



*The Mission of Promontory School of Expeditionary Learning is to provide a rich educational environment that views learning as an Expedition and uses the study of Great Thinkers to cultivate the value of excellence and the love of knowledge. Using investigation and discovery to make connections to ideas and our community, we empower children to embrace challenge, act with humanity, and become the Great Thinkers of the 21<sup>st</sup> century.*

## **BOARD OF DIRECTORS MEETING AGENDA**

Thursday, April 20, 2023  
7:00PM  
1051 W 2700 S  
Perry, UT 84302

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Join Zoom Meeting

<https://uetn-org.zoom.us/j/7462007176>

**7:00 PM – CALL TO ORDER**

- Welcome/Mission Statement and Pledge: Jessica Wolf

7:05 PM – Training

**7:10 PM – MINUTES**

- 03-16-2023 Board Meeting Minutes

**7:20 PM – PUBLIC COMMENT**

*\* PUBLIC PLEASE NOTE: All public input will be taken into consideration, but not be discussed by the board during this meeting. Comments will be limited to three minutes each. We appreciate your input and invite your comments.*

*- Promontory Board of Trustees*

**7:30 PM – FINANCE REPORT**

- Budget Review – Brian Cates

*In compliance with the American with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should contact Tammy Taylor at [ttaylor@promontoryschool.org](mailto:ttaylor@promontoryschool.org) giving at least three working days notice. "This institution is an equal opportunity provider and employer.*

7:45 PM – **BUSINESS ITEMS**

- Expansion Update
- Board Vacancies
- Intensive Update
- Title 1 School Parent & Family Engagement
- Special Education Policy & Procedure Manual
- Special Notices
- Structures Policy

8:30 PM **ACTION ITEM**

- Financing Resolution
- Search & Seizure
- School Student Family Compact
- School Report Card: School Accountability
- Fall Expedition Approval

8:40 PM **DIRECTOR'S REPORT**

- Staffing Update
- Enrollment
- Student Achievement
- Charter Agreement Goal
- Professional Development
- Public Relations
- Lottery

8:50PM CLOSED MEETING

9:00 PM – ADJOURN

\*Next scheduled Board Meeting: April 27, 2023



# PROMONTORY

school of expeditionary learning

## BOARD OF DIRECTORS MEETING

March 16, 2023  
7:00PM  
1051 W 2700 S  
Perry, UT 84302

### **Trustees:**

Michelle Flynn  
Amber Edelman  
Dorothy Dobson  
Karen Braithwaite  
Michael Engh  
Stephanie Quintero  
Zach Davis  
Becca Ashby

### **Officers:**

Amber Jenks  
Amy Rich

### **Director:**

Jennifer Blaine

### **Visitors:**

Tammy Taylor  
Brian Cates  
Susan Bennett

7:03 PM – **CALL TO ORDER:** Amber Edelman

- Welcome/Mission Statement and Pledge: Zach Davis

7:05 PM – Training: Board Member Screening Policy–Highlighted area. Few drop-off sentences. Time commitment. Maybe adjust questions. Make it more Promontory. Remove expeditionary learning. Simplify Teamwork section. Add to Board Retreat agenda–put it into google docs and make it a running doc.

7:23 PM – **MINUTES:** 02-16-2023 Board Meeting Minutes: Michael motions to approve. Dorothy seconds. Motion is carried.

7:24 PM – **PUBLIC COMMENT:** April 20th 6:00 POP is having their general membership meeting in the Library.

7:25 PM – **FINANCE REPORT**

- Budget Review – Brian Cates: Finances look very good. Next year WPU looks like its going to have an increase of 15%--more than double than we typically see. End of March there

will be a funding meeting to get more solid numbers. Federal Revenue—spinning down a lot of funds, decrease in federal revenue. Next year we will still have some ESSR funds to spend down, but it is decreasing. Educational professional time will continue. Capital technology fund is going away. We will still plan and be conservative for next year. PTIF—Just under \$30K for the year. Just over \$5800 in February. Budget Summary—We are forecasting an operating margin of under 4.8%. Financial summary is inline. Able to adjust our forecast for the end of the year. Cash balance is good—starting to level out. Enrollment—came down slightly to 438. Last year we were at about 433.

Amber—working on making sure our funding is secure and safe as a precaution.

### 7:35 PM – **BUSINESS ITEMS**

- Expansion Update: Jennifer—in the thick of the bonding process. HVAC engineers in the building looking at our school. Sound engineers. Environmental survey come in to make sure the lender isn't going to lose money on us. Holding weekly finance meetings to discuss progress. Hoping to close by May 25th on funding. Things are still looking good. Aren't too concerned about rates going up.
- School Report Card—School Accountability: Dorothy wrote up a document. Add something about conscious discipline. Jennifer will drop it in. Have it ready to vote on in April.
- Board Vacancies: At our max for trustees. Amy has two friends who might be interested in sitting on the board if we want more on a committee. Going to keep things the same. Put on Agenda for April under business items to give members time to talk to Amber if need to.
- School Student Family Compact: Add encourage. Still references EL education. Leave reading software but remove Lexia/Amira.
- Title 1 School Parent & Family Engagement— Table to April meeting
- Search & Seizure: Code updates. Needs some updating.
- Suicide Response Policy: Add to retreat with the mental health policy.

### 8:00 PM **ACTION ITEM**

8:03· School Land Trust: Next Year Plan, Signature Form, Safe Technology, & Digital Citizenship—Jennifer recommends we keep it like we have it and keep the school land trust money used to pay our aides to help with reading.

Stephanie motions to approve. Becca seconds. Motion is carried.

- Overnight Fieldwork Request—  $\frac{7}{8}$  intensives—May 30th-31st leadership outdoor intensive. Zach motions to approve. Karen seconds. Motion is carried.
- Spring Bonuses: Total of \$24,250 divided amongst everyone. Stephanie motions to approve. Zach seconds. Motion is carried.

