, engineering, accounting, legal, or consulting services costing less than \$50,001 may be awarded by direct negotiation after the LEA has reviewed the qualifications of at least two professional service providers. Services costing \$50,001 - \$100,000 shall be acquired by obtaining a minimum of two quotes. Services costing greater than \$100,000 shall be obtained using a competitive bidding or RFP process. The threshold for utilizing an approved vendor list for professional services is \$100,000. A vendor is selected from a prequalification of potential bidders and approved potential vendor list created using an invitation for bids or an RFP under provisions in Utah Code 63G-6a-403 and 404 (Administrative Code R33-4).
- e. Small construction projects:
  - (1) Costing less than \$25,001 may be procured by direct award without seeking competitive bids or quotes after documenting that all applicable building code approvals, licensing requirements, permitting and other construction related requirements are met.
  - (2) Costing between \$25,001 and \$80,000 may be procured by obtaining a minimum of two (2) competitive bids or quotes that include minimum specifications and be awarded to the contractor with the lowest bid or quote that meets the specification after documenting that the requirements are met from (1).
  - (3) Costing more than \$80,000 are not considered small construction projects and must follow the requirements outlined in Utah Code 53A-20.

**2. Recurring Purchase Over Annual Cumulative Threshold**

- a. If purchases from the same vendor are ongoing, continuous, and regularly scheduled, and exceed the annual cumulative threshold of \$50,000 during the fiscal year, a contract shall be utilized if feasible [Utah Code 63G-6a-408(6)].

**3. Artificially dividing a purchase:**

- a. Utah Code 63G-6a-408 makes it unlawful to intentionally divide a procurement purchase into one or more smaller purchases to divide an invoice or purchase order into two or more invoices or purchase orders, or to make smaller purchases over a period of time.
  - (1) This means that intentionally splitting a purchase of similar items that would typically be purchased at the same time from the same vendor to avoid requiring competitive quotes is unlawful (.e.g., uniforms, club or athletic equipment, textbook orders, etc.). This includes dividing the purchases or invoices over a short period of time, or making separate purchases over a period of time. Purchase splitting often occurs when making purchases on a purchase card. Employees shall not split invoices to stay under daily purchase limits on purchase cards or the established purchasing thresholds.
  - (2) It may be determined after an order is placed or received that a large enough quantity was not ordered or the correct sizes were not obtained, and that additional items must be ordered. If this occurs, the employee initiating the purchase must include a written explanation of the purpose of the purchase and justification as to why it is not considered splitting a purchase. This shall be retained with the vendor invoice.

- (3) Penalties for violating this statute are outlined in Utah Code 63G-6a-408. Penalties range from a class B misdemeanor to a second degree felony, depending on the total value of the divided procurements.

**4. Hospitality Gifts, Gratuities, Kickbacks, or Position and Influence:**

- a. **“Contract administration professional”** means an individual who is directly under contract with a LEA or employed by a person under contract with a LEA and has responsibility in developing a solicitation or grant, or conducting the procurement process; or supervising or overseeing the administration or management of a contract or grant. This does not include an employee of the LEA. (Utah Code 63G-6a-2402).
- b. **“Procurement professional”** means an individual who is an employee, and not an independent contractor, of a LEA, and who, by title or primary responsibility has procurement decision making authority and is assigned to be engaged in or is engaged in the procurement process or the process of administering a contract or grant, including enforcing contract or grant compliance, approving contract or grant payments, or approving contract or grant change orders or amendments. Procurement professional excludes:
  - (1) Any individual who, by title or primary responsibility, does not have procurement decision making authority;
  - (2) The CAO, business administrator, principal, or vice principal of the LEA, or the chief assistant or deputy of the CAO, business administrator, principal, or vice principal (Utah Code 63G-6a-2402).
- c. **“Hospitality gift”** means a token gift of minimal value, including, a pen, pencil, stationery, toy, pin, trinket, snack, beverage, or appetizer, given for promotional or hospitality purposes. This does not include money, a meal, admission to an event for which a charge is normally made, entertainment for which a charge is normally made, travel, or lodging (Utah Code 63G-6a-2402).
  - (1) Utah Code 63G-6a-2404 states that it is unlawful for a person to give or receive, offer to give or receive, or promise or pledge to give or ask for a promise or pledge of, a hospitality gift if:
    - (a) the total value of the hospitality gift is less than \$10; and
    - (b) the aggregate value of all hospitality gifts from the person to the recipient in a calendar year is less than \$50.
  - (2) Any hospitality gift exceeding the \$10 and \$50 threshold is considered a gratuity, and the provisions below apply.
- d. **“Gratuity”** means anything of value given without anything provided in exchange or in excess of the market value of that which is provided in exchange, including a gift or favor, money, a loan at an interest rate below the market value or with terms that are more advantageous to the borrower than terms offered generally on the market, anything of value provided with an award (other than a certificate, plaque, or trophy), employment, admission to an event, a meal, lodging, travel, entertainment for which a charge is normally made, and a raffle, drawing for a prize, or lottery.
  - (1) Gratuity does not include:
    - (a) An item, including a meal in association with a training seminar, that is:
      - (i) Included in a contract or grant; or
      - (ii) Provided in the proper performance of a requirement of a contract or grant;
    - (b) An item requested to evaluate properly the award of a contract or grant;
    - (c) A rebate, coupon, discount, airline travel award, dividend, or other offering included in the price of a procurement item;
    - (d) A meal provided by an organization or association, including a professional or educational association, an association of vendors, or an association composed of public agencies or public entities, that does not, as an organization or association, respond to solicitations;
    - (e) A product sample submitted to a public entity to assist the public entity to evaluate a solicitation;
    - (f) A political campaign contribution;
    - (g) An item generally available to the public; or
    - (h) Anything of value that one public agency provides to another public agency (Utah Code 63G-6a-2402).
  - (2) Utah Code 63G-6a-2404 makes it unlawful:
    - (a) For a person who has or is seeking a contract with or a grant from a public entity knowingly to give, or offer, promise, or pledge to give, a gratuity to the LEA, a procurement

- professional or contract administration professional, or an individual who the person knows is a family member of an individual.
- (b) For a “procurement professional” or “contract administration professional,” or a family member of either, knowingly to receive or accept, offer or agree to receive or accept, or ask for a promise or pledge of, a gratuity from a person who has or is seeking a contract with or a grant from a public entity.
  - (c) Penalties for violating this statute are established in *Utah Code* 63G-6a-2404 2407. Individuals will adhere to these penalties and report violations to the attorney general’s office, as required by statute.
- (3) Penalties range from a class B misdemeanor to a second degree felony and individuals are subject to disciplinary action up to and including dismissal from public employment or return the value of the unlawful gratuity.
- e. **“Kickback”** means a negotiated bribe in connection with a procurement or the administration of a contract or grant; and does not include items in subsection 4.e.(1) (*Utah Code* 63G-6a-2402). *Utah Code* 63G-6a-2404 makes it unlawful:
- (1) For a person who has or is seeking a contract with or a grant from a public entity knowingly to give, or offer, promise, or pledge to give, a kickback to the LEA, a procurement professional or contract administration professional, or an individual who the person knows is a family member of an individual.
  - (2) For a “procurement professional” or “contract administration professional,” or a family member of either, knowingly to receive or accept, offer or agree to receive or accept, or ask for a promise or pledge of, a kickback from a person who has or is seeking a contract with or a grant from a public entity.
  - (3) Penalties for violating this statute are established in *Utah Code* 63G-6a-2404 and 2407. Individuals will adhere to these penalties and report violations to the attorney general’s office, as required by Statute. Penalties range from a class B misdemeanor to a second degree felony and individuals are subject to disciplinary action up to and including dismissal from public employment or return the value of the unlawful kickback.

## Cash Disbursements Model Procedures

### C. General Model Procedures

1. The LEA’s tax exempt status number shall only be used in conformity with the Utah State Tax Commission guidelines.
2. The LEA has designated the State Procurement Code as its purchasing policy.
3. If an outside entity reimburses employee expenses (meals, travel, etc.), these expenses shall not be submitted to the LEA for reimbursement.
4. No disbursing of funds is to be done in other offices or at unapproved off-site activities or functions.
5. Purchases of goods or services for personal use or personal benefit of any amount are strictly prohibited.
6. Any purchases shall be equitable for both male and female students and comply with Title IX.

### D. Procurement Decision Tree

#### How does an employee initiate a purchase?

1. Is the purchase available from a state agency or a state cooperative contract? If so, you are encouraged to purchase the item from the agency or state contract. If not, follow the decision chart below.
2. *If the total purchase is between:*
  - a. **\$0-\$1,000**  
The purchaser may select the best source without seeking competitive quotes. The signature of the requestor and immediate supervisor (or authorized business officer for department or administration) are required on the purchase order or check request form. If the purchase is made using an LEA credit/purchase card, the employee shall follow the credit/purchase card policy below.
  - b. **\$1,001-\$5,000**  
The purchaser shall obtain at least two (2) competitive quotes and purchase item/service from the supplier

offering the lowest quote meeting specifications. Quotes must be attached to the purchase documentation and maintained as part of the LEA's records. The signature of requestor, immediate supervisor (or authorized business officer for the department), and business administrator are required on the purchase order or check request form.

c. **\$5,001-\$10,000**

The purchaser shall obtain at least two (2) competitive quotes and purchase item/service from supplier offering the lowest quote meeting specifications. Quotes must be attached to the purchase documentation and maintained as part of the LEA's records. The signature of requestor, immediate supervisor (or authorized business officer for the department), and business administrator are required on the purchase order or check request form.

d. **\$10,001-\$50,000**

The purchaser shall obtain at least two (2) competitive quotes and purchase item/service from supplier offering the lowest quote meeting specifications. Quotes must be attached to the purchase documentation and maintained as part of the LEA's records. Completed bids and an approved purchase order shall be sent to LEA purchasing for initiation and purchase. The signature of requestor, immediate supervisor (or authorized business officer for the department), and business administrator for the LEA are required on the purchase order or check request form.

e. **Greater than \$50,001**

The LEA shall enter into a competitive bid process or RFP in compliance with Utah Code 63G-6a sections 601-612 and 701-711 and Administrative Code R33-6 and R33-7, or use a prequalification of potential vendors and an approved vendor list with an invitation for bids or an RFP in compliance with Utah Code 63G-6a-403 and 404. The bid or RFP process shall be managed by LEA purchasing. If a bid process is utilized, select the lowest responsive and responsible bidder that meets the objective criteria described in the invitation to bid. If an RFP process is utilized, select the responsive and responsible offeror with the highest total score. Supporting documents must be retained and maintained as part of the LEA's records. The signature of the requestor, immediate supervisor (or authorized business officer for the department), business administrator, and CAO of the LEA are required for final approval. If the purchase is greater than \$99,999, the signature of the LEA's board is also required for final approval.

f. **Less than \$100,001 for professional services**

When acquiring professional services such as accounting, legal, consulting, architectural, or engineering goods or services valued less than \$100,001; the LEA shall follow the associated small purchasing thresholds as outlined in R33-4. LEAs must review the qualifications of a minimum of two professional service providers or consultants and directly negotiate for up to \$50,000. A minimum of two quotes must be obtained for services \$50,001 - \$100,000. Contracts or purchases from an approved vendor list may not exceed \$100,000.

g. **Small construction projects**

- (1) Costing less than \$25,001 may be procured by direct award without seeking competitive bids or quotes after documenting that all applicable building code approvals, licensing requirements, permitting and other construction related requirements are met. The signature of the requestor, immediate supervisor (or authorized business officer for the department), business administrator, and CAO of the LEA are required for final approval.
- (2) Costing between \$25,001 and \$80,000 may be procured by obtaining a minimum of two (2) competitive bids or quotes that include minimum specifications and be awarded to the contractor with the lowest bid or quote that meets the specification after documenting that the requirements are met from (1). The signature of the business administrator and CAO of the LEA are required for final approval.
- (3) Costing more than \$80,000 are not considered small construction projects and must follow the requirements outlined in Utah Code 53A-20, and the board shall advertise for bids at least 10 days before the bid due date. The signature of the business administrator, CAO of the LEA, and the LEA's board are required for final approval.

h. **Greater than \$100,000 for professional services**

The LEA shall enter into a competitive bid process or RFP in compliance with Utah Code 63G-6a sections 601-612 and 701-711. The bid or RFP process shall be managed by LEA purchasing. If a bid process is utilized, select the lowest responsive and responsible bidder that meets the objective criteria described in the invitation to bid. If an RFP process is utilized, select the responsive and responsible offer or with the

highest total score. Supporting documents must be retained and maintained as part of the LEA's records. The signature of the business administrator, CAO, and LEA's board are required for the invitation to bid or RFP.

(Please see the Decision Chart for Purchasing Thresholds)

**E. Sole Source**

1. Sole source procurement shall only be used if a product or service is unique and can be easily proven as one of a kind, offered by only one vendor. If there is more than one potential bidder or offer or for a particular item, sole source does not apply. All sole source determinations must be completed through the LEA purchasing department.
2. All sole source requests estimated to be \$50,000 and above must be posted for public comment, in accordance with Utah Code 63G-6a-802 and 406.
3. Sole source justification shall be documented according to Utah Code 63G-6a-802 and be approved by administration.

**F. Credit/Purchase Cards**

1. All credit/purchase cards shall be kept secured and controlled by the accounting/front office with limited access. PIN numbers shall be kept secured.
2. Card users shall follow LEA and state purchasing policies and comply with the Utah State Tax Commission's guidelines regarding the LEA's tax exempt status number.
3. Purchases exceeding \$1,000 made using the credit or purchase card shall be pre-approved, using an expenditure authorization form, prior to making the purchase.
4. If a card is issued to the LEA as a whole, a log shall be kept documenting which employee checked out the card and the period of time the card was checked out. Receipts shall be retained for all purchases and turned into the accounting/front office. Card reconciliations shall be performed monthly to ensure all receipts are present and all purchases have been made in accordance with LEA and state policy.
5. If cards are assigned to specific employees, the card user shall retain all receipts for purchases made with public funds. The card user shall review and reconcile the card statement activity each month and attach all receipts to the card statement. The card user shall sign their card statement certifying that all purchases have been made in accordance with LEA and state policy.
6. Administration (or designee) must review each card holder's statement, along with all receipts, for approval. Approval shall be documented.
7. An employee with oversight over the card user(s) shall be responsible for providing authorization.
8. Individual expenditures made on purchase or credit cards shall be recorded in the school or LEA's accounting records according to the approved NCES chart of accounts. The issuance of a check or an electronic funds transfer to pay the monthly card statement balance shall be documented and approved by administration prior to issuance.
9. ATM transactions, cash advances, or personal use are strictly prohibited.
10. Violation of purchase card policy, including not retaining documentation of purchases or making personal purchases, may result in card cancellation, disciplinary action, or criminal prosecution.
11. Transaction, daily, or monthly limits will be established based on purchasing authority.
12. Administration or employees designated by the LEA will develop an internal review plan to periodically select credit/purchase card statements to verify that LEA policies and procedures are being followed, and that purchases are appropriate, documented, and coded to the proper funding sources.
13. If the card is lost or stolen, immediately contact the appropriate authority.
14. Teacher Purchase card responsibility. Teachers are issued a school credit card to purchase supplies for the school year. Teachers have to sign the following when issued their school credit card:

"I am signing this form stating that I have received my Teacher Purchase Card. By signing this form I am agreeing that I have accepted this card under the following conditions: This card is to be used for SCHOOL use only. I will manage receipts and statements per school policy and under the direction of Administration. I also agree that if I choose to purchase non-school related items with this card I will also be responsible for the balance, which will be taken from my paycheck. Multiple fraudulent purchases will result in suspension of card and loss of privileges. I understand that I could also face disciplinary actions and possible criminal charges."

## **G. Travel**

### **1. Mileage**

- (a) Mileage reimbursement forms must be completed by employees within 45 days of return from travel. The form must include the dates and purpose of travel, destination(s), time of departure and return, and Mileage.
- (b) A travel authorization form must be completed prior to registration for conferences and events, and approved by the employee's immediate supervisor. The form must include the dates and purpose of travel, destination, estimate of travel cost, lodging and per diem costs. Supporting documentation is required for each traveler. Each traveler must complete an authorization form. Authorizations must be approved prior to purchase or booking of any travel arrangements. In-state travel must be approved by the employee's immediate supervisor. An administrator or board employee's immediate supervisor may be the CAO or board chair.
- (c) Out-of-state travel must be approved by immediate supervisor and applicable administrator. An administrator or board employee's immediate supervisor may be the CAO or board chair.

### **2. Travel Reimbursement**

- (a) A travel reimbursement form must be completed within 30 days of return from travel. Lodging, airfare, taxi, parking, or other transportation and baggage fees paid by the employee require receipts to be reimbursed. Expenditures not supported by receipts will not be reimbursed, unless expressly approved by the supervisor in extraordinary circumstances. Per diem reimbursement requests must be included on the travel reimbursement form or on a completed mileage log. Conference agendas, completed mileage logs, or other documentation supporting times of departure and return are required for per diem meal reimbursements (see state travel per diem schedule). It is the policy of the LEA to reimburse food on a per diem rate rather than by actual costs.

## **H. Reimbursement Requests**

1. Employees seeking reimbursement for LEA expenditures made with employee funds must complete a reimbursement request form, which is signed by the requestor and approved by the employee's immediate supervisor. An administrator's or board employee's immediate supervisor may be the CAO or board chair.
2. Supporting documentation, including detailed receipts and justification for departure from the standard purchase order process, is required. Authorization must be documented by the immediate supervisor.

## **I. Purchase Orders**

1. An expenditure authorization form (purchase order or requisition) is required for all purchases. Employees initiating an expenditure shall complete the authorization form, including documentation of any required quotes, **before** a purchase is initiated. The completed form and documentation shall be submitted to the immediate supervisor or designated business officer for the department.
2. The designated business officer for the department will review completed expenditure authorization forms and any supporting quotes and approving the purchase. This approval signature is required prior to the initiation of a purchase.
3. Shipment of goods shall be addressed and delivered to the LEA.
4. Invoices and complete packing slips shall be initiated by the receiver of the goods, indicating that all goods were received and that payment shall be processed.
5. The accounting/front office shall compare invoices and packing slips to the expenditure authorization form prior to processing payment (see LEA Issuance of checks).

## **J. LEA Issuance of Check**

1. All checks, check stock, access to bank accounts, and bank statements shall be kept secured and controlled by the accounting/front office with limited access. Passwords shall be kept secured and changed periodically.
2. An employee who does not have the ability to issue checks shall review the issued check and accompanying supporting documentation to ensure all policies and procedures are followed prior to signing the check

3. Each disbursement shall be substantiated with supporting documentation, such as a purchase order, invoice, receipts, quotes (according to the procurement policy above), reimbursement forms, shipping documents, contracts, travel forms, etc. All expenditures shall be recorded in the LEA's accounting records using the NCES chart of accounts, or under the LEAs roll-up process to convert to the NCES chart of accounts.
4. Signature stamps shall not be utilized, and blank checks or checks made payable to "cash" or "bearer" shall never be signed.
5. Endorsed checks shall be mailed by an employee outside of the cash disbursement process, if possible.
6. It may be necessary to void a check. If this occurs, the word "VOID" shall be written on the check, and the actual check shall be retained.

**K. Journal Entries/Electronic Fund Transfers**

1. All electronic fund transfers and journal entries shall be kept secured and controlled by the accounting/front office with limited access. Passwords shall be kept secured and changed periodically.
2. Each journal entry or electronic fund transfer shall be substantiated by supporting documentation.
3. Each journal entry or electronic fund transfer shall be recorded in LEA's accounting records.
4. Administration or an individual without cash disbursement duties shall document approval of journal entries or electronic fund transfers.
5. Monthly, the LEA's audit committee or designee shall review and approve the journal entries and electronic fund transfers.

**L. Review process**

1. Monthly, bank reconciliation(s) shall be performed on all LEA-approved accounts, including credit card transactions. If the bank reconciliation is completed by someone who has access to the accounting system and the bank accounts, it shall be reviewed and approved by another person, such as the principal or director, business administrator, or a member of the audit committee or board.
2. Monthly, administration shall review bank statements and bank reconciliations, as well as credit card statements, and document the review and approval. The LEA's audit committee or LEA management shall ensure that monthly bank reconciliations and credit/purchase card statement reconciliations are occurring.
3. A check register shall be reviewed when signing checks to ensure all disbursements are reviewed and approved.
4. Periodically, administration or designated members of management shall review cash disbursements to verify that all LEA and State policies and procedures are being followed.

**M. Title I Purchases**

1. Any items purchased with Title I funding must have a certificate of affixation crediting Title I.

**N. Public School General Requirements: Budgets (Board Approved 6/2021)**

1. At the annual June board of directors meeting, a budget hearing will be held to approve the next year's budget and to set the fee schedule.

**O. LEA Fiscal and Auditing Policies**

1. Pinnacle will comply with all reporting requirements of the Utah Public Finance Website in 63A-1-Part 2.

**P. Federal Education Agreement**

1. Pinnacle will abide by Utah Code 53E-3-804, Governor to approve federal education agreements or national programs.
  - (a) Before legally binding the state by executing a federal education agreement or national program that may cost education entities more than \$500,000 annually from state and local money to implement, a school official shall submit the proposed federal education agreement or national program to the governor for the governor's approval or rejection.

- (b) The governor shall approve or reject each federal education agreement or national program
- (c)
  - (1) If the governor approves the federal education agreement or national program, the school official may execute the agreement.
  - (2) If the governor rejects the federal education agreement or national program, the school official may not execute the agreement.
- (d) If a school official executes a federal education agreement or national program without obtaining the governor's approval under this section.

**Q. Construction Projects**

- 1. Pinnacle will report monthly on all construction projects through state-mandated requirements.



# APPENDIX J: MEDICAL TREATMENT POLICY

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## **Consent to Medical Treatment**

The school in which a minor student is enrolled may consent to medical treatment of that student provided: the person having the power to consent as otherwise provided by law cannot be contacted, actual notice to the contrary has been given by that person.

## **Form of Consent**

Consent to medical treatment under this policy shall be in writing, signed by the school official giving consent, and given to the doctor, hospital, or other medical facility that administers the treatment.

## **Administering Medication**

Employees of the Pinnacle may administer medication to a student during periods when the student is under the control of the school, subject to the following conditions:

- Pinnacle has received a current written and signed request to administer the medication during regular school hours to the student from the parent, legal guardian, or other person having legal control of the student.
- The student's physician has provided a signed statement describing the method, amount, and time schedule for administration, and a statement that administration of medication by school employees during periods when the student is under the control of the school is medically necessary.
- Oral, topical, and inhalant medication may be administered by assigned school personnel. Medications requiring other routes of administration will not be given by school personnel except in emergency situations with the exception of glucagon, see policy below. In non-emergency situations, medications requiring other routes of administration must be given by a registered nurse with the exception of glucagon, see policy below.
- All medication that is to be given at school, with the exception of medication that is required in an emergency situation, must be furnished by the parent or guardian and delivered to the school by a responsible adult.
- All prescription medication must be in the original container labeled by the pharmacy with the name of the student, the name of the physician, the name of the medication, the amount given (dose), and the duration of the treatment. Over-the-counter medication must be in the original bottle and labeled with the student's name.
- All medication provided to the school is to be kept in a secure location.
- When possible, one person shall be assigned the responsibility of administering student medication.
- A record including the type of medication, amount, and the time and day it was administered must be kept for each student receiving medication at school. The person administering the medication must sign the record each time medication is given.
- Elementary and middle school students are not to carry or self-administer medication on school premises unless it is expressly ordered by the student's physician because of life threatening circumstances including, but not limited to, asthma medication, diabetes medication, glucagon and epinephrine.
- Authorization for administration of medication by school personnel may be withdrawn by the school at any time following actual notice to the student's parent or guardian.
- School personnel who provide assistance under this policy in substantial compliance with the physician's or dentist's written statement and Pinnacle is not liable, civilly or criminally, for any adverse reactions suffered by the student as a result of taking the medication or discontinuing the administration of the medication pursuant to this policy.

## **Authorized Employees**

In consultation with the Department of Health and school nurse, Pinnacle or designee shall provide for:

- Designation of employees who may administer medication.
- Proper identification and safekeeping of medication.
- Training of designated employees.
- Maintenance of records of administration.

## **Administration of Glucagon**

- A. A glucagon authorization shall include a signed statement from a parent or guardian of a student with diabetes:
- Certifying that glucagon has been prescribed for the student.

- Requesting that the student’s public school identify and train school personnel who volunteer to be trained in the administration of glucagon
  - Authorizing the administration of glucagon in emergency situations to the student.
- B. After receiving a glucagon authorization from a student’s parent or legal guardian the school shall:
- Within a reasonable time, train at least one school personnel who volunteer to be trained in the administration of glucagon, with training provided by the school nurse or another qualified, licensed medical professional
  - Allow all interested personnel to receive training in the administration of glucagon. Training shall include: techniques for recognizing the symptoms that warrant the administration of glucagon, standards and procedures for the storage and use of glucagon, and other emergency procedures, including calling 911, and contacting, if possible, the student’s parent or guardian.
  - Retain for reference the written materials prepared for training personnel
  - Permit a student and/or school personnel to possess or store prescribed glucagon so that it will be available for administration in an emergency.
- C. A person who has received glucagon administration training may administer glucagon at the school or school activity to a student with glucagon authorization if:
- The student is exhibiting the symptoms that warrant the administration of glucagon
  - A licensed healthcare professional is not immediately available.
- D. A person who administers glucagon in accordance with this policy shall direct a responsible person to call 911 and take other appropriate actions in accordance with his or her glucagon administration training.
- E. Pinnacle personnel who provide or receive training under this policy and pursuant to Utah Code Ann. 53A-11-603 and act in good faith are not liable in any civil or criminal action for any act taken or not taken with respect to the administration of glucagon.

**Civil Liability Immunity**

Pinnacle personnel shall substantially comply with the physician’s or dentist’s written statement in order that they may take full advantage of the immunity from liability granted under Utah Code Ann. 53-A-1160(3).

## **APPENDIX K: PINNACLE ATHLETIC POLICY**

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Pinnacle Schools participates in athletics through both the Castle Valley Athletic Association and Utah High School Activities Association and abides by all rules set forth by each association. Students can gain critical life skills through participation in athletic programs and the goal for each Pinnacle team is to create an atmosphere of dedication, discipline and good sportsmanship where coaches and students work together while adhering to the Athletic Department Policy.

### **ACADEMIC AND BEHAVIOR STANDARDS**

Pinnacle athletes are students first and must maintain academic eligibility in order to participate fully. Athletes will maintain a minimum grade point average of at least 2.0 on a 4.0 grade point average (per UHSAA requirements) and any athlete with two failing grades during the preceding grading period will not be able to play on a high school team per UHSAA rules. Fourth quarter grades will determine eligibility for the subsequent school year's Fall sports (baseball, volleyball and cross country). Students will be able to make up fourth quarter grades during the summer as long as the grades are made up before tryouts for fall sports. Each week, student athletes will show their current grade summary to their coach. The Athletic Director will pull an official grade summary every two weeks to determine player eligibility.

Behavior also affects eligibility. Student athletes will be respectful to all other players, coaches and officials demonstrating good sportsmanship in practices and games as they represent Pinnacle Schools. Athletes will also be respectful to all Pinnacle teachers and staff. Students with one U or two N's will not be eligible to participate until the citizenship grade is brought up to satisfactory. Student athletes will not play with a U in the current quarter. Disrespect in any form will not be tolerated. Eligibility can be affected if a student athlete sluffs classes/assemblies, bullies or hazes others, is disruptive at school, commits theft or vandalizes personal or public property while at school.

Failing grades and poor citizenship must be brought up one day before any games in order for students to participate. Students who are repeatedly ineligible due to failing grades and/or poor citizenship may be declared ineligible and potentially dismissed from the team.

### **ATTENDANCE**

State law requires mandatory student attendance at school. The coach shall be notified as soon as possible if athletes are unable to attend practices or games. Emergencies, such as a death in the family or major sickness, are excused but it is the student's responsibility to contact their coach as soon as possible. Coaches have complete discretion for playing athletes who miss school on game days or are absent the day after a game. All other exceptions will be evaluated on a case-by-case basis and must be approved in advance. Student athletes are expected to be punctual and attend 100% of all team functions.

Any athlete that doesn't attend and participate in qualifying Region and/or State events will be kicked off the team, will return and pay for all uniforms and team clothing, will not be eligible for athlete of the year, will not attend the sports banquet and will be assessed a \$100 fine.

### **COMMUNICATION**

Open, honest and respectful communication is critical to our success as an Athletic Department. Athletes with concerns shall speak to their coaches first. Parents with concerns shall speak first with their athlete first and then approach the coach. Parents will not approach coaches before or after a game/match but shall arrange a meeting to discuss the issue. Coaches will not discuss an athlete's playing time. If parental concerns are not resolved, then the parent may arrange a meeting with the Athletic Director. If concerns remain unresolved, a meeting between the parents, Athletic Director and Administration can then be arranged.