### 8:10 PM **DIRECTOR'S REPORT**

- Staffing Update: I have hired Lydia Munoz for our second kindergarten spot for next year. Nicole Sprinkle accepted a job as a 1-2 teacher for next year. MaKayla Griffin accepted the part-time art position. We are still working to finalize our decision for the 3-4 position as well as the additional 1-2 position. Amber Schenavar is moving to Wyoming. Tami Hirelman will be moving to 5-6.

- Enrollment: Current enrollment is 436. We have several families move out of the area. Two of those decided to homeschool. Kindergarten is full for next year with a very healthy waitlist. Registration for next year for our current students opened up yesterday. We will fill spots from our waitlist from that for next year.

- Student Achievement: Genius Hour in 7-8: each student has a website that they use to report their progress. Fieldwork in 5-6: mock trial in the courtroom and visit to the jail with interviewing inmates about to graduate the program

- Charter Agreement Goals:

Audit findings or recommendations: No findings last year

Current Assets to total annual operating expenses: 190 days cash on hand

Current Ratio: 5.57

Debt Ratio: 1.55

Maintain applicable bond covenants: No default.

Adherence to Budget: Keeping expenditures within 5% of budget.

- Professional Development: PCBL grant PD training and planning will take place June 3 and 5th. Gwen is planning an experience for the teachers at the Christa McAuliffe Space Center in Pleasant Grove. This will be a Friday evening experience. Carpooling transportation and dinner will be provided through the PCBL grant. Teachers will experience the simulation together and debrief together about playful learning experiences and their benefits.

- Public Relations: Application is in to be recognized as a Purple Star School, one that is friendly to military families.

8:25PM CLOSED MEETING–No closed meeting items

8:27 PM – ADJOURN: Dorothy motions to adjourn. Stephanie seconds. Motion is carried.

\*Next scheduled Board Meeting: April 20, 2023

# Finance Manager : School Budget | Current Yr Budget

## Current Yr Budget

Budget Name	PY Amount	YTD Amount	Budget	Variance	Forecast	% Target	% of Forecast
<b>Promontory School of Expeditionary Learning - Revenue - 1000 Local Revenue - 72.5% (11 School Budget records)</b>							
1510 Interest on Investments	\$4,975	\$29,914	\$5,000	\$37,000	\$42,000	67.0%	71.2%
1610 Lunch Program	\$5,562	\$29,651	\$50,000	-\$6,000	\$44,000		67.4%
1710 Middle School Fees	\$7,177	\$5,528	\$7,078	\$0	\$7,078		78.1%
1720 Yearbook Income	\$2,790		\$0	\$0	\$0		
1721 Bookfair Income	\$2,511	\$1,098	\$0	\$0	\$0		
1920 Fieldwork/Expedition Donations	\$8,346	\$5,767	\$0	\$5,767	\$5,767		100.0%
1920 Community Donations	\$6,143	\$5,755	\$0	\$5,755	\$5,755		100.0%
1921 Marketing Income (T-Shirts)		\$170	\$0	\$170	\$170		100.0%
1923 POP Income	\$4,089	\$2,683	\$3,000	\$0	\$3,000		89.4%
1923 Adventure			\$5,000	\$0	\$5,000		
1999 Miscellaneous/Background Checks/Fines	\$122,723	\$1,160	\$0	\$0	\$0		
<b>TOT</b>	<b>\$164,314</b>	<b>\$81,724</b>	<b>\$70,078</b>	<b>\$42,692</b>	<b>\$112,770</b>		