### **SPORTSMANSHIP**

Pinnacle Schools believes in modeling and promoting character education. Good sportsmanship follows good character. The UHSAA handbook states that "the concept of sportsmanship shall be taught, modeled, expected and reinforced in the classroom and in all competitive activities." Administrators, coaches, parents and athletes shall read the UHSAA

Sportsmanship Handbook found online. Per the UHSAA Handbook, “any coach, athlete or bench personnel ejected by an official shall be suspended from the next regularly scheduled game at that level of play.” All other violations will be handled based on the guidelines from UHSAA. Athletes may not appeal an ejection. Unsportsmanlike behavior from any parent or guardian at games or practices (including confronting coaches and/or officials) will result in their being removed from the gym/field and/or their athletes being benched or potentially removed from the team. As of May 2013, the Castle Valley Association instituted the policy that coaches who are ejected from a game receive a one game suspension. Games and practices can become heated during play and while some physical contact occurs in sports, no deliberate acts of violence or injury are ever acceptable on the field/court.

### **TOBACCO/ALCOHOL/DRUG POLICY**

Student athletes are required to follow Pinnacle’s policies regarding the prohibition of alcohol, tobacco, vaping and illegal use of drugs. Student athletes may be drug tested at any point during the season. Student athletes who fail a drug test, cheat on or tamper with a drug test will be removed from the team. Student health and safety is a priority at Pinnacle Schools and Pinnacle’s ZERO TOLERANCE POLICY supersedes UHSAA drug and alcohol policies.

### **CONCUSSIONS**

Pinnacle will follow state policy regarding concussions (<https://www.uhsaa.org/SportsMed/ConcussionManagementPlan.pdf>). Parents will be notified as soon as possible about any head injuries that occur. Student athletes who receive a concussion during any practice or game will need to complete the clearance paperwork found online at the UHSAA website at <http://www.uhsaa.org/new/images/forms/ConcussionReleaseForm.pdf> and must be medically cleared by a doctor prior to resuming practice and/or play.

### **VARSITY LETTERING**

Students who earn a varsity letter in a sport must meet the following requirements:

#### **VOLLEYBALL**

- Complete the entire season as an active team member by contributing as much as possible toward the success of the team.
- Attend all games and practices unless excused by the coach (having to work instead of attending practice will be considered an unexcused absence as athletes have known for months that they are to plan work schedules around volleyball).
- To letter at the varsity level a student athlete must play in 75% of available games for that season (12/16 games).
- Athletes must exhibit good sportsmanship and behavior toward players, coaches and officials at all times.
- The coach has the right to waive such requirements when they are affected by injury.

#### **BASEBALL**

- Athletes must play in at least 28 innings (4 games total) of a varsity game or make the team as a senior.
- Athletes must be in good academic standing during the quarters that the athlete participates in that sport.
- Athletes shall have good character and be a positive influence to those around them both on and off the field.

#### **CROSS COUNTRY**

- An athlete must compete in (5) five of the invitational meets finishing in the top three positions on the Pinnacle team in at least (3) meets
- An athlete who finished in the top (6) scoring places in at least ( 5 ) meets
- An athlete who finished in the top three overall results of any individual or region meet or qualifies to compete in the state meet as a team or individual
- An Athlete who participates in every regular season meet and at region meet and/or who makes the team as a senior and competes in at least 5 meets

#### **GIRLS BASKETBALL**

- Athletes must play in at least 30 quarters of a varsity game or make the varsity team as a senior.
- Athletes must regularly attend ALL classes and be in good academic standing.
- Athletes must have good character.

#### BOYS BASKETBALL

- Athletes must play in at least 20 quarters (5 games total) of a varsity game or make the team as a Senior.
- Athletes must be in good academic standing during the quarters that the athlete participates in that sport.
- Athletes shall have good character and be a positive influence to those around them both on and off the court.

#### BOYS AND GIRLS GOLF

- Athletes must play in at least 3 golf matches or make the team as a Senior.
- Athletes must be in good academic standing during the quarters that the athlete participates in that sport.
- Athletes shall have good character and be a positive influence to those around them both on and off the course.

#### BOYS AND GIRLS TRACK

- An athlete must compete in (5) five of the invitational meets finishing in the top three positions on the Pinnacle team in at least (3) events, or meets, or
- Finish in the top three overall results of any individual meet or region meet or who qualifies to compete in the state meet in a team or individual event.
- An Athlete who participates in every regular season meet and at the region meet and/or who makes the team as a senior and competes in at least 5 meets.

### RESPONSIBILITIES

The **Athletic Director** is responsible for player eligibility, scheduling, ordering, maintenance of athletic facilities and coordination with the Administration of all issues regarding athletics. The AD will represent Pinnacle at all association meetings, coordinate training of the coaching staff, assist with Senior Night as needed, attend all parent meetings, maintain inventories and troubleshoot all athletic events.

Each **Head Coach** will complete all certification requirements for coaching prior to the start of each season. Coaches manage all aspects of their team and will distribute, collect and inventory uniforms and equipment, train and teach fundamentals and skills of the sport, assist with field/court preparation, supervise all team members at all events, supervise all assistant coaches, check student athlete grades weekly, submit scores and results through proper networks and organize the Senior Night and awards banquet. Coaches will model respect while consistently demonstrating good sportsmanship and teamwork.

The **Student Athlete** will follow all academic and citizenship policies, exhibit good sportsmanship at all times, refrain from using profane and obscene language at practices and games, obtain a physical exam (at the participant's expense), and are required to sign the Athletic Responsibility Contract. Students who quit the team or who are ruled ineligible to participate for any reason will be charged the full replacement cost of any shoes, clothing or equipment.

The **Parents/Guardians** of each student athlete are responsible for their athletes' participation ensuring they attend practices and games, contact the coaches if players will be absent, are academically eligible, have been medically cleared to participate, pay any fees necessary and return uniforms/equipment promptly to avoid being charged replacement costs. Parents/guardians are required to sign the Athletic Responsibility Contract for their athlete. Parents/guardians shall model for their athlete appropriate means of communication and shall never "trash talk" about the coaches, players or officials. shall any parent/guardian confront coaches or officials before, during or after a game, the student athlete may be benched for future games and/or dismissed from the team.

### COACHES AND SCHOOL ACTIVITY LEADERS AS SUPERVISORS AND ROLE MODELS (R277-605-3).

Coaches, assistants, advisors and other designated school leaders shall:

- diligently supervise students on the field, court or competitive site, in locker rooms, seating areas, in eating establishments and lodging facilities, and while traveling
- be responsible for a student as long as a student remains on school grounds following a school-sponsored activity, subject to Pinnacle policy, consistent with this rule
- Shall be an exemplary role model and may not use alcoholic beverages, tobacco, controlled substances, or participate in promiscuous sexual relationships while on school-sponsored activities
- Shall act in a manner consistent with Section 53G-8-209 and may not
  - Use foul, abusive, or profane language while engaged ins school related activities
  - Permit hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restrain, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law.
  - Shall complete LEA training on bullying, cyber-bullying, hazing, and retaliation, consistent with Subsection R277-613–4(5).

Coaches who are in violation of the above policy are subject to disciplinary consequences that may include removal from coaching.

**ATHLETIC AND ACTIVITY CLINICS (R277-605-4).**

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

## ATHLETIC RESPONSIBILITY CONTRACT

**ATHLETE'S NAME** [please print]

**SCHOOL YEAR**

**SPORTS** [circle all that apply]

BASEBALL	CROSS COUNTRY	VOLLEYBALL	BASKETBALL	GOLF	TRACK
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I have read the Athletic Policy for Pinnacle Schools and agree to abide by all policies. I understand my responsibilities as outlined in the policy and that I will be held accountable for my actions. By signing this contract, I am giving permission for my student athlete to be drug tested per school policy.

\_\_\_\_\_  
Athlete's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent/Guardian's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Coach's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Athletic Director's Signature

\_\_\_\_\_  
Date

# APPENDIX L: PINNACLE HEALTH, NUTRITION AND WELLNESS POLICIES

## I. Pinnacle Health, Nutrition and Wellness Policy and Rationale

Children need access to healthful foods and opportunities to be physically active in order to grow, learn, and thrive. Good health fosters student attendance and education. Obesity rates have doubled in children and tripled in adolescents over the last two decades, and physical inactivity and excessive calorie intake are the predominant causes of obesity. Heart disease, cancer, stroke and diabetes are responsible for two-thirds of deaths in the United States, and major risk factors for those diseases, including unhealthy eating habits, physical inactivity, and obesity, often are established in childhood. Approximately 2% of children (2-19 years) eat a healthy diet consistent with the five recommendations from the Food Guide Pyramid. Nationally, the items most commonly sold from school vending machines, school stores, and snack bars include low-nutrition foods and beverages, such as soda, sports drinks, imitation fruit juices, chips, candy cookies, and snack cakes. Pinnacle has incorporated a closed campus policy—it is imperative that the wellness policy supports an atmosphere that will encourage students to remain in buildings, utilize meal times and contribute to a harmonious atmosphere of allegiance and commonality without unauthorized leaving of the building. Mental health problems affect one in every five young people at any given time, with an estimated two-thirds of all young people with mental health problems not getting the help they need (Department of Health and Human Services). Behavioral health care must include conflict resolution, respect awareness and self-control education. Community participation is essential to the development and implementation of successful school wellness policies. Pinnacle is committed to providing school environments and experiences that promote and protect children’s health, well-being, and ability to learn by supporting healthy eating choices and physical activity. Therefore, it is the policy of Pinnacle that:

- The school will engage students, parents, teachers, food service professionals, health professionals, and other interested community members in developing, implementing, monitoring, and reviewing district-wide nutrition and physical activity policies on a yearly basis each March. This review process will be advertised on the school’s webpage, with flyers sent home and reminders through the school’s automated phone call system. These stakeholders will be given contact information for the school’s Child Nutrition Program manager(s) in the advertising and will be given the link to a Google form on the school’s website where suggestions can be made as well. Each month a lunch calendar is sent home. That calendar will include a notice of how the public can be involved in the reviewing of the Wellness Policy. The Wellness Policy is an annual topic for our school board meetings and the public is always welcome to attend the board meetings. (Revised 3/2019)
- All K-12 students will be encouraged to be physically active and Pinnacle will offer the opportunity and support necessary to make this happen.
- Foods and beverages sold or served at school will meet nutrition recommendations of the U.S. Dietary Guidelines for Americans.
- Qualified child nutrition professionals will provide students with access to a variety of affordable, Nutritious, and appealing foods that meet the health and nutrition needs of students; the district will accommodate and will provide clean, safe, and pleasant settings and adequate time for students to eat.
- To the maximum extent practicable, Pinnacle will participate in available federal school meal Programs (including the School Breakfast Program, National School Lunch Program [including after-school snacks]).
- School will provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity, and will establish linkages between health education and school meal programs.
- School will provide mental health awareness/support to students.



- The Wellness Policy review process can be accessed on the school webpage ([www.pcaschool.com](http://www.pcaschool.com)) by accessing a link “Wellness Policy.” A Google form has been created to allow the public, students, staff and parents to make suggestions to the school’s Wellness Policy. (Revised 3/2019)
- Pinnacle’s Wellness Policy can be found in the Pinnacle Code, the school’s policy manual, which is located on the school’s webpage ([www.pcaschool.com](http://www.pcaschool.com)). Updates to the policy will be noted with “(Revised month/year)” in the policy manual. (Revised 3/2019)

## II. **Nutritional Quality of Foods and Beverages Sold and Served on Campus**

### **School Meals**

Meals served through the National School Lunch and Breakfast Programs will:

- Be appealing and attractive to children;
- Be served in clean and pleasant settings;
- Meet standard nutrition requirements established by local, state and federal regulations and that foods and beverages sold and served outside of the school meal programs will meet USDA Smart Snacks in School nutrition standards, at a minimum. Foods provided (foods are not sold during the school day) to students during the school day will be consistent with NSLP meal standards and Smart Snack requirements. (Revised 3/2019)
- Offer a variety of fresh fruits and vegetables;
- Offer a variety of low-fat and fat-free milk and nutritionally-equivalent non-dairy alternatives (be defined by USDA)
- Schools shall engage students and parents, through taste-tests of new entrees and surveys, in selecting foods sold through the school meal programs in order to identify new, healthful and appealing food choices. In addition, schools shall share information about the nutritional content of meals with parents and students. Such information shall be made available on menus, the school website, on cafeteria menu boards, or other point-of purchase materials.

### **Breakfast**

To ensure that all children have breakfast, either at home or at school, in order to meet their nutritional needs and enhance their ability to learn:

- Pinnacle will, to the extent possible, participate in the School Breakfast Program.
- Pinnacle will serve breakfast to students and will notify parents and students of the availability of the School Breakfast Program.
- Pinnacle will encourage parents to provide a healthy breakfast for their children through newsletter articles, take-home materials, or other means.

### **Fresh Fruits and Vegetables Program.**

The Fresh Fruits and Vegetable program is funded through USDA.

- It provides free fresh fruits and vegetables throughout the school day in elementary schools. Participating schools are required to publicize the availability of the Program to the student body.
- It teaches students about the importance of good nutrition and promotes the consumption of fresh fruit and vegetables.
- It operates nationwide in selected schools with a high proportion of low-income students.
- It provides State Agencies a specific level of funding and allows them to select schools that meet criteria based on poverty indicators.
- If Pinnacle qualifies for the FFVP program for a specific school year, then students in the elementary school will be given fresh fruits and vegetables sometime during the day in addition to the national school breakfast and national school lunch programs. All students in grades K-6 will be allowed to participate. Students will be encouraged to try the fruit or vegetables provided. The FFVP program will work to provide fruits and vegetables that may be new to the students to encourage them to try new varieties and new produce. The program will be served in the classroom by the classroom teachers. The school will follow all the guidelines set out by USDA and the Child Nutrition program at USBE.

**Free and Reduced-priced Meals.**

Parents and guardians are provided with the Free and Reduced Application information at the annual registration. Upon qualification, a reduced-price breakfast is \$0.30 and a reduced-price lunch is \$0.40. Pinnacle follows all state and federal guidelines and waivers for free and reduced-price meals. Pinnacle will make every effort to eliminate any social stigma attached to, and prevent the overidentification of, students who are eligible for free and reduced-price school meals.

**Sharing of Foods and Beverages.**

Pinnacle will discourage students from sharing their food or beverages with one another during meal or snack times, given concerns about allergies and other restrictions on some children's diets.

**Rewards.**

Pinnacle will limit the use of foods or beverages, especially those that do not meet the nutrition standards for food and beverages sold individually as rewards for academic performance or good behavior, and will not withhold food or beverages (including food served through school meals) as a punishment. Healthy choices will be offered whenever food is given to students as a reward. Non-food items will also be made available as a choice. All foods offered, marketed or promoted on the school campus will meet or exceed the USDA Smart Snacks in School nutrition standards. (2/2019)

<http://www.fns.usda.gov/healtherschoolday/tools-schools-smart-snacks>

**Marketing.**

During school hours, only food and beverages that meet Smart Snack standards will be advertised and marketed.

**III. Nutrition and Physical Activity**

Pinnacle aims to teach, encourage, and support healthy eating by students and staff. Pinnacle shall provide nutrition education and engage in nutrition promotion that: is offered at each grade level as part of a sequential, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote and protect their health; is part of not only health education classes, but also classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects as is outlined by the state core curriculum.

**Integrating Physical Activity into the Classroom Setting.**

For students to receive the nationally recommended amount of daily physical activity (i.e., at least 60 minutes per day) and for students to fully embrace regular physical activity as a personal behavior, students need opportunities for physical activity beyond physical education class. Toward that end: classroom health education will complement physical education by reinforcing the knowledge and self-management skills needed to maintain a physically-active lifestyle and to reduce time spent on sedentary activities, such as watching television; opportunities for physical activity will be incorporated into other subject lessons; and classroom teachers will provide short physical activity breaks between lessons or classes, as appropriate.

**Communication with Parents.**

The school will support parents' efforts to provide a healthy diet and daily physical activity for their children, such as provide nutrient analyses of school menus. Pinnacle shall encourage parents to pack healthy lunches and snacks and to refrain from including beverages and foods that do not meet the above nutrition standards for individual foods and beverages. The school will provide information about physical education and other physical activity opportunities before, during, and after the school day; and support parents' efforts to provide their children with opportunities to be physically active outside of school. Such support will include sharing information about physical activity and physical education through the school's website, newsletter, or other take-home materials, special events, or physical education homework. The school will also pass on information provided by Carbon County Recreation throughout the year.

### **Staff Wellness.**

Pinnacle highly values the health and well-being of every staff member. All staff members are encouraged to participate in Pinnacle's Wellness policy. Each participant selects an annual healthy goal based on physical, mental, or social health needs they choose to work on. Each goal is divided into three benchmarks. When staff complete benchmarks by the specified date, monetary rewards are available. The school provides membership to local fitness centers, as the budget allows. The wellness committee will sponsor a monthly wellness activity, which employees are encouraged to participate in. The goal of the staff wellness policy is to have an overall healthier staff.

### **Physical Education Philosophy/Curriculum Review.**

Physical Education is an integral part of the total educational program and the physical education experience shall be a positive motivational force that will lead the individual to develop a lifestyle that includes physical activity. As such, it must seek to contribute to the overall goals of the wellness policy of which it is a part. Pinnacle's administration in consultation with the physical education teachers, shall assess and review the school's physical education curriculum to determine whether this curriculum is having a positive effect on increasing student wellness and decreasing childhood obesity in the school. Based on those results, the physical education curriculum, and the specific objectives are set to meet school wide goals.

### **Daily Recess.**

All elementary school students will have at least 20 minutes a day of supervised recess, preferably outdoors in a safe and clean environment as overseen by the Principal. During this time, the playground supervisors shall encourage moderate to vigorous physical activity verbally and through the provision of space and equipment for the students. Whenever possible, recess will be given before lunch. Staff shall discourage extended periods (e.g. periods of two or more hours) of inactivity. When activities, such as mandatory school-wide testing, make it necessary for students to remain indoors for long periods of time, staff shall give students periodic breaks during which they are encouraged to stand and be moderately active whenever possible.

### **Safe Routes to School.**

The School will assess safe routes to and from school and, if necessary and to the extent possible, make needed improvements to make it safer and easier for students to walk and bike to school. When appropriate, Pinnacle will work together with local public works, public safety, and/or police departments in those efforts.

### **Complaints Procedure / USDA Nondiscrimination Statement.**

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) shall contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form.

To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov). USDA is an equal opportunity provider, employer, and lender.

**The Chief Administrative Officer or designee(s) will convene and facilitate development of and updates to the wellness policy and will ensure Pinnacle's compliance with the policy.**

Contact the school at (435) 613-8102 to speak to the Chief Administrative Officer, the Business Manager/Child Nutrition Director and/or the Nutrition Secretary.

The District will retain records to document compliance with the requirements of the wellness policy at Pinnacle's administrative offices. Documentation maintained in this location will include but will not be limited to:

- The written wellness policy
- Documentation demonstrating that the policy has been made available to the public
- Documentation of efforts to review and update the Local Schools Wellness Policy including an indication of who is involved in the update and methods of district uses to make stakeholders aware of their ability to participate on the DWC;
- Documentation to demonstrate compliance with the annual public notification requirements;
- The most recent assessment on the implementation of the local school wellness policy;
- Documentation demonstrating the most recent assessment on the implementation of the Local School Wellness Policy has been made available to the public.
- The wellness policy will be assessed and updated as indicated at least every three years, following the triennial assessment.

(Revised 3/2019)

**Pinnacle Nutrition Goals** (Board Approved 6/2021)

Pinnacle has establish nutrition and wellness goals to:

- have 100% participation in the Elementary Fresh Fruits and Vegetable (FFVP) program (when awarded)
- have a minimum 20 minutes of supervised recess for all Elementary students
- 100% participation in required Physical Education classes in the Secondary
- In compliance with all state and federal nutrition guidelines
- Promote student wellness through student participation in other school-sponsored programs such as Aggression Replacement Training, TOPS program, LifeSkills, Drug Prevention programs and Gang prevention programs.

**Professional Standards for hiring School Nutrition Director** (Board Approved 6/2021)

Pinnacle complies with hiring standards for new school nutrition program directors. Per schoolnutrition.org professional standards, Pinnacle's School Nutrition Director (hired on or after July 1, 2015) are subject to the new education requirements as listed on their website. Additionally, at least 8 hours of food safety training is required either not more than 5 years prior to their starting date or completed within 30 calendar days of the employee's start date. Existing School Nutrition Directors will be grandfathered in their current positions as well as in the Student Enrollment category where they are working. (School Nutrition Directors are individuals responsible for the operation of school nutrition for all schools under the education agency (LEA).

For more information:

[https://schoolnutrition.org/uploadedFiles/5\\_Learning\\_Center/10\\_USDA\\_Professional\\_Standards/Professional-Standards-Summaries.pdf](https://schoolnutrition.org/uploadedFiles/5_Learning_Center/10_USDA_Professional_Standards/Professional-Standards-Summaries.pdf)

**Standards for Selling Foods Outside of the Reimbursable Meal in Schools (R277-719).**

In the case of purchasing a vending machine, Pinnacle will have a board approved written contract for said vending machine. Income from the vending machine will be used for a board approved purpose within the school.

Pinnacle may hold up to three exempt fundraisers (not more than 5 consecutive days) with a designated person maintaining the records for the fundraiser. The CAO may grant permission for additional exempt fundraisers upon request of a career and technical program.

Competitive food and beverage items sold during the school day shall meet federal nutrition standards. Profits from competitive foods shall accrue to either a non-profit school account or to the nonprofit school food service account.

# APPENDIX M: PINNACLE SCHOOL BUS DRIVER HANDBOOK

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Pinnacle has outlined the job description of bus drivers (Pinnacle Policy, APPENDIX M1). It is important to know and comply with this policy as well as all federal and state laws and standards that pertain to buses and driving (APPENDIX M2).

Drivers are paid according to Pinnacle's Payroll Schedule. Drivers will clock in as you go to pre-trip the bus, and clock out after the post trip is complete unless arrangements have been made through the Transportation Director.

Paid time includes:

- **Daily:** 10 minutes each day for pre-trip vehicle inspection
- **Daily:** 10 minutes each day for post-trip inspection (which includes hanging the flag at the back of the bus to insure no student is left onboard)
- **Daily:** 10 minutes for cleaning (sweeping) and maintaining (fueling and checking fluid levels).
- **Time** spent discussing transportation issues with supervisors, secretaries, or mechanics or with permission from the Transportation Director for approved reasons.
- **Drivers** shall not clock in early or clock out late unless authorized by the Transportation Director.
- Monthly, the bus is to be washed inside and out. Compensation is paid per the Pinnacle Payroll Schedule.
- "Bus Cleaning Form" must be completed and turned into the Transportation Director by the 25<sup>th</sup> of the month in order to make payroll deadline.
- Trip drivers are also responsible to check and sweep the bus as part of the post-trip inspection.

Drivers are required to be current on DOT physicals and re-certification training. CSD will reimburse as per pay Pinnacle Payroll Schedule for physicals. Pinnacle reimbursement form must be completed and returned for compensation. **Absences:** Drivers must contact the Transportation Director as soon as possible when they will not be able to drive. **Substitute drivers will be arranged through the Transportation Director and/or Bus Supervisor.** **Records:** Mileage Books/Logs must be completed at the end of each day's run. Drivers who are not able to use a time clock are responsible to turn in timesheets by the last day of each week. Trip Reports/Logs are to be turned in within one day of returning from the trip. Route sheets and maps are to be turned in by October 1. **Training:** Drivers are required to complete 16 hours each year. This includes the mandatory 8 hour yearly state in-service. Weekly driver training sessions are also offered. District training dates will be advertised on memos. Training time will be paid at the training rate as per the Pinnacle Payroll Schedule.

- 1) A driver maintains discipline on the bus. A key to good discipline is establishing appropriate relationships with the students, disciplining in positive ways, and keeping a good attitude. The driver may assign seats, contact parents, speak with the student, and/or discipline in other appropriate ways. **The Bus Driver will deal with all minor discipline issues and will refer major discipline issues to the Transportation Director.** In extreme cases, and in consultation with the Transportation Director, students may be suspended from the bus. It is important to review the rules and policies with students frequently, especially at the beginning of each year and after each holiday.
- 2) According to State Administrative Code R277-601-B-3, school bus drivers may not use any electronic device while driving, except as written in the policy. Drivers who violate this policy will receive a written reprimand and/or dismissal.
- 3) Drivers will be drug/alcohol tested upon initial hiring. Random testing will be done by a third party hired by the State. Drivers chosen to be tested must report immediately as directed. Drivers are also subject to testing for reasonable suspicion and after an accident. Failing a test, tampering with a test or refusing to be tested is grounds for immediate termination. Drivers must file a Doctor/Driver Prescription Form with the Transportation Director for all prescribed **and** over-the-counter drugs. (APPENDIX M5)
- 4) Evacuation drills must be performed twice during the school year with those dates scheduled by the Transportation Director. The signed forms must be turned in as directed.
- 5) The Transportation Director and/or Bus Supervisor have the authority to assign drivers to routes and trips. Assignments will be made in the best interest of Pinnacle.
- 6) Drivers may choose to take trips. Trips will be assigned by rotation. Driver experience, strengths, availability, seniority, and the number of hours worked will be taken into consideration when trips are assigned.
- 7) A driver must get prior approval from the Transportation Director and/or Bus Supervisor to make changes to a route. Drivers must be physically fit according to Policy (APPENDIX M1). The Utah State Office of Education sets the minimum standards that must be passed. A "Full Duty" release to work from a doctor is required when a driver is off work for five (5) consecutive days or more under a doctor's care.

- 8) Only eligible riders may be on the bus. If there is a question, check with the Transportation Director.
- 9) Keys for Pinnacle vehicles may be issued as needed by the Bus Supervisor. Pinnacle has a strict key policy and forms that must be signed by the employee.
- 10) When the weather turns cold, the engine block heaters shall be plugged in on buses.
- 11) Special Education Student responsibilities may differ according to the needs of the students. These are usually dictated by the IEP team and may include accommodations for wheelchairs, special seats, safety vests, or curb pickup and delivery. A driver attends an IEP meeting if requested by the IEP team. Any questions shall be addressed by the Transportation Director in cooperation with the Special Education Director. A Special Needs/Health folder may be placed on the bus with instructions for special health or education needs of the students assigned to the bus. These instructions must be carefully followed.
- 12) A driver's responsibility for students begins when the bus approaches an approved pick-up location and ends when the student is dropped off. Preschool and kindergarten students need special attention and shall not be dropped off if there is no parent or older sibling to supervise the student. If necessary, contact the Transportation Director or take the student back to the school.
- 13) Drivers are required to walk to the rear of the bus at the end of each run to insure that no student is left on the bus. At the end of each run, a red flag must be hung at the rear of the bus. Failure to do this may result in discipline or termination.
- 14) Drivers shall not fuel a bus with passengers on board. Engines must be shut down and the driver must remain outside the bus within reach of the nozzle. Smoking is prohibited around fueling areas. Fuel tanks shall be kept at least half full. This would be significant in the event the buses were needed for a mass evacuation. It also helps to keep moisture out of the tank.
- 15) **Confidentiality** is extremely important. Educational issues (including buses) must not be discussed with anyone except an appropriate supervisor. Discussing these issues with other drivers, familyS, or anyone else who does not "need to know" violates this policy and may be grounds for immediate dismissal.
- 16) Federal and state laws as well as Pinnacle policy require that employees report to the Transportation Director and/or Bus Supervisor within 24 hours any moving violations, arrests, felony charges or medications (prescription or over-the-counter) that may impair driving.
- 17) Pinnacle is a place of business. All employees are expected to set a standard that is professional and modest and one that models appropriate attire for the students. Employees may wear neat, clean blue jeans with a minimum amount of holes. Employees shall not wear flip flops. Tailored, knee-length (no more than 2 inches above the knee) shorts are acceptable. Women can wear leggings but must wear a shirt, skirt or dress over them that completely covers their hips. No sweats or tracksuits are allowed, except for the PE teacher. Cleavage and chest hair shall be covered up (the "no butts, no boobs, no bellies" rule applies to employees as well). Friday dress is business casual (blue jeans are acceptable if they are neat, clean and free of holes.) Exceptions will be made for teachers and coaches involved in physical education, art, sports programs and classroom field trips where more casual attire is allowed. Employees not dressed appropriately will meet with the Administration. Bus drivers may not wear pajama pants or other inappropriate clothing. Pinnacle bus driver uniform shirts must be worn and hair must be neat and pulled back.
- 18) Any notes or letter sent home to parents need to be approved by the Transportation Director before being sent.
- 19) It is important for drivers to keep proper and appropriate relationships with students. Refer to APPENDIX M3 on Boundary Invasion.
- 20) Tobacco and alcohol products are strictly prohibited in all district vehicles, and including buses.
- 21) Motor Vehicle Records will be checked at least semi-annually. A candidate with more than 100 points may not be hired. If a current driver accumulates more than 100 and less than 125, the driver will receive a written warning notice and must complete district training. A driver that exceeds 125 points shall not drive a school bus in Utah and cannot be considered for rehire as a school bus driver for six months, or until the point total drops to 100 or below. Retraining must occur if the driver is rehired. Rehired drivers may never again exceed 100 points. Drivers must report all citations to their director within 30 days of conviction. The Utah CDL Handbook shall always be consulted.
- 22) A driver may drive a total of 10 hours with a total of 15 hours on-duty time followed by 8 consecutive hours of off-duty time (consult FMCSA rules for clarification.) On-duty time includes gainful employment for one's self or for another employer or Pinnacle.
- 23) Drivers who encounter or suspect bullying on the bus must report it to the Bus Supervisor, Transportation Director and/or the principal or designee at the school.

# APPENDIX M1: BUS DRIVER PERSONNEL POLICY INFORMATION

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## **GENERAL PURPOSE**

Performs a variety of advanced level skilled duties related to the operation of multi-passenger school bus as needed to transport students to and from school, activities and special events.

## **SUPERVISION**

A bus driver works under the general supervision of the Transportation Director and the Bus Supervisor.

## **EXAMPLE OF DUTIES**

- May participate in training of less experienced drivers.
- Transports students to various activities; monitors activity and behaviors to assure safety; may administer routine discipline as needed to maintain order and safety.
- Performs basic maintenance of vehicles and conducts pre and post-trip inspections; which include but are not limited to, seeing that all students are safely removed from the bus and a red flag is posted in the rear window of the bus. Assures proper fuel and other fluid levels; maintains and performs other safety checks of vehicles and equipment; cleans vehicle; completes various travel records, logs and sign-in sheets as required.
- Participates in various training and workshop activities related to operating standards, processes and procedures.
- Communicates with parents as needed to exchange factual information.
- Performs regular cleaning and washing of assigned vehicle.
- Performs related duties as assigned.

## **MINIMUM QUALIFICATIONS**

### **Education and experience**

- Sufficient education to demonstrate an aptitude or ability to perform above and related duties
- Three (3) years experience in driving, preferably in multi-passenger vehicles
- An equivalent combination of education and experience

### **Required knowledge, skills and abilities**

- Considerable knowledge of geographical region
- Working knowledge of state highway and driving laws
- Considerable knowledge of vehicle operation and safety regulations
- Working knowledge of basic automotive maintenance
- Ability to establish effective working relationships with supervisors, co-workers, parents and students
- Ability to communicate effectively, verbally and in writing
- Ability to demonstrate maturity in dealing with various child and adolescent behaviors

## **SPECIAL QUALIFICATIONS**

- Must be 21 years of age and meet related criteria as described under “Standards for Utah School Buses and Operations” (APPENDIX M2)
- Must possess a valid Commercial Drivers License
- Must have a “clean” driving record
- Must be willing to operate school bus during various weather extremes and under various highway conditions

# APPENDIX M2: STANDARDS FOR UTAH SCHOOL BUSES AND OPERATORS, 1999

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Utah Administrative Code R277-601

STANDARDS FOR UTAH SCHOOL BUSES AND OPERATIONS, 1999, shall include

## **Electronic and telecommunications devices**

1. A school bus operator's primary responsibility, consistent with training and policy, is the safety of passengers and the safety of the public at all times.
2. A school bus operator shall not use a cell phone, wireless electronic device, or any headset, earpiece, earphones or other equipment that might distract a driver from his responsibilities, whether hand held or not, while the school bus is in motion and not appropriately parked or secured. This prohibition does not apply to the safe and appropriate use of two-way radios. All school districts and public schools that regularly transport students shall maintain documentation of training for bus drivers and employees in the safe and appropriate use of two-way radios.
3. Once the bus is stopped and safely parked, a school bus operator may use an electronic device for emergencies, to assist special needs students, for behavior management, for appropriate assistance for field/activity trips or for other business-related issues.
4. A school bus operator may use an electronic device for personal use once a school bus is safely parked, appropriately secured and all passengers are safely off and at a safe distance from the bus, consistent with school district policy.
5. Any violation of these provisions for emergency or compelling reasons may require documentation and will be addressed by the employing education entity.
6. Violations of these provisions may result in personnel action(s) against the school bus operator consistent with school district/employer policies.
7. Private contractors employed by school districts for student transportation shall also adhere strictly to these provisions in addition to the policies of the employer.



## APPENDIX M3: BOUNDARY INVASIONS

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It is important to remind all staff about appropriate and inappropriate interactions with students. “Boundary invasions” are inappropriate invasions by the adult into the child’s personal space and personal life, including physical, emotional and social spaces. Inappropriate “boundary invasions” may include, but are not limited to, the following:

1. Using email, text messaging, social media or websites to discuss personal topics or interests with students. All employees must “de-friend” students.
2. Taking an undue interest in a student (i.e., having a “special” friend or a “special relationship with a particular student)
3. Engaging in peer-like behavior with students (i.e., being cool by being like one of the kids)
4. Being overly “touchy” with students
5. Favoring certain students by giving them special privileges or inviting them to come to the classroom at non-class times
6. Talking to the child about problems that would normally be discussed with adults (e.g., marital problems)
7. Talking to the child about the child’s personal problems to the extent that the adult becomes a confidant of the child when it is not the adults job to do so
8. Being alone with the student behind closed doors at school
9. Giving students rides in the teacher’s personal vehicle without administrative approval or taking students on outings, away from protective adults
10. Going to the student’s home for non-educational purposes
11. Telling sexual or inappropriate jokes to students; engaging in talk containing sexual innuendo or banter with students
12. Talking about sexual topics that are not related to the curriculum
13. Showing pornography to the student
14. Hugging, kissing, or other physical contact with a student
15. Failure to comply with directives could lead to adverse employment circumstances.

# APPENDIX M4: BUS DRIVER QUALIFICATIONS

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Standards for Utah School Buses and Operations, 2010 Edition, page 29-30.

## **BUS DRIVER QUALIFICATIONS**

1. Satisfactory employment background and residency verification
2. Satisfactory Driving History
3. 21 years of age or older
4. Valid Utah driver's license
5. No more than two moving violations or two minor accidents (or a combination of moving violations/accidents) or a severe preventable accident, within the past 24 months
6. No more than 100 points on Motor Vehicle Record
7. Satisfactory Criminal Background Check
8. No felony convictions
9. No offense for which the offender has been sentenced to a term of imprisonment or correctional detention
10. No convictions for DUI during the past ten years
11. No **criminal convictions** involving child abuse, neglect or endangerment; possession or distribution of illegal substance; illegal use or possession of weapons; violence; or sex related offences
12. Criminal convictions revealed on the employment application, and reviewed and considered in accordance with state, district, and local law

## **OTHER QUALIFICATIONS**

1. No positive result on or refusal of a pre-employment drug/alcohol test, and no positive result on or refusal of a drug/alcohol test
2. Passage of a physical examination for drivers in accordance with the U.S. Department of transportation, Bureau of Motor Carrier Regulations
3. Current and Prospective Bus Drivers must pass the Physical Assessment Standard at least biannually
4. Must pass the DOT physical examination at least every two years
5. Must have the possession and use of both hands, both arms, and both feet
6. Must have use of both eyes with vision equivalent to 20/40 (Snellen Test) or better with or without glasses, and have near-normal depth perception
7. Must have adequate hearing
8. Must have no color blindness deficiency that would interfere with safe driving
9. Must meet all qualifications as listed in the Federal Motor Carrier Safety Regulations manual (specifically 391.41)
10. Must maintain a valid commercial driver's license (CDL) with passenger/school bus (P/S) endorsement
11. Must attend the required annual state in-service training
12. Must complete the required 30 hours of recertification every five years
13. Must pass the BCI Fingerprint/FBI Check every five years
14. Must pass all drug and alcohol testing requirements
15. Must maintain an MVR record of 125 points or less at all times (see Motor Vehicle Records)

# APPENDIX M5: DOCTOR/DRIVER PRESCRIPTION DRUG DISCLOSURE FORM

Utah State Office of Education  
Doctor/Driver Prescription Drug Disclosure Form  
For Use in Meeting the Requirements of State  
Pupil Transportation Drug and Alcohol Policies and Procedures

Name \_\_\_\_\_ Date \_\_\_\_\_

It is required that anyone holding a CDL driver’s license as a certified school bus driver transporting public education students must report any prescribed medications that could impair the ability of a driver to safely operate a school bus. Your doctor must initial each prescription and sign at the bottom of this form. The information will be kept in your medical file and will be kept completely confidential. Only your local Drug Program Coordinator or coordinators and the state Medical Review Officer (MRO) have a need to know this information. This form shall be returned to the care and custody of your local Drug Program Coordinator. If your medications change at any time, it is your responsibility to turn in a new form. We must have current medical information in our file at all times. **This form is to be used each time you renew your DOT physical and each time a new applicable medication is prescribed by a doctor.**

### Medication #1

Prescribed Medication \_\_\_\_\_ Dosage \_\_\_\_\_ Date \_\_\_\_\_

Time needed after taking the drug before they are safe to drive a school bus. \_\_\_\_\_

Date stopped \_\_\_\_\_ Reason \_\_\_\_\_

Doctor’s Initial \_\_\_\_\_

### Medication #2

Prescribed Medication \_\_\_\_\_ Dosage \_\_\_\_\_ Date \_\_\_\_\_

Time needed after taking the drug before they are safe to drive a school bus. \_\_\_\_\_

Date stopped \_\_\_\_\_ Reason \_\_\_\_\_

Doctor’s Initial \_\_\_\_\_

### Medication #3

Prescribed Medication \_\_\_\_\_ Dosage \_\_\_\_\_ Date \_\_\_\_\_

Time needed after taking the drug before they are safe to drive a school bus. \_\_\_\_\_

Date stopped \_\_\_\_\_ Reason \_\_\_\_\_

Doctor’s Initial \_\_\_\_\_

**Utah State Office of Education  
Doctor/Driver Prescription Drug Disclosure Form  
Page 2**

**FOR PRESCRIBING DOCTOR:**

I have reviewed this form with the driver listed and am aware that he/she is employed in a safety-sensitive position that requires him/her to be in for duty, free of possible impairment from any prescribed drugs. I have advised the driver listed as to dosage amounts, minimum dosage times and/or conditions ahead of driving in order to avoid the possibility of impairment from the prescribed drug or drugs.

\_\_\_\_\_  
Doctor Signature

\_\_\_\_\_  
Date

**FOR SCHOOL BUS DRIVERS:**

I have made my prescribing doctor aware that I am employed in a safety-sensitive duty position as a school bus driver. I have been advised by my prescribing doctor on how to avoid the possibility of impairment from the medications I have been prescribed while driving. I understand that I am subject to reasonable suspicion testing related to a possible misuse of the prescribed medications, and that a documented misuse may result in termination of my position as a school bus driver.

\_\_\_\_\_  
Driver Signature

\_\_\_\_\_  
Date

# APPENDIX M6: BUS PERMISSION SLIP

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[DATE AT THE BEGINNING OF THE SCHOOL YEAR]

Bus Parents,

We are excited to offer a bus to your area. We will try to provide transportation each day, but there will be days when it is not possible. Because of funding, our resources for buses are limited. We will make every effort, **but occasionally you will have to transport your child/children**. Each year we will be vigilant in ensuring that the bus is a safe and nurturing environment. Bus safety is a huge priority for Pinnacle Schools.

We expect your child to: (1) stay seated while the bus is in motion, (2) keep hands, feet, and objects to themselves, (3) use appropriate language, especially around younger children, and (4) follow all directions given by the driver.

### Consequences of Rule Breaking

- First Offense — verbal warning and parental contact
- Second Offense — suspension from bus for one week and parental contact
- Third Offense — suspension from the bus for the remainder of the school year and parental contact

**Any sexual offense committed on the bus will result in automatic dismissal from the bus for at least one year.**

Please sign below and return the form to school. It must be returned by \_\_\_\_\_ for your child/children to continue riding the bus for the current school year.

Student Name(s): \_\_\_\_\_

Student Name(s): \_\_\_\_\_

Student Name(s): \_\_\_\_\_

BUS (CIRCLE ONE):      Helper                  Emery                  East Carbon

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Date

# APPENDIX N: OUTSIDE EMPLOYMENT POLICY FOR PINNACLE SCHOOLS

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## **Policy Statement**

This Policy applies to all employees of Pinnacle Schools. It is the policy of this entity that employees with outside employment or activities adhere to the following guidelines:

- Are free from conflicts of interest that could adversely influence their judgment, objectivity or loyalty to the institution in conducting business and job assignments.
- Outside employment does not interfere with the performance of the employee's duties, including Pinnacle Schools-related duties or responsibilities;
- Activities must be performed outside the employee's approved work schedule and off the Institution's premises, and
- Any potential conflict of interest raised by the employee's participation in financial, business, charitable and other activities outside their primary job at the center is disclosed immediately.

## **Information**

For the purpose of this policy, the job at the entity listed above is considered "primary employment" and any other job is considered secondary or "outside employment." This includes, but is not limited to, self-employment, consulting activities, and volunteer activities that, if compensated, could be considered outside employment.

- The outside employment policy will be reviewed with all employees at least once annually. New employees will be given a copy of this policy and trained during new employee orientation within the first month of employment. Such training will be documented.
- Employees must request approval for outside employment if it conflicts with regular work hours at the primary employment, is conducted on the center premises, if it requires the same job skills and/or qualifications used in his/her employment at the primary employment, including activities regulated by Pinnacle Schools, or if it presents a real or perceived conflict of interest as stated in the policy statement above.
- When outside employment falls under the guidelines stated in number three (#3) above, the request for approval is to be submitted to a supervisor prior to beginning that employment or activity.
- Each employee's request for outside employment will be reviewed and decided on its own merits, considering such factors as type of work to be done, the type of business and the expected duration of employment. Management approval is subject to ongoing review, so involvement in outside employment or activities shall be periodically updated.
- Approval for outside employment is valid for one calendar year or until the outside employment changes, whichever occurs first. Each change in outside employment meeting the guidelines outlined in number three (#3) above requires specific prior written approval by management.
- If the outside employment or activities negatively impacts the employee's work or becomes a conflict of interest as described above, management may withdraw approval for that outside employment or activity.
- Failure to obtain prior approval for outside employment, or engaging in outside employment when such approval has been denied, may result in disciplinary action up to and including termination.
- Documentation of all outside employment requests will be kept on file. This documentation may be reviewed during Pinnacle Schools' administrative reviews.

# APPENDIX O: LEA DATA GOVERNANCE PLAN

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## PINNACLE SCHOOLS ADOPTED LEA DATA GOVERNANCE PLAN

### 1. PURPOSE

Data governance is an organizational approach to data and information management that is formalized as a set of policies and procedures that encompass the full life cycle of data; from acquisition, to use, to disposal. Pinnacle Schools takes seriously its moral and legal responsibility to protect student privacy and ensure data security. Utah's Student Data Protection Act (SDPA), U.C.A §53A-1-1401 requires that Pinnacle Schools adopt a Data Governance Plan.

### 2. SCOPE AND APPLICABILITY

This policy is applicable to all employees, temporary employees, and contractors of the Agency. The policy must be used to assess agreements made to disclose data to third-parties . This policy must also be used to assess the risk of conducting business. In accordance with Agency policy and procedures, this policy will be reviewed and adjusted on an annual basis or more frequently, as needed. This policy is designed to ensure only authorized disclosure of confidential information. The following 8 subsections provide data governance policies and processes for Pinnacle Schools:

1. Data Advisory Groups
2. Non-Disclosure Assurances for Employees
3. Data Security and Privacy Training for Employees
4. Data Disclosure
5. Data Breach
6. Record Retention and Expungement
7. Data Quality
8. Transparency

Furthermore, this Pinnacle Schools' Data Governance Plan works in conjunction with the Agency Information Security Policy, which:

- Designates Pinnacle Schools as the steward for all confidential information maintained within Pinnacle Schools.
- Designates Data Stewards access for all confidential information.
- Requires Data Stewards to maintain a record of all confidential information that they are responsible for.
- Requires Data Stewards to manage confidential information according to this policy and all other applicable policies, standards and plans.
- Complies with all legal, regulatory, and contractual obligations regarding privacy of Agency data. Where such requirements exceed the specific stipulation of this policy, the legal, regulatory, or contractual obligation shall take precedence.
- Provides the authority to design, implement, and maintain privacy procedures meeting Pinnacle Schools standards concerning the privacy of data in motion, at rest and processed by related information systems.
- Ensures that all Pinnacle Schools board members, employees, contractors, and volunteers comply with the policy and undergo annual privacy training.
- Provides policies and process for
  - Systems administration,
  - Network security,
  - Application security,
  - Endpoint, server, and device Security
  - Identity, authentication, and access management,
  - Data protection and cryptography
  - Monitoring, vulnerability, and patch management
  - High availability, disaster recovery, and physical protection
  - Incident Responses

- Acquisition and asset management, and
- Policy, audit, e-discovery, and training.

### **3. DATA ADVISORY GROUPS**

#### 3.1 Structure

Pinnacle has a three-tiered data governance structure to ensure that data is protected at all levels of Utah’s educational system.

#### 3.2 Group Membership

Membership in the groups require board approval. Group membership is for two years. If individual members exit the group prior to fulfilling their two-year appointment, the board may authorize Pinnacle’s CAO to appoint a replacement member.

#### 3.3 Individual and Group Responsibilities

The following outlines individual Pinnacle Schools staff and advisory group responsibilities.

### **LEA STUDENT DATA MANAGER RESPONSIBILITIES**

1. Authorize and manage the sharing, outside of the education entity, of personally identifiable student data from a cumulative record for the education entity.
2. Act as the primary local point of contact for the state student data officer.
3. A student data manager may share personally identifiable student data that are:
  - a. of a student with the student and the student's parent
  - b. required by state or federal law
  - c. in an aggregate form with appropriate data redaction techniques applied
  - d. for a school official
  - e. for an authorized caseworker or other representative of the Dept. of Human Services or the Juvenile Court
  - f. in response to a subpoena issued by a court.
  - g. directory information
  - h. submitted data requests from external researchers or evaluators,
4. A student data manager may not share personally identifiable student data for the purpose of external research or evaluation.
5. Create and maintain a list of all LEA staff that have access to personally identifiable student data.
6. Ensure annual LEA level training on data privacy to all staff members, including volunteers. Document all staff names, roles, and training dates, times, locations, and agendas

### **4. EMPLOYEE NON-DISCLOSURE ASSURANCES**

Employee non-disclosure assurances are intended to minimize the risk of human error and misuse of information.

#### 4.1 Scope

All *Pinnacle Schools* board members, employees, contractors and volunteers must sign and obey the *Pinnacle Schools* Employee Non-Disclosure Agreement (See Appendix A), which describes the permissible uses of state technology and information

#### 4.2 Non-Compliance

Non-compliance with the agreements shall result in consequences up to and including removal of access to *Pinnacle Schools* network; if this access is required for employment, employees and contractors may be subject to dismissal.

#### 4.3 Non-Disclosure Assurances

All student data utilized by *Pinnacle Schools* is protected as defined by the Family Educational Rights and Privacy Act (FERPA) and Utah statute. This policy outlines the way *Pinnacle Schools* staff is to utilize data and protect personally identifiable and



confidential information. A signed agreement form is required from all *Pinnacle Schools* staff to verify agreement to adhere to/abide by these practices and will be maintained in *Pinnacle Schools* Human Resources. All *Pinnacle Schools* employees (including contract or temporary) will:

1. Complete a Security and Privacy Fundamentals Training.
2. Complete a Security and Privacy Training for Researchers and Evaluators, if your position is a research analyst or if requested by the Chief Privacy Officer.
3. Consult with *Pinnacle Schools* internal data owners when creating or disseminating reports containing data.
4. Use password-protected state-authorized computers when accessing any student-level or staff-level records.
5. NOT share individual passwords for personal computers or data systems with anyone.
6. Log out of any data system/portal and close the browser after each use.
7. Store sensitive data on appropriate-secured location. Unsecured access and flash drives, DVD, CD-ROM or other removable media, or personally owned computers or devices are not deemed appropriate for storage of sensitive, confidential or student data.
8. Keep printed reports with personally identifiable information in a locked location while unattended, and use the secure document destruction service provided at *Pinnacle Schools* when disposing of such records.
9. NOT share personally identifying data during public presentations, webinars, etc. If users need to demonstrate child/staff level data, demo records shall be used for such presentations.
10. Redact any personally identifiable information when sharing sample reports with general audiences, in accordance with guidance provided by the student data manager, found in Appendix B (Protecting PII in Public Reporting).
11. Take steps to avoid disclosure of personally identifiable information in reports, such as aggregating, data suppression, rounding, re-coding, blurring, perturbation, etc.
12. Delete files containing sensitive data after using them on computers, or move them to secured servers or personal folders accessible only by authorized parties.
13. NOT use email to send screenshots, text, or attachments that contain personally identifiable or other sensitive information. If users receive an email containing such information, they will delete the screenshots/text when forwarding or replying to these messages. If there is any doubt about the sensitivity of the data the Student Data Privacy Manager shall be consulted..
14. Use secure methods when sharing or transmitting sensitive data. The approved method is *Pinnacle Schools* 's Secure File Transfer Protocol (SFTP) website. Also, sharing within secured server folders is appropriate for *Pinnacle Schools* internal file transfer.
15. NOT transmit child/staff-level data externally unless expressly authorized in writing by the data owner and then only transmit data via approved methods such as described in item ten.
16. Limit use of individual data to the purposes which have been authorized within the scope of job responsibilities.

#### 4.4 Data Security and Privacy Training

##### 4.4.1 Purpose

*Pinnacle Schools* will provide a range of training opportunities for all *Pinnacle Schools* staff, including volunteers, contractors and temporary employees with access to student educational data or confidential educator records in order to minimize the risk of human error and misuse of information.

##### 4.4.2 Scope

All *Pinnacle Schools* board members, employees, and contracted partners.

##### 4.4.3 Compliance

New employees that do not comply may not be able to use *Pinnacle Schools* networks or technology.

##### 4.4.4 Policy

1. Within the first week of employment, all *Pinnacle Schools* board members, employees, and contracted partners must sign and follow the *Pinnacle Schools* Employee Acceptable Use Policy, which describes the permissible uses of state technology and information.

2. New employees that do not comply may not be able to use *Pinnacle Schools* networks or technology. Within the first week of employment, all *Pinnacle Schools* board members, employees, and contracted partners also must sign and obey the *Pinnacle Schools* Employee Non-Disclosure Agreement, which describes appropriate uses and the safeguarding of student and educator data.
3. All current *Pinnacle Schools* board members, employees, and contracted partners are required to participate in an annual Security and Privacy Fundamentals Training Curriculum within 60 days of the adoption of this rule.
4. *Pinnacle Schools* requires a targeted Security and Privacy Training for Data Stewards and IT staff for other specific groups within the agency that collect, store, or disclose data. The Chief Privacy Officer will identify these groups. Data and Statistics Coordinator will determine the annual training topics for these targeted groups based on *Pinnacle Schools* training needs.
5. Participation in the training as well as a signed copy of the Employee Non-Disclosure Agreement will be annually monitored by supervisors. Supervisors and the board secretary will annually report all *Pinnacle Schools* board members, employees, and contracted partners who do not have these requirements completed to the IT Security Manager.

## 5. **DATA DISCLOSURE**

### 5.1 **Purpose**

Providing data to persons and entities outside of the *Pinnacle Schools* increases transparency, promotes education in Utah, and increases knowledge about Utah public education. This policy establishes the protocols and procedures for sharing data maintained by *Pinnacle Schools*. It is intended to be consistent with the disclosure provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, 34 CFR Part 99 and Utah’s Student Data Protection Act (SDPA), U.C.A §53A-1-1401.

### 5.2 **Policy For Disclosure of Personally Identifiable Information (PII)**

#### 5.2.1 **Student or Student's Parent/Guardian Access**

Parents are advised that the records maintained by *Pinnacle Schools* are provided to *Pinnacle Schools* by the school district in which their student is/was enrolled, and access to their student’s record can be obtained from the student’s school district. In accordance with FERPA regulations 20 U.S.C. § 1232g (a)(1) (A) (B) (C) and (D), LEAs will provide parents with access to their child’s education records, or an eligible student access to his or her own education records (excluding information on other students, the financial records of parents, and confidential letters of recommendation if the student has waived the right to access), within 45 days of receiving an official request. LEAs and *Pinnacle Schools* is not required to provide data that it does not maintain, nor is *Pinnacle Schools* required to create education records in response to an eligible student’s request.

#### 5.2.2 **Third Party Vendor**

Third party vendors may have access to students’ personally identifiable information if the vendor is designated as a “school official” as defined in FERPA, 34 CFR §§ 99.31(a)(1) and 99.7(a)(3)(iii). A school official may include parties such as: professors, instructors, administrators, health staff, counselors, attorneys, clerical staff, trustees, members of committees and disciplinary boards, and a contractor, consultant, volunteer or other party to whom the school has outsourced institutional services or functions.

All third-party vendors contracting with *Pinnacle Schools* must be compliant with Utah’s Student Data Protection Act (SDPA), U.C.A §53A-1-1401. Vendors determined not to be compliant may not be allowed to enter into future contracts with *Pinnacle Schools* without third-party verification that they are compliant with federal and state law, and board rule.

#### 5.2.3 **Internal Partner Requests**

Internal partners to *Pinnacle Schools* include LEA and school officials that are determined to have a legitimate educational interest in the information. All requests shall be documented in {INSERT LEA NAME HERE}’s data request ticketing system

#### 5.2.4 **Governmental Agency Requests**

*Pinnacle Schools* may not disclose personally identifiable information of students to external persons or organizations to conduct research or evaluation that is not directly related to a state or federal program reporting requirement, audit, or evaluation. The requesting governmental agency must provide evidence the federal or state requirements to share data in order to satisfy FERPA disclosure exceptions to data without consent in the case of a federal or state

- Reporting requirement
- Audit
- Evaluation

The Coordinator of Data and Statistics will ensure the proper data disclosure avoidance are included if necessary. An Interagency Agreement must be reviewed by legal staff and must include “FERPA-Student Level Data Protection Standard Terms and Conditions or Required Attachment Language.”

### 5.3 **POLICY FOR EXTERNAL DISCLOSURE OF NON-PERSONALLY IDENTIFIABLE INFORMATION (PII)**

#### 5.3.1 Scope

External data requests from individuals or organizations that are not intending on conducting external research or are not fulfilling a state or federal reporting requirement, audit, or evaluation.

#### 5.3.2 Student Data Disclosure Risk Levels

*Pinnacle Schools* has determined four levels of data requests with corresponding policies and procedures for appropriately protecting data based on risk: Low, Medium, and High. The Coordinator of Data and Statistics will make final determinations on classification of student data requests risk level.

##### 5.3.2.1 Low-Risk Data Request Process

Definition: High-level aggregate data

Examples:

- Graduation rate by year for the state
- Percent of third-graders scoring proficient on the SAGE ELA assessment

Process:

Requester creates a ticket, Data Request forwarded to appropriate Data Steward. Data Steward fulfills request and saves the dataset in a secure folder managed by the Coordinator of Data and Statistics. The Data Steward closes the ticket.

##### 5.3.2.2 High-Risk Data Request Process

Definition: High-level aggregate data

Examples:

- Graduation rate by year for the state
- Percent of third-graders scoring proficient on the SAGE ELA assessment

Process:

Requester creates a ticket, Data Request forwarded to Data and Statistic Coordinator for review. If the request is approved, an MOA is drafted and sent to legal, placed on the board consent calendar, reviewed by the CAO, sent to the Purchasing/Contract Manager, sent to Coordinator or Data and Statistics, appropriate Data Steward fulfills request, de-identifies data as appropriate, and sends to another Data Steward for Quality Assurance (ensuring student data protection). If it passes QA, data is sent to the requester and saves the dataset in a secure folder managed by the Coordinator of Data and Statistics. The Data Steward closes the ticket. If it does not pass QA, the data is sent back to the Data Steward for modification.

#### 5.4 Data Disclosure to a Requesting External Researcher or Evaluator

Responsibility: The Coordinator of Data and Statistics will ensure the proper data are shared with external researchers or evaluators to comply with federal, state, and board rules.

*Pinnacle Schools* may not disclose personally identifiable information of students to external persons or organizations to conduct research or evaluation that is not directly related to a state or federal program audit or evaluation. Data that do not disclose PII may be shared with external researcher or evaluators for projects unrelated to federal or state requirements if:

1. A *Pinnacle Schools* Director, CAO, or board member sponsors an external researcher or evaluator request
2. Student data are not PII and are de-identified through disclosure avoidance techniques and other pertinent techniques as determined by the Coordinator of Data and Statistics.
3. Researchers and evaluators supply the *Pinnacle Schools* a copy of any publication or presentation that uses *Pinnacle Schools* data 10 business days prior to any publication or presentation.

### 6. DATA BREACH

#### 6.1 Purpose

Establishing a plan for responding to a data breach, complete with clearly defined roles and responsibilities, will promote better response coordination and help educational organizations shorten their incident response time. Prompt response is essential for minimizing the risk of any further data loss and, therefore, plays an important role in mitigating any negative consequences of the breach, including potential harm to affected individuals.

#### 6.2 Policy

*Pinnacle Schools* shall follow industry best practices to protect information and data. In the event of a data breach or inadvertent disclosure of personally identifiable information, *Pinnacle Schools* staff shall follow industry best practices outlined in the Agency IT Security Policy for responding to the breach. Further, *Pinnacle Schools* shall follow best practices for notifying affected parties, including students, in the case of an adult student, or parents or legal guardians, if the student is not an adult student.