<b>Promontory School of Expeditionary Learning - Revenue - 3000 State Revenue - 65.5% (39 School Budget records)</b>							
3010 Regular School Prgm K-12	\$1,466,835	\$1,042,351	\$1,569,608	-\$8,109	\$1,561,499	67.0%	66.8%
3020 Professional Staff	\$106,520	\$63,339	\$113,983	-\$25,300	\$88,683	67.0%	71.4%
3105 Special Education -- Add-On	\$285,582	\$210,643	\$325,341	-\$12,501	\$312,840	67.0%	67.3%
3110 Special Education -- Self-Contained	\$3,619	\$10,185	\$15,277	\$0	\$15,277	67.0%	66.7%
3120 Special Education -- Extended Year	\$3,596	\$2,385	\$3,578	\$0	\$3,578	67.0%	66.7%
3125 Special Education -- State Programs	\$6,779	\$4,425	\$6,638	\$0	\$6,638	67.0%	66.7%
3128 Special Education -- Stipends for ESY	\$3,450		\$0	\$0	\$0		
3153 Students At-Risk Add-on	\$52,564	\$49,078	\$73,985	-\$491	\$73,494	67.0%	66.8%
3195 Early Intervention/OEK	\$50,730	\$40,000	\$60,000	\$0	\$60,000	67.0%	66.7%
3200 Supp Educ COVID19 Stipend			\$0	\$0	\$0		
3211 Gifted and Talented	\$4,067	\$2,891	\$0	\$4,337	\$4,337	67.0%	66.7%
3230 Class Size Reduction - K-8	\$153,847	\$110,488	\$165,454	\$278	\$165,732	67.0%	66.7%
3336 Enhancement for At-risk students			\$0	\$0	\$0		
3400 Teacher Salary Supplement			\$0	\$0	\$0		
3410 Flexible Allocation			\$0	\$0	\$0		
3411 EL Software			\$0	\$1,394	\$1,394		
3520 School Land Trust	\$59,537	\$60,495	\$60,380	\$115	\$60,495	100.0%	100.0%
3566 Professional Learning	\$4,143	\$2,409	\$3,525	\$88	\$3,613	67.0%	66.7%
3579 Mental Health Grant	\$32,770		\$38,424	\$3,564	\$41,988		
3582 Beverly T. Sorenson Elem Arts		\$12,160	\$0	\$18,240	\$18,240	67.0%	66.7%
3655 Digital Teaching & Learning	\$34,244		\$27,000	-\$201	\$26,799		
3719 Charter School Local Replacement	\$1,210,048	\$882,969	\$1,290,055	\$34,399	\$1,324,454	67.0%	66.7%
3719 Local Replacement - Lag Funding - One-Time			\$22,471	-\$22,471	\$0		
3725 Charter School Admin Costs	\$43,318	\$28,337	\$42,962	-\$608	\$42,354	67.0%	66.9%
3770 School Lunch (Liquor Tax)	\$38,193	\$14,398	\$25,000	\$0	\$25,000		57.6%
3800 TSSA Program	\$78,845	\$63,767	\$95,910	\$0	\$95,910	67.0%	66.5%
3800 Suicide Prevention	\$1,000	\$1,000	\$1,000	\$0	\$1,000	100.0%	100.0%
3800 Educator Professional Time		\$43,664	\$39,156	\$4,508	\$43,664	100.0%	100.0%
3800 Public Ed Capital & Tech Fund		\$66,968	\$67,057	-\$89	\$66,968	100.0%	100.0%
3805 Early Literacy Program	\$26,206	\$11,563	\$17,916	-\$544	\$17,372	67.0%	66.6%
3810 Library Books & Electronic Res	\$574	\$383	\$574	\$0	\$574	67.0%	66.7%
3826 ARP Teacher Bonus Extra Assignments	\$7,356			\$0			
3854 Period Products In Schools			\$0	\$1,058	\$1,058		
3868 Teacher Materials and Supplies	\$3,374	\$3,748	\$3,372	\$376	\$3,748	100.0%	100.0%
3870 PCBL Competency Based Learning			\$0	\$50,000	\$50,000		
3872 Substance Prevention	\$7,592	\$4,000	\$0	\$49,202	\$49,202		8.1%
3876 Educator Salary Adjustment	\$110,006	\$82,028	\$110,006	\$13,037	\$123,043	67.0%	66.7%
3878 Special Education- Extended Year			\$0	\$0	\$0		
3897 Early Literacy Outcomes (LETRS)			\$0	\$4,054	\$4,054		
<b>TOT</b>	<b>\$3,794,794</b>	<b>\$2,813,675</b>	<b>\$4,178,672</b>	<b>\$114,336</b>	<b>\$4,293,008</b>		