Concerns about security breaches must be reported immediately to the IT security manager who will collaborate with appropriate members of the *Pinnacle Schools*' executive team to determine whether a security breach has occurred. If the *Pinnacle Schools*' data breach response team determines that one or more employees or contracted partners have substantially failed to comply with *Pinnacle Schools*'s Agency IT Security Policy and relevant privacy policies, they will identify appropriate consequences, which may include termination of employment or a contract and further legal action. Concerns about security breaches that involve the IT Security Manager must be reported immediately to the CAO.

*Pinnacle Schools* will provide and periodically update, in keeping with industry best practices, resources for Utah LEAs in preparing for and responding to a security breach. *Pinnacle Schools* will make these resources available on its website.

### 7. RECORD RETENTION AND EXPUNGEMENT

#### 7.1 Purpose

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

#### 7.2 Scope

*Pinnacle Schools* board member and staff.

#### 7.3 Policy

The *Pinnacle Schools* staff, Utah LEAs and schools shall retain and dispose of student records in accordance with Section 63G-2-604, 53A-1-1407, and shall comply with active retention schedules for student records per Utah Division of Archive and Record Services.

In accordance with 53A-1-1407, the *Pinnacle Schools* shall expunge student data that is stored upon request of the student if the student is at least 23 years old. The *Pinnacle Schools* may expunge medical records and behavioral test assessments. *Pinnacle Schools* will not expunge student records of grades, transcripts, a record of the student’s enrollment or assessment information. *Pinnacle Schools* staff will collaborate with Utah State Archives and Records Services in updating data retention schedules.

*Pinnacle Schools* maintained student-level discipline data will be expunged after three years.

## **8. QUALITY ASSURANCE AND TRANSPARENCY REQUIREMENTS**

### **8.1 Purpose**

Data quality is achieved when information is valid for the use to which it is applied, is consistent with other reported data and users of the data have confidence in and rely upon it. Good data quality does not solely exist with the data itself, but is also a function of appropriate data interpretation and use and the perceived quality of the data. Thus, true data quality involves not just those auditing, cleaning and reporting the data, but also data consumers. Data quality at is addressed in five areas:

#### **8.1.1 Data Governance Structure**

The *Pinnacle Schools* data governance policy is structured to encourage the effective and appropriate use of educational data. The *Pinnacle Schools* data governance structure centers on the idea that data is the responsibility of all *Pinnacle Schools* sections and that data driven decision making is the goal of all data collection, storage, reporting and analysis. Data driven decision making guides what data is collected, reported and analyzed.

#### **8.1.2 Data Requirements and Definitions**

Clear and consistent data requirements and definitions are necessary for good data quality. On the data collection side, the *Pinnacle Schools* communicates data requirements and definitions to LEAs through the Data Clearinghouse Update Transactions documentation. The *Pinnacle Schools* also communicates with LEA IT staff regularly, at monthly Data Warehouse Group meetings and at biannual Data Conferences. Where possible, *Pinnacle Schools* program specialists are invited to these meetings and the same guidance is given to the appropriate LEA program directors.

On the data reporting side, the production and presentation layers provide standard data definitions and business rules. Data Stewards coordinate data releases through the Data Stewards Group meetings. All data released includes relevant data definitions, business rules, and are date stamped. Further, Data and Statistics produces documentation, training and FAQs on key statistics and reports, such as AYP, graduation rate and class size.

#### **8.1.3 Data Collection**

Data elements shall be collected only once—no duplicate data collections are permitted. Where possible, data is collected at the lowest level available (i.e. at the student/teacher level). Thus, there are no aggregate data collections if the aggregate data can be derived or calculated from the detailed data.

For all new data collections, *Pinnacle Schools* provides to the LEAs clear guidelines for data collection and the purpose of the data request. The *Pinnacle Schools* also notifies LEAs as soon as possible about future data collections. Time must be given to LEAs in order for them to begin gathering the data needed.

#### **8.1.4 Data Auditing**

Data and Statistics Data Analysts perform regular and ad hoc data auditing. They analyze data in the warehouse for anomalies, investigate the source of the anomalies, and work with IT and/or LEAs in explaining and/or correcting the anomalies. Data Analysts also work with School Finance to address findings from the Auditors.

8.1.5 Quality Control Checklist

Checklists have been proven to increase quality (See Appendix C). Therefore, before releasing high-risk data, Data Stewards and Data Analysts must successfully complete the data release checklist in three areas: reliability, validity and presentation.

9. **DATA TRANSPARENCY**

Annually, *Pinnacle Schools* will publicly post:

- *Pinnacle Schools* data collections
- Metadata Dictionary as described in Utah’s Student Data Protection Act (SDPA), U.C.A §53A-1-1401

10. **PINNACLE SCHOOLS EMPLOYEE NON-DISCLOSURE AGREEMENT** (see next page)

## 10. PINNACLE SCHOOLS EMPLOYEE NON-DISCLOSURE AGREEMENT

### PINNACLE SCHOOLS EMPLOYEE NON-DISCLOSURE AGREEMENT

As an employee of the *Pinnacle Schools*, I hereby affirm that

(Initial on all blanks provided)

\_\_\_\_\_ I have read the Employee Non-Disclosure Assurances attached to this agreement form and read and reviewed Data Governance Plan *Pinnacle Schools* policies. These assurances address general procedures, data use/sharing, and data security.

\_\_\_\_\_ I will abide by the terms of the *Pinnacle Schools'* policies and its subordinate process and procedures;

\_\_\_\_\_ I grant permission for the manual and electronic collection and retention of security related information, including but not limited to photographic or videotape images of your attempts to access the facility and/or workstations.

#### Trainings

\_\_\_\_\_ I have completed *Pinnacle Schools* Data Security and Privacy Fundamentals Training.

\_\_\_\_\_ I will complete *Pinnacle Schools* Data Security and Privacy Fundamentals Training within 30 days.

#### Using Pinnacle Schools Data and Reporting Systems

\_\_\_\_\_ I will use a password-protected computer when accessing data and reporting systems, viewing child/staff records, and downloading reports.

\_\_\_\_\_ I will not share or exchange individual passwords, for either personal computer(s) or *Pinnacle Schools* system user accounts, with *Pinnacle Schools* staff or participating program staff.

\_\_\_\_\_ I will log out of and close the browser after each use of *Pinnacle Schools* data and reporting systems.

\_\_\_\_\_ I will only access data in which I have received explicit written permissions from the data owner.

\_\_\_\_\_ I will not attempt to identify individuals, except as is required to fulfill job or volunteer duties, or to publicly release confidential data;

#### Handling Sensitive Data

\_\_\_\_\_ I will keep sensitive data on password-protected state-authorized computers.

\_\_\_\_\_ I will keep any printed files containing personally identifiable information in a locked location while unattended.

\_\_\_\_\_ I will not share child/staff-identifying data during public presentations, webinars, etc. I understand that dummy records shall be used for such presentations.

\_\_\_\_\_ I will delete files containing sensitive data after working with them from my desktop, or move them to a secured *Pinnacle Schools* server.

**PINNACLE SCHOOLS EMPLOYEE NON-DISCLOSURE AGREEMENT**  
**Page 2**

**Reporting & Data Sharing**

\_\_\_\_\_ I will not re-disclose or share any confidential data analysis except to other authorized personnel without *Pinnacle Schools'* expressed written consent.

\_\_\_\_\_ I will not publicly publish any data without the approval of the CAO.

\_\_\_\_\_ I will take steps to avoid disclosure of personally identifiable information in state-level reports, such as aggregating, data suppression, rounding, re-coding, blurring, perturbation, etc.

\_\_\_\_\_ I will not use email to send screenshots, text, or attachments that contain personally identifiable or other sensitive information. If I receive an email containing such information, I will delete the screenshots/text when forwarding or replying to these messages.

\_\_\_\_\_ I will not transmit child/staff-level data externally unless explicitly authorized in writing.

\_\_\_\_\_ I understand that when sharing child/staff-identifying data with authorized individuals, the only approved methods are phone calls or *Pinnacle Schools's* Secure File Transfer Protocol (SFTP). Also, sharing within secured server folders is appropriate for *Pinnacle Schools* internal file transfer.

\_\_\_\_\_ I will immediately report any data breaches, suspected data breaches, or any other suspicious activity related to data access to my supervisor and the *Pinnacle Schools* Information Security Officer. Moreover, I acknowledge my role as a public servant and steward of child/staff information, and affirm that I will handle personal information with care to prevent disclosure.

**Consequences for Non-Compliance**

\_\_\_\_\_ I understand that access to the *Pinnacle Schools* network and systems can be suspended based on any violation of this contract or risk of unauthorized disclosure of confidential information;

\_\_\_\_\_ I understand that failure to report violation of confidentiality by others is just as serious as my own violation and may subject me to personnel action, including termination.

**Termination of Employment**

\_\_\_\_\_ I agree that upon the cessation of my employment from *Pinnacle Schools*, I will not disclose or otherwise disseminate any confidential or personally identifiable information to anyone outside of *Pinnacle Schools* without the prior written permission of the Student Data Manager of *Pinnacle Schools*.

EMPLOYEE PRINTED NAME: \_\_\_\_\_

EMPLOYEE SIGNATURE: \_\_\_\_\_

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



## 11. PROTECTING PII IN PUBLIC RECORDS

### DATA GATEWAY STATISTICAL REPORTING METHOD FOR PROTECTING PII

Public education reports offer the challenge of meeting transparency requirements while also meeting legal requirements to protect each student's personally identifiable information (PII). Recognizing this, the reporting requirements state that subgroup disaggregation of the data may not be published if the results would yield personally identifiable information about an individual student. While the data used by the *Pinnacle Schools (Pinnacle Schools)* and local education agencies (LEAs) is comprehensive, the data made available to the public is masked to avoid unintended disclosure of personally identifiable information at summary school, LEA, or state-level reports.

This is done by applying the following statistical method for protecting PII.

1. Underlying counts for groups or subgroups totals are not reported.
2. If a reporting group has 1 or more subgroup(s) with 10 or fewer students.
  - a. The results of the subgroup(s) with 10 or fewer students are re-coded as "N<10"
  - b. For remaining subgroups within the reporting group
3. For subgroups with 300 or more students, apply the following suppression rules.
  - a. Values of 99% to 100% are re-coded to  $\geq 99\%$
  - b. Values of 0% to 1% are re-coded to  $\leq 1\%$
4. For subgroups with 100 or more than but less than 300 students, apply the following suppression rules.
  - a. Values of 98% to 100% are re-coded to  $\geq 98\%$
  - b. Values of 0% to 2% are re-coded to  $\leq 2\%$
5. For subgroups with 40 or more but less than 100 students, apply the following suppression rules.
  - a. Values of 95% to 100% are re-coded to  $\geq 95\%$
  - b. Values of 0% to 5% are re-coded to  $\leq 5\%$
6. For subgroups with 20 or more but less than 40 students, apply the following suppression rules.
  - a. Values of 90% to 100% are re-coded to  $\geq 90\%$
  - b. Values of 0% to 10% are re-coded to  $\leq 10\%$
  - c. Recode the percentage in all remaining categories in all groups into intervals as follows (11-19,20-29,...,80-89)
7. For subgroups with 10 or more but less than 20 students, apply the following suppression rules.
  - a. Values of 80% to 100% are re-coded to  $\geq 80\%$
  - b. Values of 0% to 20% are re-coded to  $\leq 20\%$
  - c. Recode the percentage in all remaining categories in all groups into intervals as follows (20-29,30-39,...,70-79)

## 12. EXAMPLE QUALITY CONTROL CHECKLIST

### Reliability (results are consistent)

1. Same definitions were used for same or similar data previously reported **or** it is made very clear in answering the request how and why different definitions were used
2. Results are consistent with other reported results **or** conflicting results are identified and an explanation provided in request as to why is different
3. All data used to answer this particular request was consistently defined (i.e. if teacher data and student data are reported together, are from the same year/time period)
4. Another *Pinnacle Schools* data steward could reproduce the results using the information provided in the metadata

### Validity (results measure what are supposed to measure, data addresses the request)

1. Request was clarified
2. Identified and included all data owners that would have a stake in the data used
3. Data owners approve of data definitions and business rules used in the request
4. All pertinent business rules were applied
5. Data answers the intent of the request (intent ascertained from clarifying request)
6. Data answers the purpose of the request (audience, use, etc.)
7. Limits of the data are clearly stated
8. Definitions of terms and business rules are outlined so that a typical person can understand what the data represents

### Presentation

1. Is date-stamped
2. Small n-sizes and other privacy issues are appropriately handled
3. Wording, spelling and grammar are correct
4. Data presentation is well organized and meets the needs of the requester
5. Data is provided in a format appropriate to the request
6. A typical person could not easily misinterpret the presentation of the data

### **13. USBE BOARD RULE - R277-487-4. Retention of Student Data (Approved 4/21/21)**

An LEA shall retain and dispose of all student data in accordance with an approved retention schedule.

- An LEA's retention schedules shall take into account the LEA's administrative need for the data
- Unless the data requires permanent retention, an LEA's retention schedules shall require destruction or expungement of student data after the administrative need for the data has passed.

# APPENDIX P: LEA TECHNOLOGY SECURITY POLICY

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## Adopted LEA Technology Security Policy *Pinnacle Schools*

### 1. PURPOSE

The purpose of this policy is to ensure the secure use and handling of all district data, computer systems and computer equipment by District students, patrons, and employees.

### 2. POLICY

#### 2.1 Technology Security

It is the policy of the *Pinnacle Schools* to support secure network systems in the district, including security for all personally identifiable information that is stored on paper or stored digitally on district-maintained computers and networks. This policy supports efforts to mitigate threats that may cause harm to the district, its students, or its employees.

The district will ensure reasonable efforts will be made to maintain network security. Data loss can be caused by human error, hardware malfunction, natural disaster, security breach, etc., and may not be preventable. All persons who are granted access to the district network and other technology resources are expected to be careful and aware of suspicious communications and unauthorized use of district devices and the network. When an employee or other user becomes aware of suspicious activity, he/she is to immediately contact the district's Information Security Officer with the relevant information.

This policy and procedure also covers third party vendors/contractors that contain or have access to *Pinnacle Schools* critically sensitive data. All third party entities will be required to sign the Restriction on Use of Confidential Information Agreement before accessing our systems or receiving information.

It is the policy of *Pinnacle Schools* to fully conform with all federal and state privacy and data governance laws. Including the Family Educational Rights and Privacy Act, 20 U.S. Code §1232g and 34 CFR Part 99 (hereinafter "FERPA"), the Government Records and Management Act U.C.A. §62G-2 (hereinafter "GRAMA"), U.C.A. §53A-1-1401 et seq and Utah Administrative Code R277-487.

Professional development for staff and students regarding the importance of network security and best practices are included in the procedures. The procedures associated with this policy are consistent with guidelines provided by cyber security professionals worldwide and in accordance with Utah Education Network and the Utah State Office of Education. *Pinnacle Schools* supports the development, implementation and ongoing improvements for a robust security system of hardware and software that is designed to protect *Pinnacle Schools'* data, users, and electronic assets.

### 3. PROCEDURE

#### 3.1. Definitions:

3.1.1. Access: Directly or indirectly use, attempt to use, instruct, communicate with, cause input to, cause output from, or otherwise make use of any resources of a computer, computer system, computer network, or any means of communication with any of them.

3.1.2. Authorization: Having the express or implied consent or permission of the owner, or of the person authorized by the owner to give consent or permission to access a computer, computer system, or computer network in a manner not exceeding the consent or permission.

3.1.3. Computer: Any electronic device or communication facility that stores, retrieves, processes, or transmits data.

- 3.1.4. Computer system: A set of related, connected or unconnected, devices, software, or other related computer equipment.
- 3.1.5. Computer network: The interconnection of communication or telecommunication lines between: computers; or computers and remote terminals; or the interconnection by wireless technology between: computers; or computers and remote terminals.
- 3.1.6. Computer property: Includes electronic impulses, electronically produced data, information, financial instruments, software, or programs, in either machine or human readable form, any other tangible or intangible item relating to a computer, computer system, computer network, and copies of any of them.
- 3.1.7. Confidential: Data, text, or computer property that is protected by a security system that clearly evidences that the owner or custodian intends that it not be available to others without the owner's or custodian's permission.
- 3.1.8. Encryption or encrypted data – The most effective way to achieve data security. To read an encrypted file, you must have access to a secret key or password that enables you to decrypt it.
- 3.1.9. Personally Identifiable Information (PII) - Any data that could potentially identify a specific individual. Any information that can be used to distinguish one person from another and can be used for de-anonymizing anonymous data can be considered Protected data
- 3.1.10. Security system: A computer, computer system, network, or computer property that has some form of access control technology implemented, such as encryption, password protection, other forced authentication, or access control designed to keep out unauthorized persons.
- 3.1.11. Sensitive data: Data that contains personally identifiable information.
- 3.1.12. System level: Access to the system that is considered full administrative access. Includes operating system access and hosted application access.

### 3.2. Security Responsibility

3.2.1. *Pinnacle Schools* shall appoint, in writing, an IT Security Officer (ISO) responsible for overseeing District-wide IT security, to include development of District policies and adherence to the standards defined in this document.

### 3.3 Training

3.3.1. *Pinnacle Schools*, led by the ISO, shall ensure that all District employees having access to sensitive information undergo annual IT security training which emphasizes their personal responsibility for protecting student and employee information. - Training resources will be provided to all District employees.

3.3.2. *Pinnacle Schools*, led by the ISO, shall ensure that all students are informed of Cyber Security Awareness.

### 3.4. Physical Security

#### 3.4.1. Computer Security

3.4.1.1. *Pinnacle Schools* shall ensure that any user's computer must not be left unattended and unlocked, especially when logged into sensitive systems or data including student or employee information. Automatic log off, locks and password screensavers shall be used to enforce this requirement.

3.4.1.2. *Pinnacle Schools* shall ensure that all equipment that contains sensitive information will be secured to deter theft.

#### 3.4.2. Server/Network Room Security

3.4.2.1. *Pinnacle Schools* shall ensure that server rooms and telecommunication rooms/closets are protected by appropriate access control which segregates and restricts access from general school or District office areas. Access control shall be

enforced using either keys, electronic card readers, or similar method with only those IT or other staff members having access necessary to perform their job functions are allowed unescorted access.

3.4.2.2. Telecommunication rooms/closets may only remain unlocked or unsecured when because of building design it is impossible to do otherwise or due to environmental problems that require the door to be opened.

3.4.3. Contractor access

3.4.3.1. Before any contractor is allowed access to any computer system, server room, or telecommunication room the contractor will need to present a company issued identification card, and his/her access will need to be confirmed directly by the authorized employee who issued the service request or by *Pinnacle Schools'* Technology Department.

### 3.5. Network Security

3.5.1. Network perimeter controls will be implemented to regulate traffic moving between trusted internal (District) resources and external, untrusted (Internet) entities. All network transmission of sensitive data shall enforce encryption where technologically feasible.

3.5.2. Network Segmentation

3.5.2.1. *Pinnacle Schools* shall ensure that all untrusted and public access computer networks are separated from main district computer networks and utilize security policies to ensure the integrity of those computer networks.

3.5.2.2. *Pinnacle Schools* will utilize industry standards and current best practices to segment internal computer networks based on the data they contain. This will be done to prevent unauthorized users from accessing services unrelated to their job duties and minimize potential damage from other compromised systems.

3.5.3. Wireless Networks

3.5.3.1. No wireless access point shall be installed on *Pinnacle Schools'* computer network that does not conform with current network standards as defined by the Network Manager. Any exceptions to this must be approved directly in writing by the Information Security Officer.

3.5.3.2. *Pinnacle Schools* shall scan for and remove or disable any rogue wireless devices on a regular basis.

3.5.3.3. All wireless access networks shall conform to current best practices and shall utilize at minimal WPA encryption for any connections. Open access networks are not permitted, except on a temporary basis for events when deemed necessary.

3.5.4. Remote Access

3.5.4.1. *Pinnacle Schools* shall ensure that any remote access with connectivity to the District's internal network is achieved using the District's centralized VPN service that is protected by multiple factor authentication systems. Any exception to this policy must be due to a service provider's technical requirements and must be approved by the Information Security Officer.

### 3.6. Access Control

3.6.1. System and application access will be granted based upon the least amount of access to data and programs required by the user in accordance with a business need-to-have requirement.

3.6.2. Authentication

3.6.2.1. *Pinnacle Schools* shall enforce strong password management for employees, students, and contractors.

3.6.2.2. Password Creation

3.6.2.2.1. All server system-level passwords must conform to the Password Construction Guidelines posted on the *Pinnacle Schools* Technology Website.

3.6.2.3. Password Protection

3.6.2.3.1. Passwords must not be shared with anyone. All passwords are to be treated as sensitive, Confidential information.

3.6.2.3.2. Passwords must not be inserted into email messages or other forms of electronic communication.

3.6.2.3.3. Passwords must not be revealed over the phone to anyone.

3.6.2.3.4. Do not reveal a password on questionnaires or security forms.

3.6.2.3.5. Do not hint at the format of a password (for example, "my family name").

3.6.2.3.6. Any user suspecting that his/her password may have been compromised must report the incident and change all passwords.

3.6.2. Authorization

3.6.2.1. *Pinnacle Schools* shall ensure that user access shall be limited to only those specific access requirements necessary to perform their jobs. Where possible, segregation of duties will be utilized to control authorization access.

3.6.2.2. *Pinnacle Schools* shall ensure that user access shall be granted and/or terminated upon timely receipt, and management's approval, of a documented access request/termination.

3.6.3. Accounting

3.6.3.1. *Pinnacle Schools* shall ensure that audit and log files are maintained for at least ninety days for all critical security-relevant events such as: invalid logon attempts, changes to the security policy/ configuration, and failed attempts to access objects by unauthorized users, etc.

#### 3.6.4. Administrative Access Controls

3.6.4.1. *Pinnacle Schools* shall limit IT administrator privileges (operating system, database, and applications) to the minimum number of staff required to perform these sensitive duties.

### 3.7. Incident Management

3.7.1. Monitoring and responding to IT related incidents will be designed to provide early notification of events and rapid response and recovery from internal or external network or system attacks.

### 3.8. Business Continuity

3.8.1. To ensure continuous critical IT services, IT will develop a business continuity/disaster recovery plan appropriate for the size and complexity of District IT operations.

3.8.2. *Pinnacle Schools* shall develop and deploy a district-wide business continuity plan which shall include as a minimum:

- Backup Data: Procedures for performing routine daily/weekly/monthly backups and storing backup media at a secured location other than the server room or adjacent facilities. As a minimum, backup media must be stored off-site a reasonably safe distance from the primary server room.
- Secondary Locations: Identify a backup processing location, such as another School or District building.
- Emergency Procedures: Document a calling tree with emergency actions to include: recovery of backup data, restoration of processing at the secondary location, and generation of student and employee listings for ensuing a full head count of all.

### 3.9. Malicious Software

3.9.1. Server and workstation protection software will be deployed to identify and eradicate malicious software attacks such as viruses, spyware, and malware.

3.9.2. *Pinnacle Schools* shall install, distribute, and maintain spyware and virus protection software on all district-owned equipment, i.e. servers, workstations, and laptops.

3.9.3. *Pinnacle Schools* shall ensure that malicious software protection will include frequent update downloads (minimum weekly), frequent scanning (minimum weekly), and that malicious software protection is in active state (real time) on all operating servers/workstations.

3.9.4. *Pinnacle Schools* shall ensure that all security-relevant software patches (workstations and servers) are applied within thirty days and critical patches shall be applied as soon as possible.

3.9.5. All computers must use the District approved anti-virus solution.

3.9.6. Any exceptions to section 3.9 must be approved by the Information Security Officer.

### 3.10. Internet Content Filtering

3.10.1. In accordance with Federal and State Law, *Pinnacle Schools* shall filter internet traffic for content defined in law that is deemed harmful to minors.

3.10.2. *Pinnacle Schools* acknowledges that technology based filters are not always effective at eliminating harmful content and due to this, *Pinnacle Schools* uses a combination of technological means and supervisory means to protect students from harmful online content.

3.10.3. In the event that students take devices home, *Pinnacle Schools* will provide a technology based filtering solution for those devices. However, the District will rely on parents to provide the supervision necessary to fully protect students from accessing harmful online content.

3.10.4. Students shall be supervised when accessing the internet and using district owned devices on school property.

### 3.11. Data Privacy

3.11.1. *Pinnacle Schools* considers the protection of the data it collects on students, employees and their families to be of the utmost importance.

3.11.2. *Pinnacle Schools* protects student data in compliance with the Family Educational Rights and privacy Act, 20 U.S. Code §1232g and 34 CFR Part 99 ( "FERPA"), the Government Records and Management Act U.C.A. §62G-2 ( "GRAMA"), U.C.A. §53A-1-1401 et seq, 15 U.S. Code §§ 6501–6506 ("COPPA") and Utah Administrative Code R277-487 ("Student Data Protection Act").

3.11.3. *Pinnacle Schools* shall ensure that employee records access shall be limited to only those individuals who have specific access requirements necessary to perform their jobs. Where possible, segregation of duties will be utilized to control authorization access.

### 3.12. Security Audit and Remediation

3.13.1. *Pinnacle Schools* shall perform routine security and privacy audits in congruence with the District's Information Security Audit Plan.

3.13.2. District personnel shall develop remediation plans to address identified lapses that conforms with the District's Information Security Remediation Plan Template.

### 3.14 Employee Disciplinary Actions

Employee Disciplinary Actions shall be in accordance with applicable laws, regulations and District policies. Any employee found to be in violation may be subject to disciplinary action up to and including termination of employment with the *Pinnacle Schools*.

# APPENDIX Q: FOREIGN EXCHANGE STUDENT POLICY

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(Board Approved 4/10/2018)

1. Pinnacle High School will adhere to the requirements of Subsection 53A-2-206(6) and provisions which create a safe environment for foreign exchange students.
2. Prior to accepting students through a foreign exchange student agency, Pinnacle High School shall require and maintain a sworn affidavit of compliance.
3. A sworn affidavit of compliance shall include confirmation that the foreign exchange placing agency is in compliance with applicable policies of Pinnacle High School's governing board, has completed a household study, including a background check consistent with Section 53A-3-410 of all adult residents of each household where foreign exchange students will reside; has reviewed the information revealed through the background checks with an appropriate Pinnacle High School official. Host families must complete a background study to assure that the exchange student will receive proper care and supervision in a safe environment.
4. The foreign exchange student placing agency will provide proof that they have provided host parents with training appropriate to their positions including information about enhanced criminal penalties under Subsection 76-5-406(10) for persons who are in a position of special trust, provide proof that they will send a representative to visit each student's place of residence at least monthly during the student's stay in Utah; will cooperate with school and other public authorities to ensure that no exchange student becomes an unreasonable burden upon the school or other public agencies; will give each exchange student names and telephone numbers of agency representatives and others who could be called at any time if a serious problem occurs, in the exchange student's native language and will provide alternate placements so that no student is required to remain in a household if conditions appear to exist which unreasonably endanger the student's welfare.
5. Pinnacle High School shall provide each approved foreign exchange student agency with a list of names and telephone numbers of individuals not associated with the agency who could be called by an exchange student in the event of a serious problem. A foreign exchange student agency shall provide a copy of a list in the student's native language provided by Pinnacle High School in accordance with Subsection (4) to each foreign exchange student.



# APPENDIX R: STUDENT TRANSPORTATION STANDARDS AND PROCEDURES

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(Board Approved 9/11/2018)

Rule R277-600. Student Transportation Standards and Procedures.  
As in effect on July 1, 2018

## Table of Contents

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- R277-600-8. Other Reimbursable Expenses.
- R277-600-9. Non-reimbursable Expenses.
- R277-600-10. Board Local Levy.
- R277-600-11. Exceptions.
- R277-600-12. Grants for Unsafe Routes.

## KEY

- Date of Enactment or Last Substantive Amendment
- Notice of Continuation
- Authorizing, Implemented, or Interpreted Law

### **R277-600-1. Authority and Purpose.**

(1) This rule is authorized by:

- (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public schools in the Board;
- (b) Subsection 53A-1-402(1)(d), which directs the Board to establish rules for bus routes, bus safety and other transportation needs;
- (c) Sections 53A-17a-126 and 127, which provide for distribution of funds for transportation of public school students and disability standards for student bus riders;
- (d) Section 53A-17a-126.5, which directs the Board to make rules to implement unsafe route grants; and
- (e) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2) The purpose of this rule is to specify the standards under which school districts may qualify for and receive state transportation funds.

### **R277-600-2. Definitions.**

- (1) "ADA" means average daily attendance.
- (2) "ADM" means average daily membership.
- (3) "AFR" means a school district's annual financial report, one component of which is the AFR for all pupil transportation costs.

(4)(a) "Approved costs" means the Board approved costs of transporting eligible students from home to school to home once each day, after-school routes, approved routes for students with disabilities and vocational students attending school outside their regularly assigned attendance boundary, and a portion of the bus purchase prices.

(b) All approved costs are adjusted by the CAO consistent with a Board-approved formula per the annual legislative transportation appropriation.

(5) "Deadhead miles" means miles traveled while operating a bus with no passengers on board.

(6) "Extended school year" or "ESY" means an extension of the school district or charter school traditional school year to provide special education and related services to a student with a disability, in accordance with the student's IEP, and at no cost to the student's parents.

(7) "Hazardous" means in a state of danger or potential danger, which may result in injury or death.

(8) "Local school board" means a local school district board of education.

(9) "Multipurpose passenger vehicle" or "MPV" means any motor vehicle with less than 10 passenger positions, including the driver's position, which cannot be certified as a bus.

(10) "Pupil Transportation Advisory Committee" means the committee described in Subsection 53A-17a- 127(5).

(11) "Out-of-pocket expense" means gasoline, oil, and tire expenses.

(12) "Unsafe route" has the same meaning as defined in Subsection 53A-17a-126.5(1).

### **R277-600-3. General Provisions.**

(1)(a) The CAO shall use state transportation funds to reimburse school districts for the costs reasonably related to transporting students to and from school.

(b) The Board shall define the limits of a school district's transportation costs reimbursable by state funds in a manner that encourages safety, economy, and efficiency.

(2) Allowable transportation costs are divided into two categories:

(a) A Category costs include expenditures for regular bus routes established by the school district, and approved by the state.

(b) B Category costs include other methods of transporting students to and from school.

(3) The CAO shall develop a formula to allocate A Category costs based on a calculated rate.

(4) The CAO shall approve B Category costs on a line-by-line basis after:

(a) comparing the costs submitted by a school district with the costs of alternative methods of performing the designated functions; and

(b) accounting for legislative appropriation variations.

(5) The CAO shall develop a uniform accounting procedure for the financial reporting of transportation costs, which shall specify the methods used to calculate allowable transportation costs.

(6) The CAO shall develop uniform forms for the administration of the transportation program.

(7)(a) An LEA shall record all student transportation costs, including accurate mileage, minute, and trip records.

(b) An LEA may maintain records and financial worksheets during the fiscal year for audit purposes.

### **R277-600-4. Eligibility.**

(1) The CAO shall only disburse state transportation funds for transporting eligible students.

(2) The CAO shall determine transportation eligibility for elementary students (k-6) and secondary students (7-12) in accordance with the mileage from home, specified in Subsections 53A-17a-127(1) and (2), to the school attended by assignment of the local school board.

(3) A student whose IEP identifies transportation as a necessary related service is eligible for transportation regardless of distance from the school attended by assignment of the local school board.

(4) A student who attends school for at least one-half day at a location other than the local school board designated school is not eligible for transportation for distances up to one and one-half miles.

(5) A school district that implements double sessions as an alternative to new building construction may transport, one-way to or from school, with Board approval, affected elementary students residing less than one and one-half miles from school, if the local school board determines the transportation would improve safety affected by darkness or other hazardous conditions.

(6) The distance from home to school is determined as follows: From the center of the public route (road, thoroughfare, walkway, or highway) open to public use, opposite the regular entrance of the one where the pupil is living, over the nearest public route (thoroughfare, road, walkway, or highway) open regularly for use by the public, to the center of the public route (thoroughfare, road, walkway, or highway) open to public use, opposite the nearest public entrance to the school grounds which the student is attending.

#### **R277-600-5. Student with Disabilities Transportation.**

(1)(a) A student with a disability shall be transported on regular buses and regular routes whenever possible, unless the IEP team determines otherwise.

(b) A school district may request approval, prior to providing transportation, for reimbursement for transporting students with disabilities who cannot be safely transported on regular school bus runs.

(2) A school district may be reimbursed for the costs of transporting or for alternative transportation for students with disabilities whose severity of disability, or combination of disabilities, necessitates special transportation.

(3) During the regular school year, an eligible special transportation route from the assigned school site to an alternative program location shall be for a minimum of fifteen days with primarily the same group of students.

(4) During the ESY, an eligible special transportation route from the assigned school site to an alternative program location shall be for a minimum of ten days with primarily the same group of students.

(5) ESY services shall meet the standards of Part B of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1401(3) and Board Special Education Rules.

(6) The Utah Schools for the Deaf and the Blind shall provide transportation for students who are transported to its self-contained classes, unless an exception is approved by the CAO.

#### **R277-600-6. Bus Route Approval.**

(1)(a) A local school board shall propose bus routes subject to approval by the CAO.

(b) A local school board shall provide information requested by the CAO prior to approval of a route.

(c) During the regular school year, an eligible route from the assigned school site to an alternative program location shall be for a minimum of fifteen days with primarily the same group of students.

(d) The CAO may not approve a route for reimbursement if an equitable student transportation allowance or a subsistence allowance for the necessary transportation is more cost-effective.

(2) The CAO may approve exceptions for good cause shown.

(3) A bus route shall:

- (a) traverse the most direct public route;
- (b) be reasonably cost-effective in comparison to other feasible alternatives;
- (c) provide adequate safety for students;
- (d) traverse roads that are constructed and maintained in a manner that does not cause property damage; and
- (e) include an economically appropriate number of students.

- (4)(a) The minimum number of general education students required to establish a bus route is ten.
- (b) The minimum number of students with disabilities required to establish a bus route is five.
- (c) A bus route may be established for fewer students upon special permission of the CAO.

(5) A school district shall designate safe areas for bus stops.

- (6)(a) A student is responsible for the student's own transportation to bus stops up to one and one-half miles from home.
- (b) A student with a disability is responsible for the student's own transportation to bus stops unless the IEP team determines otherwise.

- (7)(a) A school district shall report changes made in existing routes or the addition of new routes to the CAO as they occur.
- (b) The CAO shall review and may refuse to fund route changes.

(8) The CAO may reimburse a school district for transporting another district's students across school district boundaries so long as:

- (a) the route promotes efficient transportation for both districts;
- (b) the route serves a group or community of students and families rather than a single student or a single family;
- (c) the local school boards of both participating districts vote in an open meeting that students who reside in one district can be better and more economically served by another district; and
- (d) both districts and the CAO maintain documentation annually of the boards' votes and the map of the approved route.

(9) A school district may transport eligible students home after school activities held at the students' school of regular attendance and within a reasonable time period after the close of the regular school day and receive approved route mileage.

(10)(a) The CAO may approve atypical routes as alternatives to building construction if routes are needed to allow more efficient school district use of school facilities.

- (b) Building construction alternatives include:
  - (i) elementary double sessions;
  - (ii) year-round school; and
  - (iii) attendance across school district boundaries.

(11)(a) A school district may use the State Guarantee Transportation Levy or local transportation funds to transport students across state lines or out-of-state for school sponsored activities or required field trips if:

- (i) the local school board has a policy that includes approval of trips at the appropriate administrative level;
  - (ii) the school or school district has considered the purpose of the trip or activity and any competing risk or liability;
  - (iii) given the distance, purpose and length of the trip, the school district has determined that the use of a publicly owned school bus is appropriate for the trip or activity; and
  - (iv) the local school board has consulted with State Risk Management.
- (b) If school bus routes transport students across Utah state lines or outside of Utah for required to and from routes, routes are reimbursable providing a school district maintains documentation that:
- (i) the routes are necessary;
  - (ii) the routes are more cost-effective; or
  - (iii) the routes provide greater safety for students than in-state routes.

#### **R277-600-7. Alternative Transportation.**

(1) The CAO shall analyze bus routes that involve a large number of deadhead miles to determine if an alternative method of transporting students is more efficient.

- (2) Approved alternatives include the alternatives described in Subsections (3) through (9).
- (3)(a) The costs incurred in transporting eligible pupils in a school district MPV are approved costs as long as the costs demonstrate efficiency; or  
(b) The costs incurred in paying eligible students an allowance in lieu of school district-supplied transportation are approved costs.
- (4)(a) A student may be reimbursed for the mileage to the bus stop or school, whichever is closer to the student's home.  
(b) The allowance under this Subsection (4)(a) may not be less than \$0.35 per mile, nor greater than the reimbursement allowance permitted by the Utah Department of Administrative Services for use of privately owned vehicles set forth in the Utah Travel Regulations.
- (5) A district shall annually perform a cost-benefit analysis as part of its determination of the LEA specific reimbursement rate and make this analysis available to the public.
- (6)(a) A district shall make a student mileage allowance under this Section R277-600-7 to only one student per family for each trip that is necessary for all the students within a family to attend school.  
(b) If siblings are on different school schedules or ride buses that are on significantly different schedules, multiple students within a family may claim and be paid for student mileage allowances.
- (7) If a student eligible for reimbursement under this Section R277-600-7 or the student's parent is unable to provide private transportation, with prior approval from the CAO, an amount equivalent to the student allowance may be paid to the school district to help pay the costs of school district transportation.
- (8)(a) A district shall measure and certify a student's mileage in school district records.  
(b) A student's ADA, as entered in school records, is used to determine the student's attendance.
- (9)(a) The cost incurred in providing a subsistence allowance is an approved cost under the following conditions:  
(i) a student lives more than 60 miles (one way) on well-maintained roads from the student's assigned school, a parent may be reimbursed for the student's room and board if the student relocates temporarily to reside in close proximity to the student's assigned school;  
(ii) payment may not exceed the Substitute Care Rate for Family Services for the current fiscal year;  
(iii) adjustments for changes made in the rate during the year shall be included in the allowance; and  
(iv) In addition to the reimbursement for room and board, the subsistence allowance may include the costs of up to 18 round trips per year.  
(b)(i) A subsistence allowance is not available to a parent who maintains a separate home during the school year for the convenience of the family.  
(ii) A parent's primary residence during the school year is the residence of the child.
- (10) A school district may contract or lease with a third party provider for pupil transportation services.
- (11)(a) The cost incurred in engaging in a contract or leasing for transportation is an approved cost at the prorated amount available to school districts.  
(b) The CAO shall determine reimbursements for school districts using a leasing arrangement in accordance with the comparable cost for the school district to operate its own transportation.  
(c) Under a contract or lease, a school district's transportation administrator's time may not exceed one percent of the commercial contract cost.
- (12) If a school district contracts or leases with a third party provider or other LEA for pupil transportation services, it shall maintain and provide to the CAO upon request the following items as if it operated its own transportation:  
(a) eligible student counts;  
(b) bus route mileage;  
(c) bus route minutes; and  
(d) service to students with disabilities and bus inventory data.

**R277-600-8. Other Reimbursable Expenses.**

The CAO may reimburse a school district for the following costs with state transportation funds:

- (1) salaries of clerks, secretaries, trainers, drivers, a supervisor, mechanics, and other personnel necessary to operate the transportation program, subject to the following limitations:
  - (a) a full time supervisor may be paid at the same rate as other professional directors in the school district; and
  - (b) a school district shall ensure that a supervisor's salary is commensurate with the number of buses, number of eligible students transported, and total responsibility relative to other school district supervisory functions;
- (2) a school district may claim a percentage of the school district CAO's or other supervisor's salary for reimbursement if the school district's eligibility count is less than 600 and a verifiable record of administrative time spent in the transportation operation is maintained; and
- (3) the wage time for bus drivers may include to and from school time consisting of:
  - (i) 10 minute pre-trip inspection;
  - (ii) actual driving time;
  - (iii) 10 minute post-trip inspection and bus cleanup; and
  - (iv) 10 minute bus servicing and fueling;
- (4) a proportionate amount of a CAO's or supervisor's employee benefits (health, accident, life insurance);
- (5) purchased property services;
- (6) property, comprehensive, and liability insurance;
- (7) communication expenses and travel for supervisors to workshops or national conventions;
- (8) supplies and materials for vehicles, the school district transportation office and the garage;
- (9) training expenses to complete bus driver instruction and certification required by the Board; and
- (10) other related costs approved by the CAO, which may include additional bus driver training.

**R277-600-9. Non-reimbursable Expenses.**

- (1) AFR for all pupil transportation costs may only include pupil transportation costs and other school district expenditures directly related to pupil transportation.
- (2) In determining expenditures eligible to and from school transportation, all related costs shall be reduced on a pro rata basis for the miles not connected with approved costs.
- (3) Expenses determined by the CAO as not directly related to transportation of eligible students to and from school may not be reimbursed.
- (4)(a) A local school board may determine appropriate non-school uses of school buses.
  - (b) A local school board may lease or rent public school buses to:
    - (i) federal, state, county, or municipal entities;
    - (ii) entities insured by State Risk Management;
    - (iii) non-government entities; or
    - (iv) entities not insured through State Risk Management.
  - (c) As part of any agreement to allow non-school use of a school bus, a local school board shall:
    - (i) require full cost reimbursement for any non-public school use including:
      - (A) cost per mile;
      - (B) cost per minute; and

- (C) bus depreciation;
- (ii) require a non-school user to provide:
  - (A) proof of insurance through State Risk Management or private insurance coverage; and
  - (B) a fully executed agreement for full release of indemnification;
- (iii) require that any non-school use is revenue neutral; and
- (iv) consult with State Risk Management to determine adequacy of documentation of insurance and indemnity for any entity requesting use or rental of publicly owned school buses.

(5) A local school board shall approve the use of school buses by a non-governmental entity or an entity not insured through State Risk Management in an open meeting.

(6)(a) In the event of an emergency, local, regional, state or federal authorities may request the use of school buses or school bus drivers or both for the period of the emergency.

(b) A local school board shall grant a request under Subsection (a) so long as the use can be accommodated consistent with continuing student transportation and student safety requirements.

#### **R277-600-10. Board Local Levy.**

Pinnacle Canyon Academy is not eligible to participate in the Local Levy program due to being a charter school.

#### **R277-600-11. Exceptions.**

(1)(a) When undue hardships and inequities are created through exact application of these standards, a school district may request an exception to these rules from the CAO for individual cases.

(b) Hardships or inequities under Subsection (1)(a) may include written evidence demonstrating that no significant increased costs (less than one percent of a school district's transportation budget) is incurred due to a waiver or that students cannot be provided services consistent with the law due to transportation exigencies.

(c) The CAO may consult with the Pupil Transportation Advisory Committee in considering the exemption.

(2) A school district shall not be penalized in the computation of its state allocation for the presence on an approved to and from school route of an ineligible student who does not create an appreciable increase in the cost of the route.

(3) There is an appreciable increase in cost under Subsection (2) if, because of the presence of ineligible students, any of the following occurs:

- (a) another route is required;
- (b) a larger or additional bus is required;
- (c) a route's mileage is increased;
- (d) the number of pick-up points below the mileage limits for eligible students exceeds one; and
- (e) significant additional time is required to complete a route.

(4)(a) An ineligible student may ride a school bus on a space available basis.

(b) An eligible student may not be displaced or required to stand in order to make room for an ineligible student.

#### **R277-600-12. Grants for Unsafe Routes.**

(1) The Board shall solicit proposals and award grants for unsafe routes as provided in Section 53A- 17a-126.5.

(2) Subject to Board approval, the Pupil Transportation Advisory Committee shall:

- (a) develop an application and instructions regarding the process for applying for a grant and make the application available to all school districts in the state; and
- (b) develop a scoring rubric to be used in ranking applications received for purposes of funding prioritization and distribute the rubric to all school districts in the state.

(3) The Pupil Transportation Advisory Committee may recommend modifications to the application and rubric developed under Subsection (2) as needed to address evolving risks and appropriations.

(4) The CAO shall use the following process to calculate grant awards:  
(a)(i) multiply the miles traveled for the unsafe route or sub-route by the allowance per mile;  
(ii) multiply the minutes required for the unsafe route or sub-route by the allowance per minute;  
(iii) the allowances per mile and minute used shall be the same allowances described in Subsection 53A-17a-127(3) for the respective fiscal year for each district; or  
(b) Follow an alternative funding method recommended by the Pupil Transportation Advisory Committee and approved by the Board based on grant applications received from school districts.

(5) A school district may identify an alternative solution that addresses unsafe routes or other health or safety conditions and is more cost-effective than creating a new route or sub-route.

(6) A school district may use grant funds under this Section R277-600-12 to pay the costs of transporting students or for other related expenditures intended to reduce the hazards that exist along the unsafe route, as approved by the Board.

(7) A recipient of grant funds under this Section R277-600-12 shall maintain sufficient records to substantiate expenditure of grant funds and provide documentation to the Board upon request.

#### KEY

school buses, school transportation

Date of Enactment or Last Substantive Amendment

November 7, 2016

Notice of Continuation

September 15, 2016

Authorizing, Implemented, or Interpreted Law

Art X Sec 3; 53A-1-402(1)(d); 53A-17a-126; 53A-17a-126.5; 53A-17a-127; 53A-1-401

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#### Additional Information

##### Contact

For questions regarding the content or application of rules under Title R277, please contact the promulgating agency (Education, Administration). A list of agencies with links to their homepages is available at <http://www.utah.gov/government/agencylist.html> or from <http://www.rules.utah.gov/contact/agencycontacts.htm>.



# APPENDIX S: STANDARDS FOR UTAH SCHOOL BUSES AND OPERATIONS

(Board Approved 9/11/2018)

Rule R277-601. Standards for Utah School Buses and Operations.  
As in effect on July 1, 2018

Table of Contents

R277-601-1. Definitions.

R277-601-2. Authority and Purpose.

R277-601-3. Standards.

## **R277-601-1. Definitions.**

A. "Board" means the Utah State Board of Education.

B. "Pinnacle Canyon Academy" means the local school board of education.

## **R277-601-2. Authority and Purpose.**

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of the public education in the Board, Section 53A-1-402(1)(d) which directs the Board to adopt rules for state reimbursed bus routes, bus safety and operational requirements, and other transportation needs and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to specify standards for state student transportation funds, school buses, and school bus drivers utilized by school districts.

## **R277-601-3. Standards.**

A. Pinnacle Canyon Academy and school district personnel shall act consistent with the manual entitled STANDARDS FOR UTAH SCHOOL BUSES AND OPERATIONS, 2010, which includes information received from Utah school districts, the Utah Transportation Commission, and the Utah Department of Public Safety and is available at each department or agency. The STANDARDS shall include the following:

(1) Electronic and telecommunications devices

(a) A school bus operator's primary responsibility, consistent with training and policy, is the safety of passengers and the safety of the public at all times.

(b) A school bus operator shall not use a cell phone, wireless electronic device, or any headset, earpiece, earphones or other equipment that might distract a driver from his responsibilities, whether hand held or not, while the school bus is in motion and not appropriately parked or secured. This prohibition does not apply to the safe and appropriate use of two-way radios or to mounted, GPS systems. All school districts and public schools that regularly transport students shall maintain documentation of training for bus drivers and employees in the safe and appropriate use of two-way radios.

(c) Once the bus is stopped and safely parked, a school bus operator may use an electronic device for emergencies, to assist special needs students, for behavior management, for appropriate assistance for field/activity trips or for other business-related issues.

(d) A school bus operator may use an electronic device for personal use once a school bus is safely parked, appropriately secured and all passengers are safely off and at a safe distance from the bus, consistent with school district policy.

(e) Any violation of these provisions for emergency or compelling reasons may require documentation and will be addressed by the employing education entity.

(f) Violations of these provisions may result in personnel action(s) against the school bus operator consistent with school district/employer policies.

(g) Private contractors employed by school districts for student transportation shall also adhere strictly to these provisions in addition to the policies of the employer.

(2) End of bus route inspection

- (a) At the end of a student delivery, both during the day and after the final route of the day, a school bus operator shall complete the delivery, stop and park the bus, and insure that all students are off the bus.
- (b) Where possible, this inspection shall be completed at each school site when delivering students to school.
- (c) Following each from-school route of the day, the bus operator shall complete the same type of inspection at a safe location a short distance from where the final student(s) left the bus. If children are found on the bus, they shall be immediately returned to their assigned bus stop location or to an alternate location, consistent with district policy, with express permission from the parents(s).

KEY

school, buses, school transportation

Date of Enactment or Last Substantive Amendment

June 9, 2014

Notice of Continuation

April 4, 2014

Authorizing, Implemented, or Interpreted Law

53A-1-402(1)(d); 53A-1-401(3)

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Additional Information

Contact

For questions regarding the content or application of rules under Title R277, please contact the promulgating agency (Education, Administration). A list of agencies with links to their homepages is available at <http://www.utah.gov/government/agencylist.html> or from <http://www.rules.utah.gov/contact/agencycontacts.htm>.

# APPENDIX T: COMPLAINT PROCEDURE

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## Child and Adult Care Food Program PROCEDURE FOR COMPLAINTS OF DISCRIMINATION

The Sponsor or Institution shall accept all complaints of discrimination, whether written or verbal, relating to the Child and Adult Care Food Program. Discrimination is defined as different treatment which makes a distinction of one person or a group of persons from others; intentionally, by neglect, or by the actions or lack of actions based on the six protected classes in the Child Nutrition Programs: race, color, national origin, sex, age, or disability.

Pinnacle Canyon Academy (Pinnacle) will keep a log of all discrimination complaints, with the same information as that forwarded to the USBE or USDA.

1. Discrimination complaints from individuals will be handled by the Chief Administrative Officer and other appropriate administrative personnel.
2. Complaints of discrimination will contain the following information:
  - Name, address, telephone number and any other means to contact the complainant (person issuing the complaint).
  - Specific name, location, and telephone number of the center where the incident took place that caused the discrimination complaint.
  - Nature of the incident or action that led the complainant to feel discriminated against.
  - A list of which of the six listed protected classes were discriminated against with a description of the complaint. The six protected classes are: race, color, national origin, sex, age or disability.
  - Name(s), title(s), and addresses of people who may know of the incident or action that caused the complaint (for example: teacher, cook or director)
  - The date(s) the action(s) causing the discrimination complaint occurred and how long or how often it occurred.
3. The person filing the complaint must do so within 180 days of the incident. If submitted to the institution, it will be immediately forwarded to USBE or USDA, Office of Civil Rights. The sponsor or institution will handle anonymous complaints in the same manner as other non-anonymous complaints.
  - Utah State Board of education, Director of Child Nutrition Programs 250 East 500 South, PO Box 14400, Salt Lake City, Utah 84114 or
  - 
  - USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish) or fax to (202) 690-7442 or email to [program.intake@usda.gov](mailto:program.intake@usda.gov).

## CIVIL RIGHTS COMPLIANCE IN THE CHILD NUTRITION PROGRAMS

**Is your institution meeting civil rights compliance?** Read the following questions and answers to determine your knowledge and compliance performance.

**What is Discrimination?** Discrimination is defined treatment which treats one person or a group of persons differently from others, intentionally, by neglect, or by the actions or lack of actions based on six protected classes in the Child Nutrition Programs: race, color, national origin, sex, age, or disability.

**How are citizens' rights protected?** The following laws have been passed designed to defend against discrimination:

- Title VI of the Civil Rights Act of 1964 - Race, Color, National origin
- Title IX of Education Amendments of 1972 - Sex
- Section 504 of Rehab. Act of 1973 – Disability
- Age Discrimination Act of 1975 – Age -Civil Rights

- Laws provide regulation that no person in the United States shall on the grounds of race, color, national origin, sex or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

**What do these laws require of organizations participating in child nutrition programs?** Civil Rights can be broken into these areas of focus for compliance:

- Public Notification System
- Limited English Proficiency
- Accommodations for those with Disabilities
- Data Collection
- Civil Rights Complaints
- Assurances

**1. What is required for public notification?**

- All institutions must display the “And Justice For All” poster in a prominent place.
- All institutions must provide informational materials in the appropriate translations concerning the availability and nutritional benefits of the meal programs.

In addition, all materials provided to the public which mention the CACFP must contain the nondiscrimination statement and the procedure for filing a complaint.

**What must be included in the nondiscrimination statement?** The long nondiscrimination statement is as follows:

In accordance with Federal Law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice).

Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877- 8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.

**What if the item is too tiny to fit all nondiscrimination information on?** If the material is too small to permit the full statement to be included, here is the short statement: “The USDA is an equal opportunity provider.” This must be printed in a font no smaller than the majority of the rest of the text.

**Are there any additional requirements for providing public notification?** Institutions have two additional responsibilities, as follow:

- Make program information available to the public upon request, and
- Must notify the community/grassroots organizations of program benefits at a minimum through a public release

**2. What is required in the limited English proficiency area?** Where a significant number or proportion of the population eligible to be served needs service or information in a language other than English in order to be informed of or to participate in the program, the recipient shall take reasonable steps to provide information in appropriate language to such persons. Factors to consider in addressing limited English proficiency include number of LEP individuals participating in the Program, frequency of contact with the Program, nature and importance of the Program and resources available.

**3. What data must be collected and how must it be maintained?**

- Institutions must have a system in place that collects racial and ethnic data
- Data must be updated at least annually, and
- Each institution agrees to maintain racial and ethnic data on file for three years plus the current year

**How do we collect that data?** Visual identification, personal knowledge may be used by the institution’s official or voluntary self-identification by the applicant on the free and reduced price meal application form.

**4. What other assurances must the institution provide?**

- Admission procedures must not restrict enrollment by minority persons;

- Denied free and reduced priced applications cannot be based on race, color, national origin, sex, age, or disability; and
- Institutions shall make reasonable accommodation to persons with disabilities unless the accommodation would pose undue hardship on the operation of its program or place of business.

**5. How do we handle civil rights complaints?** Any person alleging discrimination based on race, color, national origin, sex, age, or disability has a right to file a complaint within 180 days of the alleged discriminatory action. Complaints can be written or verbal. Anonymous complaints shall be handled as any other complaints.

#### **DOCUMENT COMPLAINTS**

All civil rights complaints, written or verbal, shall be accepted and forwarded to the USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

## **APPENDIX U: SENSITIVE MATERIALS POLICY**

Final Passed Version July 26, 2022, by Utah State Board of Education  
Board Approved 8/23/2022

### I. Library Policy

- a. Pinnacle Canyon Academy school libraries support and enhance student learning. Pinnacle Canyon Academy values libraries, media centers, and library staff who select, maintain, and preserve rich repositories of balanced, relevant, age appropriate, and varied educational sources for students.
- b. This policy specifies the process for identifying materials to be included or disqualified from use in libraries and schools based on Section 53G-10-103, Sensitive Instructional Materials, state and federal law, Board Rule R277-217, Educator Standards and LEA Reporting, or based on age-appropriate content.
- c. All employees of Pinnacle Canyon Academy must adhere to this policy and are subject to the Pinnacle Canyon Academy Employee Conduct policies for any personal violation.

### II. Selection of Materials for Library Collection

- a. The library professional or designated Pinnacle Canyon Academy volunteers will initially select all library materials under the direction of the local board, including gifts and donations, consistent with this policy using the following criteria:
  - i. seek recommendations and work collaboratively with parents, patrons, others in the school community during the selection process;
  - ii. create a collection that reflects diversity of ideas; and
  - iii. create a collection that adheres to the law.
- b. Electronic databases and other web-based searches and content will be filtered through the Pinnacle Canyon Academy state-required internet filter.
- c. Gifts and donations will be reviewed following selection criteria and will be accepted or rejected using the same criteria, and
- d. The responsibility for final material selection rests with trained library personnel under direction of the governing board of Pinnacle Canyon Academy using the following criteria:
  - i. Overall purpose and educational significance;
  - ii. Legality;
  - iii. Age and developmental appropriateness;
  - iv. Timeliness and/or permanence;
  - v. Readability and accessibility for intended audience;
  - vi. Artistic quality and literary style;
  - vii. Reputation and significance of author, producer, and/or publisher;
  - viii. Variety of format with efforts to incorporate emerging technologies;
  - ix. Quality and value commensurate with cost and/or need.
- e. A record of reviewed materials will be maintained by each school within Pinnacle Canyon Academy and include:
  - i. the name of the school;
  - ii. the title and author of the material;
  - iii. all available formats of the material (digital/hard copy/etc.);
  - iv. the intended use of the material;

- v. the date the material was reviewed; and
- vi. the employee's name and title that reviewed the material.

### III. Library Collection Maintenance

- a. Library materials will be maintained consistent with the criteria listed in II.D, state, and federal laws, including Utah Code Ann. Section 53G-10-103, and represent varying viewpoints.
- b. The school librarian or designated specialist will inventory the school library collection and equipment every two years.
  - i. The inventory may be used to determine losses and remove damaged or worn materials to be considered for replacement.
  - ii. The inventory may also be used to deselect and remove materials that are inconsistent with the law, or that are no longer relevant to the curriculum or of interest to students.
  - iii. Identify gaps or deficits in the library's collection.