Budget Name	PY Amount	YTD Amount	Budget	Variance	Forecast	% Target	% of Forecast
<b>Promontory School of Expeditionary Learning - Revenue - 4000 Federal Revenue - 19.9% (20 School Budget records)</b>							
4200 GEER Program			\$0	\$0	\$0		
4200 GEER II	\$27,577		\$10,000	-\$10,000	\$0		
4200 TSI Summer Planning	\$1,600			\$0			
4500 Results Driven Accountability (RDA)	\$25,000		\$0	\$0	\$0		
4500 CARES ACT	\$1,923		\$0	\$0	\$0		
4500 ESSER II CARES	\$149,799		\$0	\$0	\$0		
<b>4500 ESSER III CARES</b>			<b>\$172,000</b>	<b>-\$97,000</b>	<b>\$75,000</b>		
4500 Outdoor Rec Grant	\$75,000	\$10,000	\$0	\$10,000	\$10,000	100.0%	100.0%
4500 Outdoor Classroom Grant			\$10,000	-\$10,000	\$0		
4522 IDEA Preschool	\$3,334		\$3,326	\$0	\$3,326		
4524 IDEA Part-B	\$94,926		\$75,000	\$2,098	\$77,098		
4571 National School Lunch Prgm	\$14,713	\$15,298	\$13,000	\$9,000	\$22,000		69.5%
4572 Free & Reduced Reimbursement	\$172,540	\$29,725	\$50,000	-\$5,000	\$45,000		66.1%
4573 National School Breakfast	\$29,370	\$8,426	\$11,000	\$1,000	\$12,000		70.2%
4575 Supply Chain Assistance	\$11,828			\$0			
4580 Pandemic EBT Admin		\$628	\$0	\$628	\$628	100.0%	100.0%
4581 Emergency Operating Funds	\$9,049		\$0	\$0	\$0		
4801 Title IA	\$63,839		\$58,971	\$141	\$59,112		
4860 Title IIA	\$10,021		\$10,021	-\$2,137	\$7,884		
4890 Title IVA	\$10,000		\$10,000	\$0	\$10,000		
<b>TOT</b>	<b>\$700,520</b>	<b>\$64,077</b>	<b>\$423,318</b>	<b>-\$101,270</b>	<b>\$322,048</b>		
<b>Promontory School of Expeditionary Learning - Expense - 100 Salaries - 67.3% (15 School Budget records)</b>							
121 Administration	-\$157,250	-\$104,875	-\$159,000	\$0	-\$159,000	67.0%	66.0%
131 Teachers	-\$1,094,777	-\$678,931	-\$993,017	\$0	-\$993,017	67.0%	68.4%
132 Substitute Teachers	-\$27,542	-\$19,409	-\$20,000	-\$5,000	-\$25,000		77.6%
132 PTO Cash Out	-\$9,600	-\$8,820	-\$10,962	\$0	-\$10,962		80.5%
134 Merit Pay/Winter Bonus	-\$36,535	-\$12,344	-\$36,000	\$0	-\$36,000		34.3%
135 Stipends	-\$44,323	-\$61,210	-\$40,000	-\$43,000	-\$83,000		73.7%
140 Special Education Teachers	-\$110,437	-\$104,478	-\$166,190	\$0	-\$166,190	67.0%	62.9%
142 Counselor		-\$25,188	-\$46,500	\$0	-\$46,500		54.2%
152 Office Salaries	-\$114,058	-\$69,389	-\$98,362	\$0	-\$98,362	67.0%	70.5%
161 Community Aides/ Literacy Aides	-\$194,831	-\$172,311	-\$221,306	\$0	-\$221,306	67.0%	77.9%
162 Special Education Aides	-\$67,562	-\$64,902	-\$84,039	\$0	-\$84,039	67.0%	77.2%
163 RTI / Title I	-\$54,234	-\$20,516	-\$59,812	\$0	-\$59,812	67.0%	34.3%
164 Library Aide	-\$23,393	-\$18,603	-\$25,360	\$0	-\$25,360	67.0%	73.4%
180 Custodial/Maintenance Salaries	-\$43,756	-\$28,117	-\$50,000	\$0	-\$50,000	67.0%	56.2%
190 Kitchen Salaries	-\$94,360	-\$61,672	-\$96,800	\$0	-\$96,800	67.0%	63.7%
<b>TOT</b>	<b>-\$2,072,657</b>	<b>-\$1,450,764</b>	<b>-\$2,107,348</b>	<b>-\$48,000</b>	<b>-\$2,155,348</b>		
<b>Promontory School of Expeditionary Learning - Expense - 200 Employee Benefits - 70.0% (8 School Budget records)</b>							
220 FICA	-\$154,241	-\$108,139	-\$155,000	\$0	-\$155,000	67.0%	69.8%
230 Retirement	-\$92,219	-\$62,531	-\$96,000	\$0	-\$96,000	67.0%	65.1%
241 Health Insurance	-\$331,475	-\$277,350	-\$335,000	-\$50,000	-\$385,000	67.0%	72.0%
242 Life and Disability Insurance	-\$1,826	-\$1,094	-\$2,400	\$0	-\$2,400	67.0%	45.6%
243 HRA/Flex Spending	-\$9,560	-\$9,249	-\$14,400	\$0	-\$14,400	67.0%	64.2%
244 Dental Insurance	-\$20,234	-\$15,444	-\$22,000	\$0	-\$22,000	67.0%	70.2%
270 Worker's Compensation Fund	-\$4,397	-\$4,742	-\$8,500	\$0	-\$8,500	67.0%	55.8%
280 Unemployment Insurance	-\$6,061	-\$2,347	-\$2,000	-\$1,500	-\$3,500		67.1%
<b>TOT</b>	<b>-\$620,014</b>	<b>-\$480,895</b>	<b>-\$635,300</b>	<b>-\$51,500</b>	<b>-\$686,800</b>		
<b>Promontory School of Expeditionary Learning - Expense - 300 Professional and Technical Services - 63.7% (9 School Budget records)</b>							
330 Expeditionary Learning Contract			\$0	\$0	\$0		
330 Professional Development	-\$35,786	-\$9,491	-\$15,000	\$0	-\$15,000		63.3%
340 Legal Services		-\$320	-\$10,000	\$0	-\$10,000		3.2%
344 Professional Services	-\$292	-\$430	-\$200	-\$300	-\$500		86.1%
350 Business Services	-\$74,362	-\$50,544	-\$75,816	\$0	-\$75,816	67.0%	66.7%
352 Audit Services	-\$14,300	-\$8,000	-\$14,800	\$0	-\$14,800		54.1%
355 Technical Services (IT)	-\$35,722	-\$23,838	-\$45,000	\$0	-\$45,000		53.0%
361 SpEd Services OT, Psych, other	-\$99,246	-\$63,062	-\$88,000	\$0	-\$88,000		71.7%
362 Speech Therapy Services	-\$77,428	-\$48,715	-\$72,000	\$0	-\$72,000		67.7%

Budget Name	PY Amount	YTD Amount	Budget	Variance	Forecast	% Target	% of Forecast
<b>TOT</b>	<b>-\$337,136</b>	<b>-\$204,401</b>	<b>-\$320,816</b>	<b>-\$300</b>	<b>-\$321,116</b>		
<b>Promontory School of Expeditionary Learning - Expense - 400 Property Services - 51.9% (6 School Budget records)</b>							
410 Water / Sewage / Garbage	-\$9,799	-\$7,869	-\$12,500	\$0	-\$12,500		63.0%
420 Custodial Services	-\$49,992	-\$33,328	-\$50,000	\$0	-\$50,000	67.0%	66.7%
430 Repairs / Maintenance / Monitoring	-\$32,583	-\$8,808	-\$24,000	\$0	-\$24,000		36.7%
435 Lawn Care & Snow Removal	-\$6,722	-\$11,049	-\$20,000	\$0	-\$20,000		55.2%
443 Lease of Copy Machines	-\$17,215	-\$13,436	-\$21,000	\$0	-\$21,000		64.0%
450 Construction Services (West Side)	-\$4,024	-\$2,000	-\$20,000	\$0	-\$20,000		10.0%
<b>TOT</b>	<b>-\$120,335</b>	<b>-\$76,489</b>	<b>-\$147,500</b>	<b>\$0</b>	<b>-\$147,500</b>		
<b>Promontory School of Expeditionary Learning - Expense - 500 Other Services - 51.7% (8 School Budget records)</b>							
520 Liability, Property, D&O Insurance	-\$19,628	-\$21,088	-\$24,000	-\$11,000	-\$35,000		60.3%
531 Telephone	-\$5,141	-\$3,862	-\$6,000	\$0	-\$6,000	67.0%	64.4%
540 Marketing	-\$14,176	-\$8,561	-\$10,000	\$0	-\$10,000		85.6%
580 Travel	-\$3,239	-\$2,977	-\$8,000	\$0	-\$8,000		37.2%
581 Board Expenses	-\$1,312	-\$1,435	-\$2,200	\$0	-\$2,200		65.2%
582 Board EL Attendance / Travel			-\$2,000	\$0	-\$2,000		
590 Field Work Travel / Entrance Fees	-\$7,741	-\$1,343	-\$18,000	\$0	-\$18,000		7.5%
590 Adventure	-\$7,959	-\$6,599	-\$7,500	\$0	-\$7,500		88.0%
<b>TOT</b>	<b>-\$59,197</b>	<b>-\$45,864</b>	<b>-\$77,700</b>	<b>-\$11,000</b>	<b>-\$88,700</b>		
<b>Promontory School of Expeditionary Learning - Expense - 600 Supplies and Materials - 74.6% (15 School Budget records)</b>							
611 Classroom / Expedition	-\$78,750	-\$71,723	-\$71,000	-\$2,000	-\$73,000		98.3%
611 Adventure Supplies	-\$1,029	-\$2,693	-\$1,500	-\$3,000	-\$4,500		59.9%
611 Special Education Materials	-\$7,036	-\$692	-\$6,500	\$0	-\$6,500		10.6%
612 Office Supplies	-\$29,840	-\$14,700	-\$22,000	\$0	-\$22,000		66.8%
613 Professional Development Supplies	-\$7,569	-\$1,848	-\$7,500	\$0	-\$7,500		24.6%
614 POP Expenses	-\$1,435	-\$292	-\$2,500	\$0	-\$2,500		11.7%
620 Energy Supplies	-\$38,959	-\$28,854	-\$38,000	-\$4,000	-\$42,000		68.7%
630 Food and Kitchen	-\$91,083	-\$58,429	-\$75,000	-\$10,000	-\$85,000		68.7%
641 Textbooks & Curriculum	-\$6,544	-\$4,800	-\$5,000	\$0	-\$5,000		96.0%
644 Library	-\$6,768	-\$4,208	-\$7,000	\$0	-\$7,000		60.1%
644 Yearbooks	-\$3,754	-\$2,507	-\$3,754	\$0	-\$3,754		66.8%
644 Book Fair	-\$2,488	-\$1,097	-\$2,000	\$0	-\$2,000		54.9%
650 Tech-Related Supplies	-\$10,817			\$0			
670 Software	-\$16,932	-\$20,391	-\$17,000	-\$3,391	-\$20,391		100.0%
680 Maintenance & Cleaning Supplies	-\$23,941	-\$11,686	-\$19,000	\$0	-\$19,000		61.5%
<b>TOT</b>	<b>-\$326,942</b>	<b>-\$223,921</b>	<b>-\$277,754</b>	<b>-\$22,391</b>	<b>-\$300,145</b>		
<b>Promontory School of Expeditionary Learning - Expense - 700 Property - 17.5% (4 School Budget records)</b>							
710 Land & Site Improvement	-\$159,280	-\$3,688	-\$300,000	\$0	-\$300,000		1.2%
733 Furniture and Fixtures	-\$22,377	-\$4,213	-\$10,000	\$0	-\$10,000		42.1%
734 Technology-Related Hardware	-\$188,571	-\$59,352	-\$50,000	-\$10,000	-\$60,000		98.9%
739 Equipment	-\$21,846		-\$15,000	\$0	-\$15,000		
<b>TOT</b>	<b>-\$392,074</b>	<b>-\$67,254</b>	<b>-\$375,000</b>	<b>-\$10,000</b>	<b>-\$385,000</b>		
<b>Promontory School of Expeditionary Learning - Expense - 800 Debt Service and Misc - 66.5% (5 School Budget records)</b>							
810 Dues and Fees	-\$3,399	-\$2,417	-\$4,200	\$0	-\$4,200		57.5%
810 Background Checks	-\$2,184	-\$1,280	-\$2,300	\$0	-\$2,300		55.7%
811 Charter School Association Dues	-\$1,994	-\$2,034	-\$1,994	-\$40	-\$2,034		100.0%
820 Facility Mortgage Payment	-\$407,583	-\$271,722	-\$407,583	\$0	-\$407,583	67.0%	66.7%
890 Misc. Expenditures	-\$300	-\$32	-\$1,000	\$0	-\$1,000		3.2%
<b>TOT</b>	<b>-\$415,460</b>	<b>-\$277,485</b>	<b>-\$417,077</b>	<b>-\$40</b>	<b>-\$417,117</b>		
<b>TOT</b>	<b>\$315,814</b>	<b>\$132,404</b>	<b>\$313,573</b>	<b>-\$87,473</b>	<b>\$226,100</b>		