### IV. Library Materials Review Process

- a. Pinnacle Canyon Academy will ensure that each school within Pinnacle Canyon Academy approves a least restrictive, transparent process for a library materials review request to be made in physical or electronic formats.
- b. A library materials review request of a material **may only be made by:**
  - i. 1. a parent of a student that attends the school;
  - ii. 2. a student who attends the school; or
  - iii. 3. an employee of the school.
- c. If challenges become unduly burdensome Pinnacle Canyon Academy may limit the number of challenges an individual may make in the course of a school year.
- d. A library materials review may be based upon the concern that the material is a sensitive material as defined in Section 53G-10-103, or upon concerns with age-appropriateness of content.
- e. The identity of the requestor will be protected and kept confidential from all individuals outside of the review process outlined in this policy, to the extent possible.
- f. Pinnacle Canyon Academy will ensure each school provides access to a Library Materials Review Request Form (**See Appendix U Library Materials Review Request** ).
- g. The requestor must provide all information requested on the form including the requestor's complaint or objection to the library material.
- h. The material that is subject to a review request will have restricted access by maintaining the material behind the circulation desk or requiring an access code for digital materials until the processes described in this policy are completed. Access is limited to students with prior parent/guardian permission only. A list of restricted materials shall be made available to the public.
- i. The material's access level will be consistent in all schools within Pinnacle Canyon Academy until a final determination is made regarding the material.
- j. Upon receipt of a request for review, the school administrator or designee will acknowledge the receipt of the request, create a case number for the review, and convene a Review Committee within a reasonable time according to the procedure outlined below:

- i. A Review Committee will include a reasonable and an odd number of individuals.
  - ii. Members of the committee will include:
    - 1. a facilitator chosen by Pinnacle Canyon Academy’s administration;
    - 2. at least one administrator or designee;
    - 3. a licensed teacher at the school who is currently teaching English language arts or subject relevant to the challenged material;
    - 4. a licensed teacher-librarian or school librarian; and
    - 5. parents of current students at the school that number at least one more than the LEA employees on the Committee including parents reflective of the school community as required in Subsection 53G-10-103(3).
- k. The Review Committee will determine the amount of time needed for an adequate review of a material to make a thorough and thoughtful decision and inform the requestor of the determined timeline with a preference for 30 school days where possible and no longer than 60 school days.
- l. The Review Committee may request that the Pinnacle Canyon Academy board determine the maximum amount of time allowed for review and determination.
- m. Members of the Review Committee will receive materials to complete the review process, including the following:
  - i. 1. access to the complete work that includes the material being challenged;
  - ii. 2. a copy of the Materials Review Request form;
  - iii. 3. a copy of this policy
  - iv. 4. relevant information about the title compiled and shared by the library staff, including reason for initial approval of the material; and
  - v. 5. recorded public comment as described below in Subsection O.
- n. Prior to a decision of the Review Committee the school conducting the review will provide an opportunity for public comment regarding the material at a governing board meeting.
- o. The school conducting the review will provide notice to parents about the opportunity to provide public comment and include the name of the material that is the subject of the materials review at least 48 hours prior to the scheduled meeting for public comment.
- p. The school conducting the review will record all public comment, including written comment received, and make those comments available to the Review Committee within 48 hours of the public comment meeting.
- q. The Review Committee will schedule meetings as determined by the Review Committee and maintain minutes of each meeting.
- r. The notes from each meeting will be retained by Pinnacle Canyon Academy conducting the review along with all relevant documentation and the final determination.
- s. The Review Committee will determine whether the material constitutes sensitive material consistent with Section 53G-10-103, this policy, and the guidance letter provided by the Attorney General’s Office dated June 1, 2022.
- t. In deciding whether the material constitutes sensitive material, the Committee must:
  - i. 1. consider all elements of the definitions of pornographic or indecent materials as defined in Utah Code Sections 76-10-1235, 76-10-1201, 76-10-1203, and 76-10- 1227; and Final Passed Version July 26, 2022
  - ii. whether the material is age appropriate due to vulgarity or violence.



- u. In deciding whether the material is age appropriate due to vulgarity, violence, or content, the Committee must consider the material taken as a whole and consider whether it has serious literary, artistic, political, or scientific value for minors, which may include the following objective criteria:
    - i. 1. reliable, expert reviews of the material or other objective sources;
    - ii. 2. committee members' experience and background; and
    - iii. 3. community standards.
  - v. In deciding whether the material taken as a whole has serious literary, artistic political, or scientific value as described in Subsection U, the Committee shall consider that: 1. serious value does not mean any value; and 2. greater protections shall exist concerning content for a library in an elementary or middle school setting.
  - w. The Review Committee will make a final determination of a reviewed material as follows: 1. Retained: the determination to maintain access in a school setting to the challenged material for all students. 2. Restricted: the determination to restrict access in a school setting to the challenged material for certain students as determined by the Review Committee. 3. Removed: the determination to prohibit access in a school setting to the challenged material for all students.
  - x. The decision of the Review Committee will be determined by majority vote.
  - y. A material may not be reviewed again for three school years following the Review Committee's Determination.
  - z. The final determination of the Review Committee will be communicated to the requestor and appropriate employees within 5 school days of the decision being made.
  - aa. Pinnacle Canyon Academy will maintain a list of all materials that receive a "removed" determination and make the list available to similar schools within Pinnacle Canyon Academy.
  - bb. Decisions of all challenged books will be communicated to schools within Pinnacle Canyon Academy whether retained, restricted, or removed.
- V. Appeals Process
- a. The original requestor or another individual who was not on the Review Committee may appeal the determination of the Review Committee in writing to the school principal within 15 business days of receipt of the Review Committee's final determination using an Appeal Request Form (See Appendix B).
  - b. If an appeal is filed with the school principal, the local governing authority will act as the Appeals Committee. 1. The local governing authority (Appeal Committee) may add parent or school administrator member(s) who did not participate in the initial Review Committee, only as necessary to have an odd number of members.
  - c. If there is not an appeal of the Review Committee's recommendation, the Review Committee's recommendation is the final determination for the challenged material.
  - d. The Appeals Committee will determine the amount of time needed for an adequate review, not longer than 60 school days and a preference for 30 school days, of a material required to make a thorough and thoughtful decision and inform the requestor of the determined timeline.
  - e. Members of the Appeals Committee will receive materials to complete the review process, including the following: Final Passed Version July 26 2022
    - i. 1. a copy of the material;

- ii. 2. a copy of the Materials Review Request form;
    - iii. 3. all meeting minutes;
    - iv. 4. the Review Committee’s final recommendation and rationale for the decision;
    - v. 5. any other documents considered part of the administrative record related to the Review Committee’s proceedings including all recorded public comments as described in Subsection V.O. above.
  - f. The Appeals Committee will schedule meetings as needed, as determined by the Appeals Committee and maintain minutes of each meeting.
  - g. The notes from each meeting will be retained by the Pinnacle Canyon Academy along with all relevant documentation and the final determination by the Appeals Committee.
  - h. The Appeals Committee may make a final determination of a reviewed material as follows:
    - i. Retained: the determination to maintain access in a school setting to the challenged material for all students;
    - ii. Restricted: the determination to restrict access in a school setting to the challenged material for certain students;
    - iii. Removed: the determination to prohibit access in a school setting to the challenged material for all students; or
    - iv. Another determination as decided by the Appeals Committee.
  - i. The decision of the Appeals Committee will be determined by majority vote.
  - j. A material may not be reviewed again for three school years if the Appeals Committee votes to uphold a Review Committee’s determination.
  - k. The final determination of the Appeals Committee will be communicated to the requestor and appropriate employees within 10 days of the determination.
  - l. Pinnacle Canyon Academy will maintain a list of the determinations by Appeals Committee and make the list available to all schools within Pinnacle Canyon Academy and the public.
- VI. Final Procedural Review (Not Legally Binding until USBE amends R277-123)
- a. The requestor in V.A., may petition the USBE for a procedural review of the Appeals Committee’s decision.
    - i. The USBE will review the petition and determine if a procedural review is warranted, to determine whether the LEA correctly followed its library materials review policy referred to in Rule R277-628.
    - ii. That determination may include the USBE’s decision to have the appeal considered initially by a USBE Committee or a panel of USBE members.
    - iii. If the USBE determines in USBE’s procedural review that the LEA did not correctly follow its materials review policy, it will return the appeal to the LEA with direction to repeat its review process in compliance with its library materials review policy referred to in Rule R277-628.
  - b. The USBE will make a final written appeal decision no more than 60 school days after the USBE’s determination that the appeal satisfies the criteria for USBE review.
  - c. This USBE review decision is final.
- VII. Communication Final
- a. An easily accessible webpage on the public website for Pinnacle Canyon Academy will be updated and available prior to the beginning of each school year to inform teachers, staff, students, and parents of the following:

- i. A Materials Review Request Form (**See Appendix U Materials Review Request**);
- ii. An Appeal Request Form (**See Appendix U Appeal Request Form**);
- iii. Application to serve on a materials Review Committee;
- iv. This Library Policy;
- v. A list of all materials that are restricted while under Review or have received a Review Committee or Appeals Committee determination.
- vi. If made aware of material that may be considered sensitive material as defined in Section 53G-10-103, Pinnacle Canyon Academy will inform relevant parties regarding appropriate actions to take pursuant to this policy. Final Passed Version July 26, 2022.

**APPENDIX U1: SENSITIVE MATERIALS POLICY  
Materials Review Form**

<b>Title</b>	
<b>Author</b>	
<b>School</b>	
<b>Review request initiated by</b>	
<b>Telephone</b>	
<b>Address</b>	
<b>City</b>	
<b>Zip</b>	
<b>Email</b>	

- 1) Does your child attend this school?        [        ] Yes                    [    ] No
  
- 2) Was this material recommended, assigned, or made available through the students’ school?  
     If so, where?
  
- 3) What concerns you about this material? Please provide examples, page numbers, links, or any other information to help in locating or identifying content of concern. Please attach any images or other corroborating evidence.
  
- 4) What action are you requesting the committee to consider?

---

Signature \_\_\_\_\_ Date \_\_\_\_\_

\*\*\*\*\*Below is for internal use only\*\*\*\*\*

LEA Appointed Committee Convener/Facilitator (Determined by Pinnacle Canyon Academy Administration)

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Suggested Review Timeline: \_\_\_\_\_

## APPENDIX U2: SENSITIVE MATERIALS POLICY

### Appeal Request Form

#### INSTRUCTIONS

A requestor will submit the District Appeal Form along with a copy of the School Library Materials Reconsideration decision within 15 business days of receiving the decision of the School Library Material Reconsideration Committee.

#### REQUESTOR INFORMATION

<b>Date</b>	
<b>Legal Name of Guardian</b>	
<b>Address</b>	
<b>Email</b>	
<b>Phone Number</b>	
<b>School</b>	
<b>School Challenge Decision Date</b>	

The submission of a District Appeal Form will receive a receipt of notice of submission within ten (10) school calendar days. The receipt of submission will include an estimated timeline for a determination of the District Appeal to be completed within a reasonable time period not to exceed 15 school days.

#### CHALLENGED MATERIAL INFORMATION

<b>Title</b>	
<b>Author</b>	
<b>Publisher and date of publication</b>	
<b>School where title can be accessed</b>	

Please provide a written statement setting forth your rationale to appeal the School Committee's decision regarding the title (attach additional pages as needed).

--

Requestor's Signature: \_\_\_\_\_

# APPENDIX V: PINNACLE INSTRUCTIONAL MATERIALS COMMISSION OPERATING POLICIES

R277. Education, Administration. R277-469. Instructional Materials Commission Operating Procedures. R277-469-1.

## Authority and Purpose.

(1) This rule is authorized by:

- (a) Utah Constitutional Article X, Section 3, which vests general control and supervision over public education in the Board;
- (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;
- (c) Section 53E-4-401, which directs the Board to appoint an Instructional Materials Commission and directs the Commission to evaluate instructional materials for recommendation by the Board; and
- (d) Section 53E-4-408, which directs the Board to make rules that establish the qualifications of the independent parties who may evaluate and map the alignment of the primary instructional materials and requirements for the detailed summary of the evaluation.

(2) The purpose of this rule is to:

- (a) provide definitions, operating procedures and criteria for recommending instructional materials for use in Utah public schools;
- (b) provide for mapping and alignment of primary instructional materials to the Core consistent with Utah law; and
- (c) provide rules for purchase and distribution of instructional materials within the state. R277-469-2. Definitions.
  - (1) "Commission" means the Instructional Materials Commission established in accordance with Section 53E-4-401.
  - (2) "Core" means the core standards adopted by the Board in R277-700.

(3) "Curriculum alignment" means the assurance that the material taught in a course or grade level matches the standards, and assessments set by the state for specific courses or grade levels.

(4) "Depository" means a business dedicated to storing and distributing resources ADA Compliant: May 19, 2021 or materials in sufficient quantities to insure rapid and efficient delivery to LEAs.

(5)

- (a) "Instructional materials" means systematically arranged content in text, digital, Braille and large print, or audio format which may be used within the state curriculum framework for courses of study by students in public schools.
- (b) "Instructional materials" include:
  - (i) textbooks;
  - (ii) workbooks;
  - (iii) computer software;
  - (iv) online or internet courses;
  - (v) CDs or DVDs; and
  - (vi) multiple forms of communication media.
- (c) "Instructional materials" may be used by students or teachers or both as principal sources of study to cover any portion of a course.
- (d) "Instructional materials":
  - (i) are designed for student use;
  - (ii) may be accompanied by or contain teaching guides and study helps;
  - (iii) shall include all textbooks, workbooks, student materials, supplements, and online and digital materials necessary for a student to fully participate in coursework; and
  - (iv) shall be high quality, research-based materials for supporting student learning.

- (6) "Independent party" means an entity that is not part of or related to:
- (a) the Board;
  - (b) Board staff;
  - (c) an employee or governing board member of an LEA;
  - (d) the creator or publisher of instructional materials under review; or
  - (e) anyone with a financial interest, however minimal, in instructional materials under review.
- (7) "Instructional Materials Commission" or "Commission" means the commission appointed by the Board in accordance with Section 53E-4-401.
- (8) "Integrated instructional program" means any combination of instructional materials for students, including:
- (a) textbooks;
  - (b) workbooks;
  - (c) software;
  - (d) videos;
  - (e) electronic devices; or
  - (f) similar resources.
- (9) "Instructional materials provider" means a publisher or author and self-publisher who sells or provides instructional materials for use in Utah public schools.
- (10) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.
- (11) "Mapping" means creating a visual representation listing topics in instructional materials in correlation to the standards of the Utah core.
- (12) "National Instructional Materials Access Center" or "NIMAC" means the same as that term is defined in Subsection R277-800-2(14).
- (13) "National Instructional Materials Accessibility Standard" or "NIMAS" means the same as that term is defined in Subsection R277-800-2(15).
- (14) "Not sampled" means instructional materials that were included in a publisher bid for evaluation by the Instructional Materials Commission, but which were not sampled to the CAO or the Commission.
- (15) "Primary instructional material" means a comprehensive basal or Core textbook or integrated instructional program for which a publisher seeks a recommendation for Core subjects designated in Sections R277-700-4 through R277-700-6.
- (16) "Recommended instructional materials" or "RIMs" means the recommended instructional materials searchable database provided as a free service by the Board for the posting of evaluations and alignments to the Core of instructional materials submitted by publishers for review by the Commission and approval of the Board.
- (17) "Recommended limited" means instructional materials that are in limited alignment with the Core requirements or are narrow or restricted in their scope and sequence.
- (18) "Recommended primary" means instructional materials that:
- (a) are in alignment with content, philosophy, and instructional strategies of the Core;
  - (b) have been mapped and aligned to the Core, consistent with Section 53E-4-408;
  - (c) are appropriate for use by students as principal sources of study; and
  - (d) support Core requirements.
- (19) "Recommended student resource" means instructional materials aligned to the Core that are developmentally appropriate, but not intended to be the primary instructional resource, which may provide valuable content information for students.

(20) "Recommended teacher resource" means instructional materials that are appropriate as resource materials for use by teachers.

(21) "Reviewed, but not recommended" means instructional materials that an LEA is strongly cautioned against using because the materials:

- (a) do not align with the Core;
- (b) are inaccurate in content;
- (c) include misleading connotations;
- (d) contain undesirable presentation; or
- (e) are in conflict with existing law or rule.

(22) "Utah State Instructional Materials Access Center" or "USIMAC" means the same as that term is defined in Subsection R277-800-2(21).

### **R277-469-3. Use of State Funds for Instructional Materials.**

(1) An LEA may use state funds for any primary supplemental or supportive instructional materials that support Core requirements.

(2) An LEA may select and approve instructional materials consistent with:

- (a) the standards of this R277-469;
- (b) established local board procedures and timelines;
- (c) Subsection 53G-10-402(1)(c)(iii); and
- (d) Subsection 53E-4-403(4).

(3) A school or school district that uses any funding source to purchase materials that have not been recommended or selected consistent with state law, may have funds withheld to the extent of the actual costs of those materials pursuant to Subsection 53E-3-401(8)(a)(ii).

(3)

- (a) An LEA may use free instructional materials that are used as primary instructional materials or that are part of primary integrated instructional programs subject to the same independent party evaluation and Core mapping as basal or Core material.
- (b) If an LEA receives free materials as part of a supplemental program, the LEA may use the materials as student instructional materials only consistent with the law and this R277-469.

4) An LEA shall include a requirement in all publisher contracts for instructional materials that the publisher shall:

- (a) prepare and provide electronic files of all instructional materials in the NIMAS format to NIMAC on or before delivery of print instructional materials; or
- (b) provide instructional materials that are produced in, or may be rendered in, specialized formats.

(5)

- (a) An LEA shall provide timely notice to all publishers with whom the LEA contracts for instructional materials that all materials shall be provided consistent with Subsection (4).
- (b) An LEA's notice shall include a copy of this R277-469.

### **R277-469-4. Instructional Materials Commission Members Terms of Service.**

(1) The Board shall appoint members of the Instructional Materials Commission in accordance with Section 53E-4-401.

(2)

- (a) A member appointed in accordance with Subsection (1) shall serve four year terms, staggered to ensure continuity in the efficient operation of the Commission.



(b) A member may apply for reappointment to one additional term. (3) The Commission may establish subcommittees as needed.

**R277-469-5. Commission Review of Materials.**

- (1) The Instructional Materials Commission shall primarily focus on reviewing materials used in subjects aligned with Core requirements to include reading, language arts, mathematics through geometry, science, in grades 4 through 12, and effectiveness of written expression, and other Core subject areas as assigned by the Board.
- (2) The Commission shall determine subject areas and timelines for review based on school district and charter school needs and requests, using forms and procedures provided by the CAO.
- (3) The Commission shall meet to review materials at least semi-annually.
- (4) Following its evaluation of a submitted item, the Commission shall recommend that the Board classify materials in one of the following categories:
  - (a) Recommended primary;
  - (b) Recommended limited;
  - (c) Recommended teacher resource;
  - (d) Recommended student resource;
  - (e) Reviewed, but not recommended; or
  - (f) Not sampled.

**R277-469-6. Criteria for Recommendation of Instructional Materials Following Mid-Party Evaluation of Core Curriculum.**

- (1) The Instructional Materials Commission and the Board, in reviewing whether to recommend instructional materials, may consider whether the instructional materials:
  - (a) are consistent with Core requirements;
  - (b) are mapped and aligned to the Core and state adopted assessments if planned for use as primary materials;
  - (c) are high quality, research-based, and proven to be effective in supporting student learning;
  - (d) provide an objective and balanced viewpoint on issues; (
  - e) include enrichment and extension possibilities;
  - (f) are appropriate to varying levels of learning;
  - (g) are accurate and factual;
  - (h) are arranged chronologically or systematically, or both;
  - (i) reflect the pluralistic character and culture of the American people and provide accurate representation of diverse ethnic groups;
  - (j) are free from sexual, ethnic, age, gender or disability bias and stereotyping; and
  - (k) are of acceptable technical quality.
- (2) A publisher, when submitting new primary material to be evaluated by the CAO, shall submit an electronic version of that material in NIMAS file format to NIMAC for use in conversion into Braille, large print, and other formats for students with print disabilities.
- (3) The CAO may require an LEA to provide a report of instructional materials purchased by the LEA or a school in the previous five years.
- (4) The CAO may initiate a formal or informal audit of instructional materials purchased to determine purchase or use of instructional materials consistent with the law or this rule.

**R277-469-7. Agreements and Procedures for LEAs.**

- (1) A local board shall establish a policy for selection and purchase of instructional materials.
- (2) As part of any materials adoption process or procurement contract for the purpose of purchasing instructional materials,

an LEA shall provide instructional materials to all students, including blind students and other students with disabilities, in a timely manner.

- (a) A publisher may provide materials in electronic files to NIMAC to make materials available to eligible students.
- (b) An LEA shall include NIMAS contract language in all contracts with publishers for Core materials.
- (c) An LEA may purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats for eligible students.

(3) An LEA shall require a detailed Core curriculum alignment prior to the purchase of primary instructional materials.

**R277-469-8. Qualifications for Core Curriculum Alignment Independent Parties.**

(1) A primary instructional materials provider shall contract with an independent party in accordance with Subsection 53E-4-408(1)(a).

(2) An independent party may only employ or contract with a reviewer who has a degree or an endorsement specific to the subject area of the primary instructional materials.

(3) A publisher shall provide proof of an independent party's credentials to the CAO upon request.

**R277-469-9. Detailed Summary Requirements.**

(1) An independent party shall submit a summary required under Subsection 53E-4-408(1)(b) in a searchable, software database format designated by the CAO.

(2) A summary required under Subsection 53E-4-408(1)(b) shall:

- (a) include detailed alignment information that includes, at a minimum:
  - (i) the title of the material;
  - (ii) the ISBN number;
  - (iii) the publisher's name;
  - (iv) the name and grade of the Core document used to align the material;
  - (v) the overall percentage of coverage of the Core;
  - (vi) the overall percentage of coverage in ancillary resources of the material to the Core;
  - (vii) the percentage of coverage of the Core in the material for each standard, objective and indicator in the Core with corresponding page numbers;
  - (viii) percentage of coverage of the Core not covered in the material but covered in the ancillary resources for each standard; and
  - (ix) objective and indicator in the Core with corresponding page numbers or URLs; and
- (b) provide the detailed alignment information listed in Subsection (a)(iv) for the student text for all editions of the text that are used in Utah public schools;
- (c) provide the detailed alignment information listed in Subsection (a)(iv) for a teacher edition of text, if a teacher edition is used in Utah public schools; and
- (d) provide an assurance, including a personal signature, that the work was completed personally and as required by the licensed and endorsed reviewer.

**R277-469-10. Agreements and Procedures for Publishers.**

(1) A publisher desiring to sell primary instructional materials to Utah school districts shall comply with the requirements of Section 53E-4-408 and this R277-469.

(2)(a) A publisher seeking to sell recommended materials to Utah schools or school districts shall have 10 books and tangible adopted materials or such other amount as required by a depository based on anticipated need on deposit within the state at

an instructional materials depository in the business of selling instructional materials to schools or school districts in Utah. (b) A publisher shall submit verification of compliance with Subsection (2)(a) to the CAO through the publisher's contracted depository prior to the CAO posting a review of the materials on RIMs.

(3) A publisher may make a depository agreement with one or more depository.

(4) Notwithstanding the provisions of Subsection (2), a publisher may sell instructional materials to schools or school districts in Utah directly or through means other than a designated depository.

(5) A publisher need not store digital and online resources within the state, but shall guarantee timely resource availability of a placed order and shall provide digital and online resource orders without shipping charges.

(6) If a revised edition of recommended materials retains the original title and authorship, the publisher may request its substitution for the edition currently recommended providing that:

- (a) the original contract price and contract date do not change and the original contract price applies for the substituted materials;
- (b) the revised edition is compatible with the earlier edition, permitting use of either or both in the same classroom;
- (c) a sample copy of the revised edition is provided to the CAO for examination purposes; and
- (d) the publisher submits a revised electronic edition in NIMAS file format to the NIMAC if the CAO approves the substitution request.

(7) The Commission shall make the final determination about the substitution of a new edition for a previously recommended edition with assistance from the CAO.

(8) A publisher's contract price for materials recommended by the Commission and the Board shall apply for five years from the contract date.

**R277-469-11. Request for Reconsideration of Recommendation.**

(1) The CAO shall provide a school district, school or publisher with the evaluations and recommendations resulting from the initial review of the Commission.

(2) A school district, school or publisher may, within 30 days of the Commission's initial recommendation, request to have materials reviewed again during the Commission's next review cycle.

(3)(a) During the period of the reconsideration request, the CAO shall classify materials only tentatively. (b) The CAO shall not post tentatively classified materials to RIMs until recommended through the official Commission process.

(4) A school district, school or publisher may be asked to send a second set of sample materials to the CAO as part of a reconsideration request.

(5) Any written information provided by a school district, school or publisher shall be available to the advisory committees during the second review.

(6) After the second review by the subject area advisory committee, the Commission shall vote on the advisory committee's recommendation at the next scheduled meeting.

(7) If the Commission votes to change the recommendation, the CAO shall notify the Board of the action at the next scheduled Board meeting.

(8) The CAO shall send a school district, school or publisher written notification of the final recommendation and new evaluation.

(9) If the Commission and Board approve materials following a request for reconsideration, the CAO shall post the evaluation to RIMs.

# APPENDIX W: UTAH EFFECTIVE EDUCATOR STANDARDS

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## **R277. Education, Administration.**

### **R277-530. Utah Effective Educator Standards.**

#### **R277-530-1. Authority and Purpose.**

(1) This rule is authorized by:

- (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
- (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
- (c) Subsections 53E-3-501(1)(a)(i) and (ii), which require the Board to establish rules and minimum standards for the qualification and certification of educators and for required school administrative and supervisory services.

(2) The purpose of this rule is to establish: (a) statewide effective teaching standards for Utah public education teachers; (b) statewide educational leadership standards for Utah public education administrators; and (c) statewide educational school counselor standards for Utah public education school counselors.

#### **R277-530-2. Definitions.**

(1) "Educator" means an individual licensed by the Board under Section 53E-6-102(8).

(2) "School administrator" means an educator serving in a position that requires a Utah Educator License with an Educator Leadership license area of concentration and who supervises Level 2 educators.

(3) "The Utah Effective Educator Standards" means:

- (a) the Effective Teaching Standards described in R277-530-5;
- (b) the Educational Leadership Standards described in R277-530-6; and
- (c) the Educational School Counselor Standards described in R277-530-7.

#### **R277-530-3. Board Expectations for Effective Teaching, Educational Leadership, and Educational School Counselor Standards. ADA Compliant: 04-09-2021**

(1) The Board hereby establishes the Effective Educator Standards as the foundation of educator development, which includes:

- (a) alignment of teacher and school administrator preparation programs;
- (b) expectations for licensure; and
- (c) the screening, hiring, induction, and mentoring of beginning teachers, school administrators, and other licensed educators.

(2) The Board uses the Effective Educator Standards to direct and ensure the implementation of Utah's Core Standards.

(3) The Board relies on the Effective Educator Standards as the basis for an evaluation system and tiered-licensing system.

(4) The Board's model educator assessment system, for use by LEAs, is based on the Effective Educator Standards.

(5) The Board provides resources, including professional learning, which assist LEAs in integrating the Effective Educator Standards into educator practices.

#### **R277-530-4. LEA Responsibilities for Effective Educator Standards.**

(1) An LEA shall develop policies to support educators, school administrators, and school counselors in implementation of the Effective Educator Standards.

(2) An LEA shall develop professional learning experiences and professional learning plans for relicensure using the Effective Educator Standards to assess educator progress toward implementation of the standards.

(3) An LEA shall adopt formative and summative educator assessment systems based on the Effective Educator Standards to facilitate educator growth toward expert practice.

(4) An LEA shall use the Effective Educator Standards as a basis for the development of a collaborative professional culture to facilitate student learning.

(5) An LEA shall implement induction and mentoring activities for beginning teachers and school administrators that support implementation of the Effective Educator Standards.

#### **R277-530-5. Effective Teaching Standards.**

(1) The Effective Teaching Standards focus on the high-leverage concepts of:

- (a) personalized learning for diverse learners;
- (b) a strong focus on application of knowledge and skills;
- (c) improved assessment literacy;
- (d) a collaborative professional culture; and
- (e) leadership roles for teachers.

(2) Utah educators shall demonstrate the following skills and work functions designated in the following ten standards:

- (a) Learner Development - An educator understands cognitive, linguistic, social, emotional, and physical areas of student development;
- (b) Learning Differences - An educator understands individual learner differences and cultural and linguistic diversity;
- (c) Learning Environments - An educator works with learners to create environments that support individual and collaborative learning, encouraging positive social interaction, active engagement in learning, and self motivation;
- (d) Content Knowledge - An educator understands the central concepts, tools of inquiry, and structures of the discipline;
- (e) Assessment - An educator uses multiple methods of assessment to engage learners in their own growth, monitor learner progress, guide planning and instruction, and determine whether the outcomes described in content standards have been met;
- (f) Instructional Planning - An educator plans instruction to support students in meeting rigorous learning goals by drawing upon knowledge of content areas, core curriculum standards, instructional best practices, and the community context;
- (g) Instructional Strategies - An educator uses various instructional strategies to ensure that all learners develop a deep understanding of content areas and their connections, and build skills to apply and extend knowledge in meaningful ways;
- (h) Reflection and Continuous Growth - An educator is a reflective practitioner who uses evidence to continually evaluate and adapt practice to meet the needs of each learner;
- (i) Leadership and Collaboration - An educator is a leader who engages collaboratively with learners, families, colleagues, and community members to build a shared vision and supportive professional culture focused on student growth and success; and
- (j) Professional and Ethical Behavior - An educator demonstrates the highest standards of legal, moral, and ethical conduct as required in the Utah Educator Professional Standards described in Rule R277-217.

#### **R277-530-6. Educational Leadership Standards.**

(1)

(a) The Board expects that school administrators shall meet the standards of effective teaching and have the knowledge and skills to guide and supervise the work of educators, lead the school learning community, and manage the school's learning environment in order to provide effective, high quality instruction to all of Utah's students.