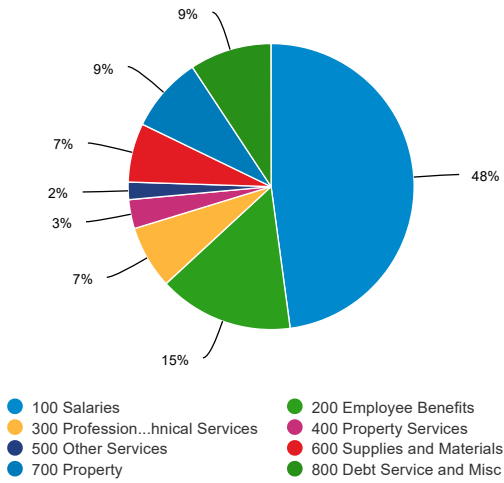
### Financial Summary

Category	YTD Amount	Total Budget	Total Forecast	% Target	% Forecast
<b>Revenue (3 School Category records)</b>					
1000 Local Revenue	\$81,724	\$70,078	\$112,770	25.0%	72.5%
3000 State Revenue	\$2,813,675	\$4,178,672	\$4,293,008	65.2%	65.5%
4000 Federal Revenue	\$64,077	\$423,318	\$322,048	3.3%	19.9%
<b>TOT</b>	<b>\$2,959,477</b>	<b>\$4,672,068</b>	<b>\$4,727,826</b>		
<b>Expense (8 School Category records)</b>					
100 Salaries	-\$1,450,764	-\$2,107,348	-\$2,155,348	60.7%	67.3%
200 Employee Benefits	-\$480,895	-\$635,300	-\$686,800	66.7%	70.0%
300 Professional and Technical Services	-\$204,401	-\$320,816	-\$321,116	15.8%	63.7%
400 Property Services	-\$76,489	-\$147,500	-\$147,500	22.7%	51.9%
500 Other Services	-\$45,864	-\$77,700	-\$88,700	4.5%	51.7%
600 Supplies and Materials	-\$223,921	-\$277,754	-\$300,145	-0.0%	74.6%
700 Property	-\$67,254	-\$375,000	-\$385,000	-0.0%	17.5%
800 Debt Service and Misc	-\$277,485	-\$417,077	-\$417,117	65.5%	66.5%
<b>TOT</b>	<b>-\$2,827,073</b>	<b>-\$4,358,495</b>	<b>-\$4,501,726</b>		
<b>TOT</b>	<b>\$132,404</b>	<b>\$313,573</b>	<b>\$226,100</b>		

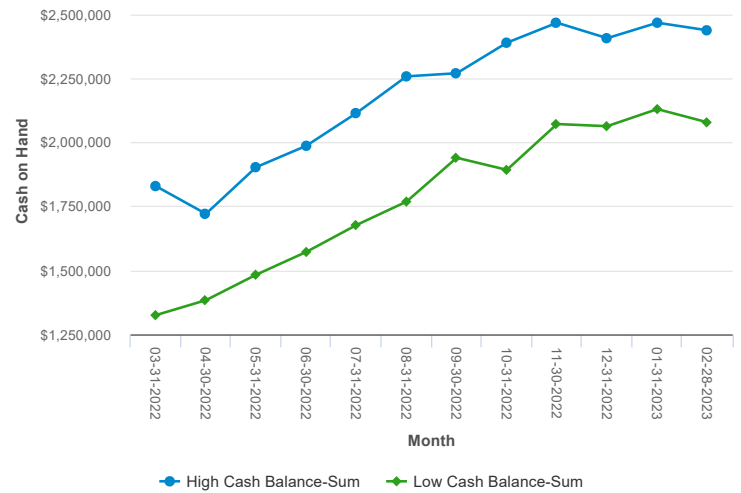
### Financial Metrics

Financial Metric	Covenant	Target	Forecast
Operating Margin		4.0	4.78
Debt Service Ratio	1.2	1.30	1.55
% Building		<16	8.6
Unrestricted Days Cash		100	190

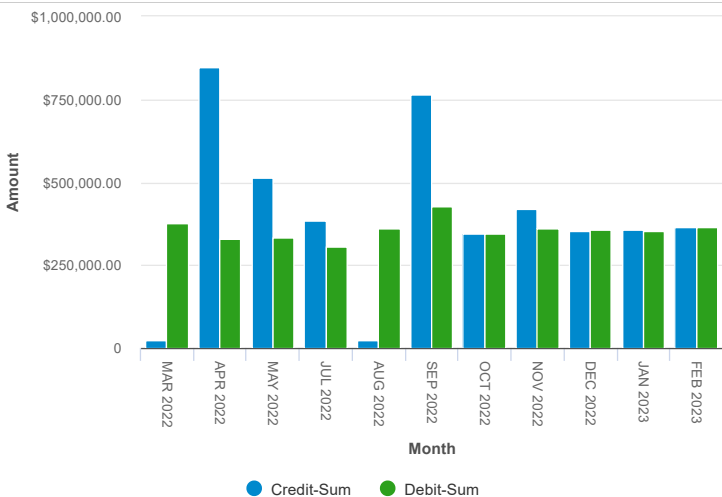
### Expense Distribution



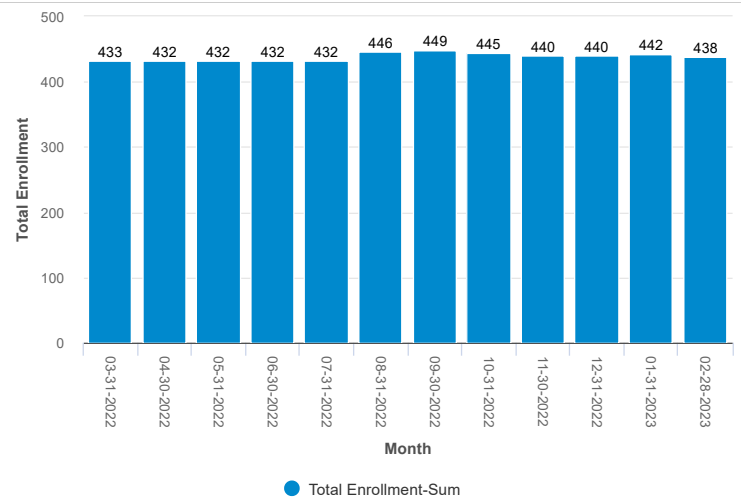
### Cash Balance



### Revenue vs Expenses



### Enrollment Trend



## STATEMENT OF ACCOUNT

## PTIF

## UTAH PUBLIC TREASURERS' INVESTMENT FUND

Marlo M. Oaks, Utah State Treasurer, Fund Manager

PO Box 142315

350 N State Street, Suite 180

Salt Lake City, Utah 84114-2315

Local Call (801) 538-1042 Toll Free (800) 395-7665

www.treasurer.utah.gov

PROMONTORY SCH OF EXPEDITIONARY

BRIAN CATES

1051 WEST 2700 SOUTH

PERRY, UTAH 84302

**Account****Account Period****8282**

July 01, 2022 through February 28, 2023

**Summary**

Beginning Balance	\$ 999,818.36	Average Daily Balance	\$ 1,365,452.82
Deposits	\$ 729,913.83	Interest Earned	\$ 29,913.83
Withdrawals	\$ 0.00	360 Day Rate	3.2456
Ending Balance	\$ 1,729,732.19	365 Day Rate	3.2907

<b>Date</b>	<b>Activity</b>	<b>Deposits</b>	<b>Withdrawals</b>	<b>Balance</b>
07/01/2022	FORWARD BALANCE	\$ 0.00	\$ 0.00	\$ 999,818.36
07/31/2022	REINVESTMENT	\$ 1,394.78	\$ 0.00	\$ 1,001,213.14
08/11/2022	Per Mich	\$ 250,000.00	\$ 0.00	\$ 1,251,213.14
08/31/2022	REINVESTMENT	\$ 2,200.19	\$ 0.00	\$ 1,253,413.33
09/30/2022	REINVESTMENT	\$ 2,553.74	\$ 0.00	\$ 1,255,967.07
10/19/2022	Per Mich	\$ 250,000.00	\$ 0.00	\$ 1,505,967.07
10/31/2022	REINVESTMENT	\$ 3,307.09	\$ 0.00	\$ 1,509,274.16
11/30/2022	REINVESTMENT	\$ 4,178.99	\$ 0.00	\$ 1,513,453.15
12/31/2022	REINVESTMENT	\$ 4,953.07	\$ 0.00	\$ 1,518,406.22
01/31/2023	REINVESTMENT	\$ 5,515.71	\$ 0.00	\$ 1,523,921.93
02/15/2023	Per Mich	\$ 200,000.00	\$ 0.00	\$ 1,723,921.93
02/28/2023	REINVESTMENT	\$ 5,810.26	\$ 0.00	\$ 1,729,732.19
02/28/2023	ENDING BALANCE	\$ 0.00	\$ 0.00	\$ 1,729,732.19

STATEMENT OF ACCOUNT

PTIF

UTAH PUBLIC TREASURERS' INVESTMENT FUND

Marlo M. Oaks, Utah State Treasurer, Fund Manager

PO Box 142315

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<b>Date</b>	<b>Activity</b>	<b>Deposits</b>	<b>Withdrawals</b>	<b>Balance</b>
<i>{Effective: 07/31/2022}</i>	<i>The GASB Fair Value factor at June 30, 2022 is 0.99586858</i>			
<i>{Effective: 01/31/2023}</i>	<i>The GASB Fair Value factor at December 31, 2022 is 0.99889949</i>			

### School-Student-Family Compact

	Student Responsibility:	Parent Responsibility:	Teacher Responsibility:	School Responsibility:
	<i>It is important that I learn, therefore I will:</i>	<i>I want my child to achieve, therefore I will:</i>	<i>It is important each student achieve, therefore I will:</i>	<i>It is important each student achieve, therefore we will:</i>

**Commented [1]:** don't worry about the formatting. Here is the link to what it looks like on the website [https://www.promontoryschool.org/\\_files/ugd/d3e5ff\\_3d7e016ec8fd48c1a0f8b913c1e96c8b.pdf](https://www.promontoryschool.org/_files/ugd/d3e5ff_3d7e016ec8fd48c1a0f8b913c1e96c8b.pdf)

**Commented [2]:** @mflynn@promontoryschool.org @ttaylor@promontoryschool.org I wasn't able to be at the last meeting. What action items are needed on this policy?  
\_Assigned to Michelle Flynn\_