(b) The Educational Leadership Standards focus on:

- (i) visionary leadership;

- (ii) advocacy for high levels of student learning;
- (iii) leading professional learning communities; and
- (iv) the facilitation of school and community collaboration.

(2) In addition to meeting the standards of an effective teacher, school administrators shall demonstrate the following traits, skills, and work functions designated in the following six standards:

- (a) Visionary Leadership - A school administrator promotes the success of every student by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is largely shared and supported by stakeholders;
- (b) Teaching and Learning - A school administrator promotes the success of every student by advocating, nurturing and sustaining a school focused on teaching and learning conducive to student, faculty, and staff growth;
- (c) Management for Learning - A school administrator promotes the success of every student by ensuring management of the organization, operation, and resources for a safe, efficient, and effective learning environment;
- (d) Community Collaboration - A school administrator promotes the success of every student by collaborating with faculty, staff, parents, and community members, responding to diverse community interests and needs and mobilizing community resources;
- (e) Ethical Leadership - A school administrator promotes the success of every student by acting with, and ensuring a system of, integrity, fairness, equity, and ethical behavior; and
- (f) Systems Leadership - A school administrator promotes the success of every student by understanding, responding to, and influencing the interrelated systems of political, social, economic, legal, policy, and cultural contexts affecting education.

#### **R277-530-7. Educational School Counselor Standards.**

In addition to meeting the Effective Teaching Standards described in Section R277-530-5 and the Educational Leadership Standards described in Section R277-530-6, an educational school counselor shall demonstrate the following traits, skills, and work functions designated in the following seven standards:

- (1) Collaboration, Leadership and Advocacy - An educational school counselor is a leader who engages collaboratively with learners, families, colleagues, and community members to build a shared vision and supportive professional culture focused on student growth and success;
- (2) Collaborative Classroom Instruction - An educational school counselor delivers a developmental and sequential guidance curriculum prioritized according to the results of the school needs assessment;
- (3) The Plan for College and Career Readiness Process - An educational school counselor implements the individual planning component by guiding individuals and groups of students and their parents or guardians through the development of educational and career plans;
- (4) Systemic Approach to Dropout Prevention with Social and Emotional Supports - An educational school counselor provides responsive services through the effective use of individual and small-group counseling, consultation and referral skills and implements programs for student support in dropout prevention;
- (5) Data-Driven Accountability and Program Evaluation - An educational school counselor collects and analyzes data to guide program direction and emphasis;
- (6) Systemic School Counseling Program Management - An educational school counselor is involved in management activities that establish, maintain and enhance the total school counseling program; and
- (7) Professional and Ethical Behavior - An educational school counselor demonstrates the highest standard of legal, moral and ethical conduct, as required in the Utah Educator Professional Standards described in R277-217.

# APPENDIX X: PINNACLE ELEMENTARY AND SECONDARY SCHOOL GENERAL CORE

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*Note: 6th grade is included in Pinnacle's middle school.*

## **R277. Education, Administration.**

### **R277-700. The Elementary and Secondary School General Core.**

#### **R277-700-1. Authority and Purpose.**

(1) This rule is authorized by:

- (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
- (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;
- (c) Section 53E-3-501, which directs the Board to make rules regarding competency levels, graduation requirements, curriculum, and instruction requirements;
- (d) Section 53E-4-202, which directs: (i) the Board to establish Core Standards in consultation with LEA boards and CAOs; and (ii) LEA boards to adopt local evidence-based curriculum and to design programs to help students master the General Core;
- (e) Title 53E, Chapter 4, Part 2, Career and College Readiness Mathematics Competency, which directs the Board to establish college and career mathematics competency standards; and
- (f) Section 53E-4-205, which requires the Board to provide rules related to a basic civics test.

(2) The purpose of this rule is to specify the minimum Core Standards and General Core requirements for the public schools, and to establish responsibility for mastery of Core Standard requirements.

#### **R277-700-2. Definitions.**

For purposes of this rule:

(1)

- (a) "Applied course" means a public school course or class that applies the concepts of a Core subject.
- (b) "Applied course" includes a course offered through Career and Technical Education or through other areas of the curriculum. 1 ADA Compliant 8/18/21

(2) "Arts" means the visual arts, music, dance, theater, and media arts.

(3) "Assessment" means a summative assessment for:

- (a) English language arts grades 3 through 10;
- (b) mathematics grades 3 through 10, and Secondary I, II, and III; or
- (c) science grades 4 through 10.

(4) "Career and Technical Education (CTE)" means an organized educational program in secondary schools (grades 6-12) or courses, which teach current industry specific skills and knowledge that prepares students for employment, and for additional postsecondary preparation leading to employment.

(5) "Core Standard" means a statement of what a student enrolled in a public school is expected to know and be able to do at a specific grade level or following completion of an identified course.

(6) "Core subject" means a course for which there is a declared set of Core Standards as approved by the Board.

(7) "Elementary school" for purposes of this rule means a school that serves grades K-6 in whatever kind of school the grade levels exist.

(8) "General Core" means the courses, content, instructional elements, materials, resources and pedagogy that are used to teach the Core Standards, including the ideas, knowledge, practice and skills that support the Core Standards.

(9) "High school" for purposes of this rule means a school that serves grades 9-12 in whatever kind of school the grade levels exist.

(10) "LEA" or "local education agency" includes the Utah Schools for the Deaf and the Blind.

(11) "Middle school" for purposes of this rule means a school that serves grades 7-8 in whatever kind of school the grade levels exist.

(12) "Junior High school" means a school that serves grades 7-9 in whatever kind of school the grade levels exist.

(13) "Proficiency in keyboarding" means a student's ability to key by touch.

(14) "Summative adaptive assessment" means an assessment that:

(a) is administered upon completion of instruction to assess a student's achievement;

(b) is administered online under the direct supervision of a licensed educator;

(c) is designed to identify student achievement on the Core Standards for the respective grade and course; and

(d) measures the full range of student ability by adapting to each student's responses, selecting more difficult questions when a student answers correctly and less difficult questions when a student answers incorrectly.

#### **R277-700-3. General Core and Core Standards.**

(1) The Board establishes minimum course description standards for each course in the required General Core.

(2)

(a) The CAO shall develop, in cooperation with LEAs, course descriptions for required and elective courses.

(b) The CAO shall provide parents and the general public an opportunity to participate in the development process of the course descriptions described in Subsection (2)(a).

(3)

(a) The CAO shall ensure that the courses described in Subsection (2): (i) contain mastery criteria for the courses; and (ii) stress mastery of the course material, Core Standards, and life skills consistent with the General Core.

(b) The CAO shall place a greater emphasis on a student's mastery of course material rather than completion of predetermined time allotments for courses.

(4) An LEA board shall administer the General Core and comply with student assessment procedures consistent with state law.

(5) An LEA shall use evidence-based best practices, technology, and other instructional media to increase the relevance and quality of instruction.

#### **R277-700-4. Elementary Education Requirements.**

(1) The Core Standards and a General Core for elementary school students in grades K-6 are described in this section. 3

(2) The following are the Elementary School Education Core Subject Requirements:

(a) English Language Arts;

(b) Mathematics;

(c) Science;

(d) Social Studies;

(e) Arts;



- (i) Visual Arts;
- (ii) Music;
- (iii) Dance; or
- (iv) Theatre;
- (f) Health Education;
- (g) Physical Education;
- (h) Educational Technology, including keyboarding;
- (i) Library Media skills, integrated into the core subject areas and
- (j) Civics and character education, integrated into the core subject areas.

(3) An LEA board shall provide access to the General Core to all students within the LEA.

(4) An LEA board is responsible for student mastery of the Core Standards.

(5) An LEA shall implement formative assessment practices on a regular basis to ensure continual student progress.

(6) An LEA shall assess students for proficiency in keyboarding by grade 5 and report school level results to the CAO.

(7) An LEA shall use Board-approved summative adaptive assessments to assess student mastery of the following:

- (a) language arts;
- (b) mathematics;
- (c) science; and
- (d) effectiveness of written expression in grade 5.

(8) An LEA shall provide intervention to elementary students who do not achieve mastery of the subjects described in this section. 4

**R277-700-5. Middle School Education Requirements.**

(1) The Core Standards and a General Core for middle school students are described in this section.

(2) A student in grades 7-8 is required to complete the courses described in Subsection (3) to be properly prepared for instruction in grades 9-12.

(3) The following are the Grades 7-8 General Core Requirements:

- (a) Grade 7 Language Arts;
- (b) Grade 8 Language Arts;
- (c) Grade 7 Mathematics;
- (d) Grade 8 Mathematics;
- (e) Grade 7 Integrated Science;
- (f) Grade 8 Integrated Science;
- (g) United States History;
- (h) Utah History; and
- (i) at least one course in each of the following in grades 7 or 8:
  - (A) Health Education;
  - (B) College and Career Awareness;
  - (C) Digital Literacy;
  - (D) the Arts; and
  - (E) Physical Education.

(4) An LEA shall use Board-approved summative adaptive assessments to assess student mastery of the following:

- (a) language arts;
- (b) mathematics;
- (c) science; and
- (d) writing in grade 8.

- (5) At the discretion of the LEA board, an LEA board may:
  - (a) offer additional elective courses;
  - (b) require a student to complete additional courses; or
  - (c) set minimum credit requirements.
- (6) Upon parental or student request, an LEA may, with parental consent, substitute a course requirement described in Subsection (3) with a course, extracurricular activity, or experience that is:
  - (a) similar to the course requirement; or
  - (b) consistent with the student's plan for college and career readiness.
- (7)
  - (a) An LEA shall establish a policy governing the substitution of a course requirement as described in Subsection (7).
  - (b) An LEA's policy described in Subsection (8)(a) shall include a process for a parent to appeal an LEA's denial of a request for a substitution described in Subsection (7) to the LEA board or the LEA board designee.

**R277-700-6. High School Requirements.**

- (1) The General Core and Core Standards for students in grades 9-12 are described in this section.
- (2) A student in grades 9-12 is required to earn a minimum of 24 units of credit through course completion or through competency assessment consistent with R277-705 to graduate.
- (3)
  - (a) Through recording of credits in a student's transcripts for grades 9-12, in accordance with Subsections R277-726-5(5) and R277-726-5(6), for purposes of high school graduation, an LEA shall recognize high school credits earned prior to grade 9 through participation in the Statewide Online Education Program.
  - (b) For funding purposes, the LEA shall record the participating student's intention to graduate early.
  - (c) An LEA may not use high school courses to replace middle school educational requirements.
- (4) The General Core credit requirements from courses approved by the Board are described in Subsections (4) through (18).
- (5) Language Arts (4.0 units of credit from the following):
  - (a) Grade 9 level (1.0 unit of credit);
  - (b) Grade 10 level (1.0 unit of credit);
  - (c) Grade 11 level (1.0 unit of credit); and
  - (d) Grade 12 level (1.0 Unit of credit) consisting of applied or advanced language arts credit from the list of Board-approved courses using the following criteria and consistent with the student's Plan for College and Career Readiness:
    - (i) courses are within the field/discipline of language arts with a significant portion of instruction aligned to language arts content, principles, knowledge, and skills;
    - (ii) courses provide instruction that leads to student understanding of the nature and disposition of language arts;
    - (iii) courses apply the fundamental concepts and skills of language arts;
    - (iv) courses provide developmentally appropriate content; and
    - (v) courses develop skills in reading, writing, listening, speaking, and presentation.
- (6) Mathematics (3.0 units of credit) shall be met minimally through successful completion of a combination of the foundation or foundation extended courses, Secondary Mathematics I, Secondary Mathematics II, and Secondary Mathematics III.
- (7)
  - (a) A student may opt out of Secondary Mathematics III if the student's parent submits a written request to the school.
  - (b) If a student's parent requests an opt out described in Subsection (6)(a), the student is required to complete a third math credit from the Board-approved mathematics list.

(8) A 7th or 8th grade student may earn credit for a mathematics foundation course before 9th grade, consistent with the student's Plan for College and Career Readiness if:

- (a) the student is identified as gifted in mathematics in accordance with the procedures outlined in Rule R277-707;
- (b) the student is enrolled at a middle school or junior high school and a high school;
- (c) the student qualifies for promotion one or two grade levels above the student's age group and is placed in 9th grade; or
- (d) the student takes the Board competency test in the summer prior to 9th grade and earns high school graduation credit for the course.

(9) A student who successfully completes a mathematics foundation course before 9th grade is required to earn 3.0 units of additional mathematics credit by:

- (a) taking the other mathematics foundation courses described in Subsection (5); and
- (b) an additional course from the Board-approved mathematics list consistent with:
  - (i) the student's Plan for College and Career Readiness; and
  - (ii) the following criteria:
    - (A) courses are within the field/discipline of mathematics with a significant portion of instruction aligned to mathematics content, principles, knowledge, and skills;
    - (B) courses provide instruction that lead to student understanding of the nature and disposition of mathematics;
    - (C) courses apply the fundamental concepts and skills of mathematics;
    - (D) courses provide developmentally appropriate content; and
    - (E) courses include the Standards for Mathematical Practice as listed in the Utah secondary mathematics core.

(10) A student who successfully completes a Calculus course with a "C" grade or higher has completed mathematics graduation requirements, regardless of the number of mathematics credits earned.

(11) Science (3.0 units of credit):

- (a) shall be met minimally through successful completion of 2.0 units of credit from two of the following five science foundation areas:
  - (i) Earth Science (1.0 units of credit);
    - (A) Earth Science;
    - (B) Advanced Placement Environmental Science; or
    - (C) International Baccalaureate Environmental Systems;
  - (ii) Biological Science (1.0 units of credit);
    - (A) Biology;
    - (B) Biology: Agricultural Science and Technology;
    - (C) Advanced Placement Biology;
    - (D) International Baccalaureate Biology; or
    - (E) Biology with Lab Concurrent Enrollment;
  - (iii) Chemistry (1.0 units of credit); 8
    - (A) Chemistry;
    - (B) Advanced Placement Chemistry;
    - (C) International Baccalaureate Chemistry; or
    - (D) Chemistry with Lab Concurrent Enrollment;
  - (iv) Physics (1.0 units of credit);
    - (A) Physics;
    - (B) Advanced Placement Physics (1, 2, C: Electricity and Magnetism, or C: Mechanics);
    - (C) International Baccalaureate Physics; or
    - (D) Physics with Lab Concurrent Enrollment; or
  - (v) Computer Science (1.0 units of credit):
    - (A) Advanced Placement Computer Science;
    - (B) Computer Science Principles; or
    - (C) Computer Programming 2; and

- (b) one additional unit of credit from:
    - (i) the foundation courses described in Subsection(10)(a); or
    - (ii) the applied or advanced science list:
      - (A) determined by the LEA board; and
      - (B) approved by the Board using the following criteria and consistent with the student's Plan for College and Career Readiness:
        - (i) courses are within the field/discipline of science with a significant portion of instruction aligned to science content, principles, knowledge, and skills;
        - (ii) courses provide instruction that leads to student understanding of the nature and disposition of science;
        - (iii) courses apply the fundamental concepts and skills of science;
        - (iv) courses provide developmentally appropriate content;
        - (v) courses include the areas of physical, natural, or applied sciences; and (vi) courses develop students' skills in scientific inquiry.
- (12) Social Studies (3.0 units of credit) shall be met minimally through successful completion of:
- (a) 2.5 units of credit from the following courses:
    - (i) World Geography (0.5 units of credit);
    - (ii) World History (0.5 units of credit);
    - (iii) U.S. History (1.0 units of credit); and
    - (iv) U.S. Government and Citizenship (0.5 units of credit);
  - (b) Social Studies (0.5 units of credit per LEA discretion); and
  - (c) a basic civics test or alternate assessment described in R277-700-8.
- (13) The Arts (1.5 units of credit from any of the following performance areas):
- (a) Visual Arts;
  - (b) Music;
  - (c) Dance;
  - (d) Theatre; or
  - (e) Media Arts.
- (14) Health Education (0.5 units of credit).
- (15)
- (a) Physical Education (1.5 units of credit from each of the following):
    - (i) Participation Skills (0.5 units of credit);
    - (ii) Fitness for Life (0.5 units of credit); and
    - (iii) Individualized Lifetime Activities (0.5 units of credit);
  - (b) Notwithstanding Subsection (15)(a), a student may earn 0.5 units of credit per sport for team sport/athletic participation up to a maximum of 1.0 units of credit with LEA approval to replace participation skills and individualized lifetime activities requirements.
- (16) Career and Technical Education (1.0 units of credit from any of the following):
- (a) Agriculture, Food and Natural Resources;
  - (b) Architecture and Construction;
  - (c) Arts, Audio/Visual Technology and Communications;
  - (d) Business, Finance and Marketing;
  - (e) Computer Science and Information Technology;
  - (f) Education and Training;
  - (g) Engineering and Technology;
  - (h) Health Science;
  - (i) Hospitality and Tourism;
  - (j) Human Services;
  - (k) Law, Public Safety, Corrections and Security;
  - (l) Manufacturing; or

- (m) Transportation, Distribution, and Logistics.
- (17) Digital Studies (0.5 units of credit).
- (18) Library Media Skills (integrated into the subject areas).
- (19) General Financial Literacy (0.5 units of credit).
- (20) Electives (5.5 units of credit).
- (21) An LEA shall use Board-approved summative assessments to assess student mastery of the following subjects:
  - (a) language arts through grade 11;
  - (b) mathematics as defined in Subsection (6); and
  - (c) science as defined in Subsection (11).
- (22) An LEA board may require a student to earn credits for graduation that exceed the minimum Board requirements described in this rule.
- (23) An LEA board may establish and offer additional elective course offerings at the discretion of the LEA board.
- (24)
  - (a) An LEA may modify a student's graduation requirements to meet the unique educational needs of a student if: (i) the student has a disability; and (ii) the modifications to the student's graduation requirements are made through the student's individual IEP.
  - (b) An LEA shall document the nature and extent of a modification, substitution, or exemption made to a student's graduation requirements described in Subsection (22)(a) in the student's IEP.
- (25) The CAO shall provide a list of approved courses meeting the requirements of this rule.
- 26) An LEA may modify graduation requirements for an individual student to achieve an appropriate route to student success if the modification: 11
  - (a) is consistent with: (i) the student's IEP; or (ii) SEOP/Plan for College and Career Readiness;
  - (b) is maintained in the student's file;
  - (c) includes the parent's signature; and (d) maintains the integrity and rigor expected for high school graduation, as determined by the Board.

**R277-700-7. Student Mastery and Assessment of Core Standards.**

- (1) An LEA shall ensure students master the Core Standards at all levels.
- (2) An LEA shall provide intervention for secondary students who do not achieve mastery in accordance with Section 53G-9-803.
- (3) An LEA shall provide remedial assistance to students who are found to be deficient in basic skills through a statewide assessment in accordance with Subsection 53E5-206(1).
- (4) If a parent objects to a portion of a course or to a course in its entirety under Section 53G-10-205, the parent shall be responsible for the student's mastery of Core Standards to the satisfaction of the school prior to the student's promotion to the next course or grade level.
- (5)
  - (a) A student with a disability served by a special education program is required to demonstrate mastery of the Core Standards.

(b) If a student's disability precludes the student from successfully mastering the Core Standards, the student's IEP team, on a case-by-case basis, may provide the student an accommodation for, or modify the mastery demonstration to accommodate, the student's disability.

(6) A student may demonstrate competency to satisfy course requirements consistent with R277-705-3.

(7) LEAs are ultimately responsible for and shall comply with all assessment procedures, policies and ethics as described in R277-404. 12

#### **R277-700-8. Civics Education Initiative.**

(1) For purposes of this section:

(a) "Student" means: (i) a public school student who graduates on or after January 1, 2016; or (ii) a student enrolled in an adult education program who receives an adult education secondary diploma on or after January 1, 2016.

(b) "Basic civics test" means the same as that term is defined in Subsection 53E-4-205(1)(b).

(2) Except as provided in Subsection

(3), an LEA shall:

(a) administer a basic civics test in accordance with the requirements of Section 53E-4-205; and

b) require a student to pass the basic civics test as a condition of receiving:

(i) a high school diploma; or

(ii) an adult education secondary diploma.

(4) An LEA may require a student to pass an alternate assessment if:

(a)

(i) the student has a disability; and

(ii) the alternate assessment is consistent with the student's IEP; or

(b) the student is within six months of intended graduation.

(5) Except as provided in Subsection (5), the alternate assessment shall be given:

(a) in the same manner as an exam given to an unnaturalized citizen; and

(b) in accordance with 8 C.F.R. Sec. 312.2.

(6) An LEA may modify the manner of the administration of an alternate assessment for a student with a disability in accordance with the student's IEP.

(7) If a student passes a basic civics test or an alternate assessment described in this section, an LEA shall report to the CAO that the student passed the basic civics test or alternate assessment.

(8) If a student who passes a basic civics test or an alternate assessment transfers to another LEA, the LEA may not require the student to retake the basic civics test or alternate assessment.

#### **R277-700-9. College and Career Readiness Mathematics Competency.**

(1) For purposes of this section, "senior student with a special circumstance" means a student who:

(a) is pursuing a college degree after graduation; and

(b) has not met one of criteria described in Subsection (2)(a) before the beginning of the student's senior year of high school.

(2) Except as provided in Subsection (4), in addition to the graduation requirements described in R277-700-6, beginning with the 2016-17 school year, a student pursuing a college degree after graduation shall:

(a) receive one of the following:

(i) a score of 3 or higher on an Advanced Placement (AP) calculus AB or BC exam;

(ii) a score of 3 or higher on an Advanced Placement (AP) statistics exam;

- (iii) a score of 5 or higher on an International Baccalaureate (IB) higher level math exam;
  - (iv) a score of 50 or higher on a College Level Exam Program (CLEP) pre-calculus or calculus exam;
  - (v) a score of 26 or higher on the mathematics portion of the American College Test (ACT) exam;
  - (vi) a score of 640 or higher on the mathematics portion of the Scholastic Aptitude Test (SAT) exam; or
  - (vii) a "C" grade in a concurrent enrollment mathematics course that satisfies a state system of higher education quantitative literacy requirement; or
- (b) if the student is a senior student with a special circumstance, take a full year mathematics course during the student's senior year of high school.

(3) Except as provided in Subsection (4), in addition to the graduation requirements described in R277-700-6, beginning with the 2016-17 school year, a non-college and degree-seeking student shall complete appropriate math competencies for the student's career goals as described in the student's Plan for College and Career Readiness.

- (4) An LEA may modify a student's college or career readiness mathematics competency requirement under this section if:
- (a) the student has a disability; and
  - (b) the modification to the student's college or career readiness mathematics competency requirement is made through the student's IEP.

(5)

- (a) An LEA shall report annually to the LEA's board the number of students within the LEA who:
- (i) meet the criteria described in Subsection (2)(a);
  - (ii) take a full year of mathematics as described in Subsection (2)(b);
  - (iii) meet appropriate math competencies as established in the students' career goals as described in Subsection (3); and
  - (iv) meet the college or career readiness mathematics competency requirement established in the students' IEP as described in Subsection (4).
- (b) An LEA shall provide the information described in Subsection (5)(a) to the CAO by October 1 of each year.

# **APPENDIX Y: PINNACLE SPECIAL EDUCATION POLICY AND PROCEDURES MANUAL**

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**SEE PDF OF THIS MANUAL ON THE SCHOOL WEBPAGE AS SEPARATE DOCUMENT**



# APPENDIX Z: PINNACLE PARAPROFESSIONAL HANDBOOK

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SEE PDF OF THIS MANUAL ON THE SCHOOL WEBPAGE AS SEPARATE DOCUMENT

# APPENDIX AA: PINNACLE VOLUNTEER CONTRACT

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## PINNACLE CANYON ACADEMY

210 North 600 East, Price, UT 84501 -- (435) 613-8102

### VOLUNTEER CONTRACT

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Thank you for volunteering at Pinnacle Canyon Academy! We love having parents, grandparents, and family support our students. Below are our volunteer expectations:

- ❖ CHECK IN at the front office.
- ❖ Wear the VISITOR BADGE you are given.
- ❖ Please leave personal items in the car. If you have a cellphone, please silence it.
- ❖ Volunteers can order a school lunch, if they choose. Lunch must be ordered by 8:30 a.m. the day you volunteer and must be paid for in the office.
- ❖ The teacher will give you an assignment/task.
- ❖ Only the teacher disciplines in the classroom, please do not correct students.
- ❖ Please do not be a distraction in the classroom.
- ❖ Please be dressed appropriately. No revealing clothing, inappropriate t-shirts, pajamas, etc...
- ❖ Volunteers may not bring any other children when they volunteer.
- ❖ Anyone volunteering in the classroom must follow rules of confidentiality in the school setting. Speaking about children to others outside of the school is NEVER appropriate and is prohibited. This includes not posting anything about students or our school on social media. If you see a problem, report it to the teacher.
- ❖ If you have any questions, please ask the teacher or the secretary in the front office (lunch, bathroom, etc...).

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**SIGNATURE**

**DATE**

✓ By signing above, I understand and will follow the volunteer expectations listed above.

## APPENDIX BB: TSSA PROGRAM

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### R277-927. Education, Administration.

#### R277-927. Teacher and Student Success Act (TSSA) Program R277-927-1. Authority and Purpose.

(1) This rule is authorized by:

- (a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board;
- (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
- (c) Section 53F-2-416, which requires the Board to calculate and distribute student and teacher success program money to LEAs;
- (d) Section 53G-7-1304, which requires the Board to make rules for an LEA governing board to calculate and distribute a school's allocation of program money for each school within the LEA; and
- (e) Section 53G-7-1306, which require the Board to determine:
  - (i) a threshold of points under the statewide school accountability system that designates a school as succeeding in school performance and student academic achievement; and
  - (ii) performance standards for certain schools.

(2) The purpose of this rule is to:

- (a) set standards for the Board's distribution of student and teacher success program money to LEAs;
- (b) set standards governing an LEA's distribution of student and teacher success program money to each school within the LEA; and
- (c) to establish certain accountability standards related to the student and teacher success program.

#### R277-927-2. Definitions.

(1) As used in Subsection 53G-7-1304, "capital expenditures" are funds used to acquire, maintain, or upgrade physical assets like property, building, technology, or equipment and may include:

- (a) improvements to a building or school grounds;
- (b) a school bus;
- (c) rent, lease, or bond payments; and
- (d) a portable classroom or costs related to moving a portable classroom.

(2) As used in Subsection 53G-7-1304(1), "early childhood education" includes preschool programs. "Program" means the student and teacher success program created in Section 53G-7-1302. "Satellite school" means the same as that term is defined in R277-550. "School personnel who work directly with and support students in an academic role" does not include:

- (a) school level administrative or operational staff;
- (b) building and maintenance staff, including custodial and grounds staff;
- (c) transportation staff;
- (d) child nutrition services staff;
- (e) operational or facility support staff;
- (f) financial staff;
- (g) information technology staff;
- (h) legal staff;
- (i) secretarial staff; or
- (j) other district level staff paid on an administrative salary schedule.

#### R277-927-3. Program Requirements and Board Distribution of Program Money.

(1)

(a) For the 2019-20 school year, the CAO shall distribute an LEA's annual program allocation, in equal payment amounts, to an LEA once the LEA submits the LEA's student success framework through the Board's grant management system.

(b) If an LEA amends the LEA's student success framework, the LEA shall submit the amended student success framework through the Board's grant management system.

(2) Beginning with the 2020-21 school year, if the LEA previously submitted a student success framework, before the LEA receives the LEA's annual program allocation, the LEA shall submit annual assurances in accordance with the requirements of R277-108.

(3) If an LEA fails to submit the LEA's student success framework as described in Subsection (1) or annual assurances described in Subsection (2) to the CAO by November 1 of a fiscal year:

(a) the LEA may not receive a program allocation for that fiscal year; and

(b) the undistributed balance will be included with the new year appropriation and distributed in the following fiscal year according to the formula described in Subsection 53F-2-416(3).

(4) For purposes of calculating the formula described in Subsection 53F-2-416(3), "weighted pupil units" means:

(a) for a school district or charter school: (i) the weighted pupil units for the current year budget request for the minimum school basic program; minus (ii) the weighted pupil units allocated to LEAs for foreign exchange students; and

(b) for the Utah Schools for the Deaf and Blind, USDB's prior year October 1 headcount multiplied by two.

(5) For a new LEA or new charter satellite campus in the LEA or charter school satellite's second year of operation, the CAO shall increase or decrease the new LEA or charter school satellite's first year distribution of funds in the LEA or charter school satellite's second year to reflect the LEA or charter school satellite's actual first year October 1 counts.

(6) For purposes of determining whether a school district in a county of the first, second, or third class has an approved board local levy for the maximum amount allowed for the purposes described in Subsection 53G-7-1304(2)(c)(i)(A), the school district meets the property tax requirements of Subsection 53G-7-1304(2)(a)(i) if in the applicable fiscal year:

(a) the school district's rate imposed for the board local levy is equal to the maximum amount allowed under Section 53F-8-302; or

(b)

(i) meets or exceeds an amount equal to the certified board local levy rate; and

(ii) the school district's board local levy rate equaled the maximum amount allowed under Section 53F-8-302 sometime within the prior five fiscal years.

(7) For purposes of determining whether a school district in a county of the first, second, or third class increased the school district's board local levy by at least .0001 per dollar of taxable value as described in Subsection 53G-7-1304(2)(c)(i)(B), a school district that does not meet the property tax requirements of Subsection (6), the school district meets the requirements of Subsection 53G-7-1304(2)(c)(i)(B) if the school district's board local levy rate for the current fiscal year is at least .0001 per dollar of taxable value more than the school district's board local levy rate imposed in the prior fiscal year.

(8) For fiscal year 2020, "state average teacher salary" means a weighted calculation of the statewide teacher salary expenditures reported on the annual financial report by LEA from fiscal year 2018 divided by the number of full-time equivalent educators or FTEs from the most recent educator cactus submission.

(9) Except as provided in Subsection (10), for fiscal year 2020, "LEA's average teacher salary" means the LEA's teacher salary expenditures reported on the annual financial report from fiscal year 2018 divided by the LEA's number of full-time equivalent educators or FTEs from the most recent educator cactus submission.

(10) For a new LEA in the new LEA's first or second year of operation, the new LEA's average teacher salary is equal to the state average teacher salary.

#### **R277-927-4. LEA Financial Reporting and Prohibited Uses of Program Funds.**

(1) An LEA shall report expenditures of program money by location according to the Board approved chart of accounts.

(2) An LEA may not use program money:

(a) for a purpose described in Subsection 53G-7-1304(1);

b) to support adult education; or

(c) to pay for contracted services commonly performed by the following staff:

(i) school level administration staff;

(ii) building and maintenance staff, including custodial staff;

(iii) transportation staff;

(iv) child nutrition services staff;

(v) operational or facility support staff; or

(vi) district level staff.

(3) As used in Subsection 53G-7-1304(2), "district administration costs" does not include salary driven benefits for school personnel charged at the district level.

(4) An LEA may carry over restricted program funds into the next fiscal year to support a purpose identified by the LEA governing board student success framework. Any funds carried over must be reported according to the Board approved chart of accounts.

#### **R277-927-5. LEA Allocations to Schools.**

(1) An LEA with two or more schools shall establish a policy that defines how the LEA will calculate and distribute program allocations based on prior year average daily membership as determined by the CAO, to all schools within the LEA, including how the LEA will calculate allocations for new schools within the LEA.

(2) For a new school within an LEA, the LEA shall calculate and distribute school's allocation based on the school's projected October 1 headcount for the applicable school year.

(3) After calculating an LEA's school level allocations, an LEA may make adjustments to individual school ADM values and school level allocations due to changes in current year student enrollment for reasons including:

(a) changes in school boundaries;

(b) changes to feeder school patterns;

(c) changes in grade levels offered; or

(d) significant student growth of 30% or more.

#### **R277-927-6. Accountability Performance Standards.**

(1) For purposes of determining the threshold of points that designates a school as succeeding in school performance as described in Subsection 53G-7-1306(1)(a), a school is succeeding in school performance if, in the most recently published overall school accountability ratings the school is designated as a commendable or exemplary school as described in Section R277-497-2.

(2) For purposes of determining the performance standards for a school described in Section 53G-7-1306(1)(b), a school meets the performance standards if the school meets the criteria described in Section 53E-5-203(2).

# APPENDIX CC: ALTERNATIVE LANGUAGE SERVICES FOR UTAH STUDENTS

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## **R277. Education, Administration.**

### **R277-716. Alternative Language Services for Utah Students.**

#### **R277-716-1. Authority and Purpose.**

(1) This rule is authorized by:

- (a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board;
- (b) Title III; and
- (c) Subsection 53E-3-401(4), which allows the Board to adopt rules in accordance with its responsibilities.

(2) The purpose of this rule is:

- (a) to address the requirements of Title III and implementing regulations and case law;
- (b) to clearly define the respective responsibilities of the CAO and LEAs:
  - (i) in identifying students learning English who are currently enrolled in Utah schools; and
  - (ii) in providing evidence-based language instruction educational programs to identified students; and
- (c) in order to:
  - (i) meet Title III requirements;
  - (ii) meet funding eligibility requirements; and
  - (iii) appropriately distribute Title III funds for students learning English to LEAs with approved plans in the Utah Grants Management System.

#### **R277-716-2. Definitions.**

(1) "Alternative language services program" or "ALS program" means an evidence based language instruction educational program used to achieve English proficiency and academic progress of identified students.

(2) "Alternative language services" or "ALS" means language services designed to meet the education needs of all students learning English so that students are able to participate effectively in the regular instruction program. ADA Compliant: 04-06-2021

(3) "Consolidated State Plan" means the application for federal funds authorized under the Elementary and Secondary Education Act, or ESEA, 20 U.S.C. Sec. 1001, et seq., as amended, and other federal sources submitted annually to the CAO.

(4) "Evidence-based language instruction education program" means evidence based methods, recommended by the CAO, that meet the "Non-Regulatory Guidance: Using Evidence to Strengthen Education Investments" developed by the U.S. Department of Education.

(5) "Immigrant children and youth" for purposes of this rule means individuals who: (a) are ages 3 through 21; (b) were born outside of the United States; and (c) have not been attending one or more schools in any one or more states of the United States for more than three full academic years.

(6) "Instructional Materials Commission" means a Commission appointed by the Board to evaluate instructional materials for recommendation by the Board consistent with Title 53E, Chapter 4, State Instructional Materials Commission.

(7) "Language instruction educational program" means an instructional course:

- (a) in which a student learning English is placed for the purpose of developing and attaining English proficiency, while meeting challenging state academic standards;
- (b) that may make instructional use of both English and a child's native language to enable the child to attain and

develop English proficiency; and

(c) that may include the participation of English proficient children if the course is designed to enable all participating children to become proficient in English and a second language.

(8) "Student learning English" means an individual who:

(a) who has sufficient difficulty speaking, reading, writing, or understanding the English language, and whose difficulties may deny the individual the opportunity to:

(i) learn successfully in classrooms where the language of instruction is English; or

(ii) participate fully in society;

(b) who was not born in the United States or whose native language is a language other than English and who comes from an environment where a language other than English is dominant; or

(c) who is an American Indian or Alaskan native or who is a native resident of the outlying areas and comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency.

(9) "TESOL" means Teachers of English to Speakers of Other Languages.

(10) "TESOL Standards" mean the Pre-K-12 English Language Proficiency Standards established by TESOL International.

(11) "Title III" means federal provisions for providing language instruction to students learning English and immigrant children and youth under 20 U.S.C. 6801, et seq.

### **R277-716-3. CAO Responsibilities.**

(1) The CAO shall make available Utah's approved Title III plan identification and placement procedures to support evidence-based language instruction education programs for students learning English.

(2) The CAO shall develop and require all LEAs to administer a Board approved annual English language proficiency assessment to measure fluency level and progress in:

(a) listening;

(b) speaking;

(c) reading; and

(d) writing.

(3) The CAO shall apply a formula and distribute funds to LEAs for identification and services to students learning English and their families.

(a) The formula shall provide an amount based upon eligible students and available funds, to be distributed to all eligible LEAs and consortia consistent with Title III requirements.

(b) The formula shall provide for an additional amount to qualifying LEAs based on numbers of immigrant children and youth.

(4) An LEA that receives Title III funds under this rule shall provide the following to the CAO:

(a) assurances and documentation maintained of services or a program used to serve students; and (

b) assurances and documentation maintained of required parent notification.

(5) The CAO shall provide timelines to LEAs for meeting Title III requirements.

(6) The CAO shall assist and provide training to LEAs in development of ALS and Title III services to students learning English who do not meet the state designated annual growth goals in both increased English proficiency and academic standards.

(7) An LEA shall maintain:

(a) an ALS budget plan;

(b) a plan for delivering student instruction as a requirement in the monitoring section of the Utah Grants Management System;

(c) ALS assessments to date;

(d) a sample of parent notification required under Subsection R277-716-4(7); and

(e) documentation or evidence of progress in the state accountability system.

(8) The CAO shall conduct on-site monitoring of all funded ALS programs at least once every five years.

(9) The CAO shall provide technical assistance during on-site monitoring and as the CAO deems necessary.

**R277-716-4. LEA Responsibilities.**

(1) An LEA that receives funds under Title III shall assure that the LEA has a written plan that:

- (a) includes an identification process for students learning English, including a home language survey and a language proficiency for program placement, that is implemented with student registration;
- (b) uses a valid and reliable assessment of a student's English proficiency in:
  - (i) listening;
  - (ii) speaking;
  - (iii) reading; and
  - (iv) writing;
- (c) provides an evidence-based language instruction educational program based on Board-approved Utah English Language Proficiency Standards;
- (d) establishes student exit criteria from ALS programs or services; and
- (e) includes the count of students learning English, by classification, prior to July 1 of each year.

(2) Following receipt of Title III funds, an LEA shall:

- (a) determine what type of Title III ALS services are available and appropriate for each student identified in need of ALS services, including:
  - (i) dual immersion;
  - (ii) ESL content-based; and
  - (iii) sheltered instruction;
- (b) implement an approved language instruction educational program designed to achieve English proficiency and academic progress of an identified student;
- (c) ensure that all identified students learning English receive English language instructional services, consistent with Subsection (1)(c);
- (d) provide adequate staff development to assist a teacher and staff in supporting students learning English; and
- (e) provide necessary staff with: (i) curricular materials approved by the Instructional Materials Commission consistent with Rule R277-469; and (ii) facilities for adequate and effective training.

(3) Following evaluation of student achievement and services, an LEA shall:

- (a) analyze results and determine the program's success or failure; and
- (b) modify a program or services that are not effective.

(4) An LEA shall have a policy to identify and serve students who qualify for services under IDEA, including:

- (a) implementing procedures and training, consistent with federal regulations and state special education rules, that ensure students learning English are not misidentified as students with disabilities due to their inability to speak and understand English;
- (b) reviewing the assessment results of a student's language proficiency in English and other language prior to initiating evaluation activities, including selecting additional assessment tools;
- (c) conducting assessments for IDEA eligibility determination and educational programming in a student's native language when appropriate;
- (d) using nonverbal assessment tools when appropriate;
- (e) ensuring that accurate information regarding a student's language proficiency in English and another language is considered in evaluating assessment results;
- (f) considering results from assessments administered both in English and in a student's native language;
- (g) ensuring that all required written notices and communications with a parent who is not proficient in English are provided in the parent's preferred language, including utilizing interpretation services; and
- (h) coordinating the language instruction educational program and special education and related services to ensure



that the IEP is implemented as written.

- (5) An LEA shall provide information and training to staff that:
- (a) limited English proficiency is not a disability; and
  - (b) if there is evidence that a student with limited English proficiency has a disability, the staff shall refer the student for possible evaluation for eligibility under IDEA.
- (6)
- (a) An LEA shall notify a parent who is not proficient in English of the LEA's required activities.
  - (b) A school shall provide information about required and optional school activities in a parent's preferred language.
  - (c) An LEA shall provide interpretation and translation services for a parent at:
    - (i) registration;
    - (ii) an IEP meeting;
    - (iii) an SEOP meeting;
    - (iv) a parent-teacher conference; and
    - (v) a student disciplinary meeting.
  - (d) An LEA shall provide annual notice to a parent of a student placed in a language instruction educational program at the beginning of the school year or no later than 30 days after identification.
  - (e) If a student has been identified as requiring ALS services after the school year has started, the LEA shall notify the student's parent within 14 days of the student's identification and placement.
- (7) A required notice described in Subsection (6) shall include:
- (a) the student's English proficiency level;
  - (b) how the student's English proficiency level was assessed;
  - (c) the status of the student's academic achievement;
  - (d) the methods of instruction proposed to increase language acquisition, including using both the student's native language and English if necessary;
  - (e) specifics regarding how the methods of instruction will help the child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation; and
  - (f) the specific exit requirements for the program including:
    - (i) the student's expected rate of transition from the program into a classroom that is not tailored for a student learning English; and
    - (ii) the student's expected high school graduation date if funds appropriated consistent with this rule are used for a secondary school student.

#### **R277-716-5. Teacher Qualifications.**

- (1) A Utah educator who is assigned to provide instruction in a language acquisition instructional program shall comply with state ESL endorsement requirements.
- (2) A Utah educator whose primary assignment is to provide English language instruction to a student learning English shall have:
- (a) an ESL endorsement, through an approved program based on the TESOL Standards;
  - (b) an advanced degree or certification in teaching English as a Second Language, including an approved competency program consistent with Board rule; or
  - (c) a bilingual endorsement consistent with the educator's assignment.

#### **R277-716-6. Miscellaneous Provisions.**

- (1)
- (a) An LEA that generates less than \$10,000 from the LEA's count of students learning English, may form a consortium with other similar LEAs.
  - (b) A consortium described in Subsection (1)(a) shall designate a fiscal agent and shall submit all budget and reporting information from all of the member LEAs of the consortium.

(c) Each member of a consortium shall submit plans and materials to the fiscal agent of the consortium for final reporting submission to the CAO.

(d) A fiscal agent of a consortium described in Subsection (1)(a) shall assume all responsibility of an LEA under Section R277-716-4.

(2) No LEA or consortium may withhold more than two percent of Title III funding for administrative costs in serving students learning English.

# APPENDIX DD: WORK-BASED LEARNING PROGRAMS

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## **R277-915-1. Authority and Purpose.**

(1) This rule is authorized by:

- (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
- (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
- (c) Section 53G-7-902, which allows schools to offer WBL programs in accordance with Board rules.

(2) The purpose of this rule is to provide standards for WBL programs.

## **R277-915-2. Definitions.**

(1) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(2)

- (a) "Participant" means a student enrolled in a school-sponsored work experience and career exploration program under Section 53G-7-902 involving both classroom instruction and work experience with a cooperating employer, for which the students may or may not receive compensation.
- (b) Participant may include a student completing an apprenticeship.
- (c) Participant does not include a student on work release.

(3) "School-based enterprise" means a business set up and run by supervised students learning to apply practical skills in the production of goods or services for sale or use by others.

(4) "Work site" or "workplace" means the actual location where employment occurs for a particular occupation, or an environment that simulates all aspects or elements of that employment, including school-based enterprises.

(5) "Work-based learning" or "WBL" means a continuum of awareness, exploration, preparation, and training activities that combine structured learning and authentic work experiences implemented through industry and education partnerships.

## **R277-915-3. Mandatory LEA Policy.**

An LEA that has WBL programs that include assigning students to act as participants at off-campus sites or in on-campus simulations shall establish a policy which includes the following:

- (1) training for student participants, student participant supervisors, and cooperating employers regarding health hazards and safety procedures in the workplace;
- (2) standards and procedures for approval of off-campus work sites;
- (3) transportation options for students to and from the work site;
- (4) appropriate supervision by employers at the work site;
- (5) adequate insurance coverage provided and identified either by the student, the program, or the LEA;
- (6) appropriate supervision and assessment of the student by the LEA;
- (7) appropriate involvement and approval by the student's parents in the WBL program;
- (8) provision for risk or liability inherent in the WBL program developed in consultation with State Risk Management or the LEA's insurance provider; and

(9) a requirement that any WBL credit awarded maintains the integrity and rigor expected for high school graduation, as determined by the Board.

#### **R277-915-4. Disbursement of Funds.**

- (1) The CAO shall align public elementary, secondary, and postsecondary or adult schools by LEA.
- (2) The proportion of total WBL funding allocated for a participating LEA shall remain the same as the previous year unless:
  - (a) the LEA discontinues the program;
  - (b) the LEA does not meet program standards; or
  - (c) LEA proportions are adjusted by the Board.
- (3) A participating LEA shall provide an equal match in funds to state appropriated WBL funds. 2

#### **R277-915-5. Standards.**

- (1) WBL shall be integrated into all levels of the educational delivery system and shall be coordinated within the LEA and among regions.
- (2) To be eligible for WBL funds, an LEA shall:
  - (a) have the program approved by the LEA board;
  - (b) employ licensed WBL coordination personnel with salaries and benefits matched by the local recipient of funds;
  - (c) document that a WBL committee representing all schools within the LEA:
    - (i) has been created;
    - (ii) is functioning effectively; and
    - (iii) regularly addresses WBL issues;
  - (d) conduct WBL activities utilizing information from:
    - (i) business and industry;
    - (ii) administrators;
    - (iii) teachers;
    - (iv) counselors;
    - (v) parents; and
    - (vi) students;
  - (e) develop work-based preparation, participation, and assessment activities for students and teachers involved in all WBL LEA activities;
  - (f) maintain evidence that WBL components have been integrated and coordinated with:
    - (i) elementary career awareness;
    - (ii) secondary career exploration;
    - (iii) integrated core activities;
    - (iv) College and Career Awareness; and
    - (v) comprehensive guidance and counseling;
  - (g) maintain evidence of WBL activities and assurances in each LEA developed in coordination with a student's:
    - (i) IEP; 3
    - (ii) Plan for College and Career Readiness; and
    - (iii) 504 requirements;
  - (h) require the inclusion of all student groups within the LEA in career development and preparation;
  - (i) demonstrate WBL coordination with employers and with other school and community development activities.
  - (j) verify that sufficient budget for a WBL coordinator, facilities, materials, equipment, and support staff is available;
  - (k) participate in initial state-sponsored WBL coordinated professional development and in periodic ongoing coordination and professional development activities;
  - (l) require that the WBL team utilize a database system developed by the LEA for the LEA's specific needs; and
  - (m) participate in the CTE Program Approval evaluation every three years.

**R277-915-6. Consistency with Law and State and LEA Board Rules and Policies.**

- (1) A WBL experience shall be consistent with the provisions of the Fair Labor Standards Act, 29 U.S.C. Sec. 201, et seq.
- (2) WBL programs shall operate consistently with Board rules and LEA policies, including:
  - (a) student transportation;
  - (b) credit toward graduation;
  - (c) attendance; and
  - (d) fee waivers.

# APPENDIX EE: STATE OF UTAH PARAPROFESSIONAL MANUAL

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**Board Approved 6/13/2023**

(see separate pdf file found on school webpage: [www.pcaschool.com](http://www.pcaschool.com) under The Pinnacle Code Appendices)

A pdf file of the manual can also be located at: <https://www.schools.utah.gov/file/0ecaf200-77b2-4f85-aa44-3f17af07c9e4>

# APPENDIX FF: PINNACLE PROCUREMENT POLICIES

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Board approved 6.13.2023

## Procurement Procedures

The procurement procedures contained in the following pages will be implemented on August 1, 2023 and remain in effect until amended. All procurements must maximize full and open competition. Source documentation must be available to determine open competition, the reasonableness, the allowability and the allocation of costs.

## PROCUREMENT PROCEDURES

- A. The plan for procuring items for use in the Child Nutrition Program is as follows. These procurement procedures maximize full and open competition, transparency in transactions, comparability, and documentation of all procurement activities. Pinnacle assures that positive efforts will be made to involve small and minority businesses, women's business enterprises, and labor surplus area firms [2 CFR 200.321].
1. All procurement activities will be made in accordance with 2 CFR 200; the State of Utah Procurement Code 63G-6a; and Utah Administrative Code Title R33. The most restrictive principles will be applied when conflicts in requirements exist.
    - a. If the amount of the purchase is more than \$5,000, formal procurement procedures will be used.
    - b. Informal procurement procedures (small purchase) will be required for purchases under the most restrictive small purchase threshold as defined in Title R33 or LEA approved threshold if less:
      - i. The Individual Procurement Item threshold is a maximum amount of \$5,000 for a procurement item; a procurement unit may select the best source by direct award and without seeking competitive bids or quotes.
      - ii. The single procurement aggregate threshold is a maximum amount of \$10,000 for multiple procurement item(s) (each item must be \$5,000 or less), that are purchased from one source at one time; and
      - iii. The annual cumulative threshold from the same source is a maximum amount of \$50,000
  2. It will be the responsibility of the Business Manager to document the amounts to be purchased so the correct method of procurement will be followed. Cost analysis documentation will also be required for any amendments to resulting contracts when the amendment is expected to exceed \$5,000.
- B. When a formal procurement method is required, the following COMPETITIVE SEALED BID in the form of an Invitation for Bid or COMPETITIVE PROPOSAL in the form of a Request for Proposal (RFP) procedures will apply:
1. An announcement of an Invitation for Bid (IFB) or a Request for Proposal (RFP) will be placed on the school's webpage to publicize the intent of Pinnacle to purchase needed items. The advertisement for bids/proposals or legal notice will be run for (14 days).
  2. An advertisement is required for all purchases over the district's small purchase threshold of \$5,000. The announcement will contain a:
    - a. general description of items to be purchased
    - b. deadline for submission of questions and the date written responses will be provided including addenda to bid specifications, terms and conditions as needed
    - c. date of pre-bid meeting, if provided, and if attendance is a requirement for bid award
    - d. deadline for submission of sealed bids or proposals, and
    - e. address of location where complete specifications and bid forms may be obtained.

3. The developer of written specifications or descriptions for procurements will be prohibited from submitting bids or proposals for such products or services.
4. The IFB or RFP will clearly define the purchase conditions. The following list includes requirements to be addressed in the procurement, as applicable:
  - a. Contract period
  - b. LEA is responsible for all contracts awarded (statement)
  - c. Date, time, and location of IFB/RFP opening
  - d. How vendor is to be informed of bid acceptance or rejection
  - e. Delivery schedule
  - f. Set forth requirements (terms and conditions) which bidder must fulfill in order for the bid to be evaluated
  - g. Buy American Provision requirements.
  - h. Benefits to which the School Food Authority will be entitled if the contractor can not or will not perform as required
  - i. Statement regarding the return of purchase incentives, discounts, rebates, and credits to the LEA's non-profit Child Nutrition account
  - j. Contract provisions as required in Appendix II to 2 CFR 200
  - k. Procuring instrument to be used are purchase orders from firm fixed prices after formal bidding
  - l. Price adjustment clause (tied to an appropriate) (Consumer price index, or other as stated in terms and conditions for pricing and price adjustments)
  - m. Specific bid protest procedures
  - n. Provision requiring access by duly authorized representatives of the LEA, State Agency, United States Department of Agriculture, or Comptroller General to any books, documents, papers and records of the contract which are directly pertinent to all negotiated contracts
  - o. Method of shipment or delivery upon contract award
  - p. Provision requiring contractor to maintain all required records for six years after final payment and all other pending matters (audits) are closed for all negotiated contracts
  - q. Description of process for enabling vendors to receive or pick up orders upon contract award
  - r. Provision requiring the contractor to recognize mandatory standards/policies related to energy efficiency contained in the State Energy Plan issued in compliance with the Energy Policy and Conservation Act (PL 94-165)
  - s. Signed statement of non-collusion
  - t. Signed Debarment/Suspension Certificate or statement included in contract or copy of Excluded Parties List System (EPLS).
5. Specifications and estimated quantities of products and services prepared by SFA and provided to potential contractors desiring to submit bids/proposals for the products or services requested. When specifying a "brand name" an "equal" product must be allowed to be offered [2 CFR 200.319(6)]
6. If any potential vendor is in doubt as to the true meaning of specifications or purchase conditions, interpretation will be provided in writing to all potential bidders by Business Manager and date Specified.
  - a. The Business Manager will be responsible to ensure all SFA procurements are conducted in compliance with applicable Federal, State, and local procurement regulations.
  - b. The following criteria will be used in awarding contracts as a result of bids/proposals.
    - i. Price
    - ii. Quality
    - iii. Warranty
    - lv. If state contract applies
    - v. Availability



7. In awarding an RFP, a set of award criteria in the form of a weighted evaluation sheet will be provided to each bidder in the initial bid document materials. Price alone is not the sole basis for award but remains the primary consideration among all factors when awarding a contract. Following evaluation and negotiations a firm fixed price or cost reimbursable contract is awarded.
  - a. The contracts will be awarded to the responsible bidder/proposer whose bid or proposal is responsive to the invitation and is most advantageous to the LEA, price as the primary and other factors considered. Any and all bids or proposals may be rejected in accordance with law.
  - b. The CAO is required to sign on the bid tabulation of competitive sealed bids or the evaluation criterion score sheet of competitive proposals signifying a review and approval of the selections.
  - c. Business Manager reviewing the procurement system to ensure compliance with applicable laws.
  - d. Business Manager responsible for documentation the actual product specified is received.
  - e. Any time an accepted item is not available, the CAO will select the acceptable alternate. The contractor must inform the CAO and/or Business Manager within two weeks that a product is not available. In the event a non-domestic agricultural product is to be provided to the LEA, the contractor must obtain, in advance, the written approval of the product. The Business Manager must comply with the Buy American Provision.
  - f. Full documentation as to the reason an accepted item was unavailable, and to the procedure used in determining acceptable alternates, will be available for audit and review. The person responsible for this documentation is the Business Manager.
  - g. The Business Manager is responsible for maintaining all procurement documentation.
  
- C. If the amount of purchases for items is less than the district's small purchase threshold, the following, SMALL PURCHASE PROCEDURES, including quotes, will be used as outlined in Utah State Administrative Code Title R33. Quotes from an adequate number of qualified sources will be required.
  1. Written Specifications will be prepared and provided to the vendor. When specifying a "brand name" an "equal" product must be allowed to be offered [2 CFR 200.319(6)]
  2. Each vendor will be contacted and given an opportunity to provide a price quote on the same specifications. A minimum of two vendors shall be contacted.
  3. The Business Manager will be responsible for contacting potential vendors when price quotes are needed.
  4. The price quotes will receive appropriate confidentiality before award.
  5. Quotes will be awarded by the CAO.. Quotes awarded will be to the lowest and best quote based upon quality, service availability, price, Buy American Provision requirements, as applicable.
  6. The Business Manager will be responsible for documentation of records to show selection of vendor, reasons for selection, names of all vendors contacted, price quotes from each vendor, and written specifications.
  7. The Business Manager will be responsible for documentation that the actual product specified is received.
  8. Any time an accepted item is not available, the Business Manager will select the acceptable alternate. Full documentation will be made available as to the selection of the acceptable item.
  9. Bids will be awarded on the following criteria:
    - a. Price (must be Primary Factor)
    - b. Quality
    - c. Warranty
    - d. If state contract is warranted
    - e. Availability

10. The (Title of person/position) is required to sign all quote tabulations, signifying a review and approval of the selections.
- D. If items are available only from a single source or when the award of a contract is not feasible under small purchase, sealed bid or competitive negotiation, NON-COMPETITIVE PROPOSAL procedures will be used:
1. If the cost exceeds the LEA's small purchase threshold the non-competitive proposal (sole source) must be publicly posted.
  2. Written Specifications will be prepared and provided to the vendor.
  3. The Business Manager will be responsible for the documentation of records to fully explain the decision to use the noncompetitive proposal. The records will be available for audit and review.
  4. The Business Manager will be responsible for documentation that the actual product or service specified was received.
  5. The Business Manager will be responsible for reviewing the procedures to be certain all requirements for using single source or noncompetitive proposals are met.
  6. A record of non-competitive negotiation purchase shall be maintained by (Title of person/position). The record of non-competitive purchases shall include, at a minimum, the following:
    - a. item name
    - b. dollar amount
    - c. vendor, and
    - d. reason for non-competitive procurement
  7. The CAO will approve, in advance, all procurements that result from non-competitive negotiations.
- E. Emergency or "Pressing Need" Purchases
1. If it is necessary to make a one-time emergency procurement to continue service or obtain goods, the purchase must be authorized using a purchase order signed by the CAO and/or Business Manager. The following emergency procedures shall be followed. All emergency procurements shall be approved by CAO and/or Business Manager. At a minimum, the following emergency procurement procedures shall be documented:
    - a. item name
    - b. dollar amount
    - c. vendor, and
    - d. reason for emergency
  2. The LEA shall retain all books, records and other documents relative to the award of the contract for six (6) years after final payment. Specifically, the LEA shall maintain, at a minimum, the following documents:
    - a. Written rationale for the method of procurement;
    - b. A copy of the original solicitation;
    - c. The selection of contract type;
    - d. The bidding and negotiation history and working papers;
    - e. The basis for contractor selection;
    - f. Approval from the State agency to support a lack of competition when competitive bids or offers are not obtained;
    - g. The basis for award cost or price;
    - h. The terms and conditions of the contract;

- i. Any changes to the contract and negotiation history;
  - j. Billing and payment records;
  - k. A history of any contractor claims; and
  - l. A history of any contractor breaches.
- F. In accordance with 63G-6a-2400, the following conduct will be expected of all persons who are engaged in the awarding and administration of contracts supported by appropriate funds. These written standards of conduct are:
- 1. No employee, officer or agent shall participate in the selection or in the award or administration of a contract supported by program funds if a conflict of interest, real or apparent, would be involved. Conflicts of interest arise when one of the following has a financial or other interest in the firm selected for the award:
    - a. The employee, officer or agent;
    - b. Any member of the immediate family;
    - c. His or her partner;
    - d. An organization which employs or is about to employ one of the above.
  - 2. Employees, officers or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.
  - 3. Penalties for violation of the standards of code of conduct of the School Child Nutrition Program should be:
    - a. Reprimand by Board of Education;
    - b. Dismissal by Board of Education;
    - c. Any legal action necessary.

Other State or local procurement requirements that may be required. (If adopting this as the LEA/SFA's new procurement procedures document – Note: this is simply a reminder - Delete when finished – all applicable state and local requirements should be included by LEA/SFA in the above sections)