Preparation	<ul style="list-style-type: none"> <li>*Arrive at school on time and ready to learn</li> <li>*Wear approved uniform</li> <li>*Bring homework and supplies to school each day</li> <li>*Be ready to do the best of my ability</li> </ul>	<ul style="list-style-type: none"> <li>*Ensure my child attends school regularly and on time</li> <li>*Ensures my child and those attending school activities arrive on time</li> <li>*See that my child is well-rested and has had breakfast each day</li> <li>*Keep communication open by promptly reading all the notices from the school</li> </ul>	<p>Provide high quality, engaging curriculum and instruction in a supportive and effective learning environment by...</p> <ul style="list-style-type: none"> <li>*Teaching the curriculum</li> <li>*Using effective teaching strategies, including active pedagogy as used by EL Education Schools</li> <li>*Using differentiated instructional strategies</li> <li>*Acknowledging and taking advantage of different learning styles</li> <li>*Treat students, parents, and school staff with respect</li> </ul>	<ul style="list-style-type: none"> <li>*Providing a safe learning environment for all children to learn</li> <li>*Paper copies of the Family Engagement Policy and School Parent Family Compact are available in the front office for anyone who may not have internet access. We will provide translated copies into preferred language within 24 hours of request. We will read the document to anyone with limited literacy proficiency.</li> <li>*Provide support through instructional coaching for teachers</li> </ul>
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	Student	Parent	Teacher	School
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<p>Engagement</p>	<ul style="list-style-type: none"> <li>*Listen, participate, and ask for help when I need it</li> <li>*Do my best</li> <li>*Be willing to try even when discouraged</li> <li>*Take home all school notices and teacher letters</li> </ul>	<ul style="list-style-type: none"> <li>*Attend scheduled Student-Led Conferences</li> <li>*Call the school to schedule an alternate time for Student-Led conference if there is a scheduling conflict</li> <li>*Contact school with questions or concerns</li> <li>*Volunteer 30 hours per school year</li> <li>*Participate in school surveys and provide feedback for areas in need of improvement and areas of success</li> <li>*Keep communication open with teacher and assist where appropriate in making decisions relating to you child</li> </ul>	<ul style="list-style-type: none"> <li>*Provide data, materials, and/or instructions to empower family engagement</li> <li>*Provide high-quality instruction in a supportive and non threatening environment</li> <li>*Provide meaningful homework</li> <li>*Hold expectations high for all students, believing that all students can learn</li> <li>*Listen to and address student and/or parent concerns and ideas</li> </ul>	<ul style="list-style-type: none"> <li>*Regular, two-way communication including at least 2 Student-Led Conferences</li> <li>*Provide an alternative schedule for conferences as needed</li> <li>*Listen to and address student and/or parent concerns and ideas</li> </ul>
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<p><b>Build Community</b></p>	<ul style="list-style-type: none"> <li>*Respect myself, other students, adults, and their property</li> <li>*Speak with respect to classmates and school staff</li> <li>*Work cooperatively with classmates, teachers and staff</li> <li>*Follow all school rules</li> <li>*Accepting responsibility for their own actions</li> <li>*Take active role in keeping the building and school grounds clean and conducive to learning</li> </ul>	<ul style="list-style-type: none"> <li>* Volunteer at the school when possible</li> <li>* Contact your student's teacher and ask for opportunities to help</li> <li>*Contact School Parent/Family Organization (POP Parents of Promontory) and ask them for areas where help is needed</li> </ul>	<ul style="list-style-type: none"> <li>*Engage in two-way, meaningful communication</li> <li>*Provide parents with an initial progress report early in the semester and formal feedback at least once each semester regarding their child's academic achievement</li> <li>*Communicate regularly with my students and their families through conferences, notes, phone calls, etc.</li> </ul>	<ul style="list-style-type: none"> <li>*Provide avenues for positive and meaningful parent involvement, by making parents aware of our volunteer coordinator and other volunteer opportunities through email or webpage</li> <li>*Encourage teachers to provide a variety of opportunities for parents to volunteer in their child's classroom.</li> <li>**If needed and reasonable, provide parents opportunities to observe classroom activities</li> </ul>
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	Student	Parent	Teacher	School
<p><b>Reading</b></p>	<ul style="list-style-type: none"> <li>*Students K-4: -Read 20 minutes every night -If I have not fulfilled my Lexia minutes during the week, I will work on it at home</li> <li>*Students 5-6: -Read 30 minutes every night</li> <li>*Students 7-8: -Complete reading needed</li> </ul>	<ul style="list-style-type: none"> <li>*Read with my child and/or ask questions related to reading</li> <li>* For K-4th grades: Provide opportunity for my child to fulfill their remaining Lexia minutes at home based on technology availability</li> </ul>	<ul style="list-style-type: none"> <li>*Utilize evidence based practices to support individualized student needs</li> </ul>	<ul style="list-style-type: none"> <li>*Support the use of evidence-based practices by using State approved curriculum</li> <li>*Provide support for reading through instructional coaching for teachers and professional development</li> </ul>

**Commented [3]:** @DDobson@promontoryschool.org  
font change in this section  
\_Assigned to Dorothy Dobson\_

	for school assignments			
Homework	<p>*Students 1-6: -Take home my (folder, binder, backpack) every day, complete and return all incomplete daily classwork</p> <p>*Students 7-8: -Take home, complete, and return homework every day</p> <p>* Ask my teacher or classroom aide for assistance with understanding concepts in an assignment and/or homework expectations</p>	<p>*Establish a distraction-free place and time for homework.</p> <p>*Assist my child with homework</p> <p>*Ask teacher for help if you do not understand the concepts in an assignment or the expectations of the assignments so you can assist your child</p>	<p>*Provide timely and meaningful feedback on assignments and assessments</p> <p>*Be available to help parents understand assignments so they can support their child</p>	<p>*Send home progress reports twice per year and semester grades the end of each semester.</p>

Written according to requirements in ESSA sec. 1116(b)



## **ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES**

In compliance with Section 504 of the Rehabilitation Act ("504") and the Americans with Disabilities Act (ADA), Promontory will provide reasonable accommodations to qualified individuals with disabilities. Students, parents or employees needing accommodations should contact their school ADA/504 Coordinator. In compliance with the Equal Educational Opportunity Act of 1974 and Title VI of the Civil Rights Act of 1964, it is Promontory's policy to provide alternative language services to limited English proficient (LEP) students so that students with language barriers have a meaningful opportunity to participate in Promontory's educational programs. Promontory provides English as a Second Language (ESL) instruction and other effective services to students who are identified as LEP by means of a thorough evaluation process. Parents or guardians who want to request alternative language services for their child should contact Promontory School of Expeditionary Learning.

## **EQUAL EDUCATIONAL AND EMPLOYMENT OPPORTUNITY**

It is the policy of Promontory School of Expeditionary Learning to provide equal educational and employment opportunities for all individuals. Therefore, Promontory prohibits all discrimination on the basis of race, color, religion, sex, age, national origin, disability, or veteran's status. This policy extends to all aspects of Promontory's educational programs, as well as to the use of all Promontory facilities, and participation in all school-sponsored activities.

## **CIVIL RIGHTS GRIEVANCE PROCEDURE**

Complaints of discrimination should be filed with the individual's principal or supervisor and/or with the school Compliance Officer/EEO Coordinator according to the provisions of the School Civil Rights Grievance Procedure, copies of which are available at Promontory. If the complaint is against the director or supervisor, the complaint may be filed directly with the Compliance Officer/EEO Coordinator.

Complaints of discrimination should be reported as soon as possible, but no later than 90 days after the incident(s), in order to be effectively investigated and resolved.

**PROMONTORY SCHOOL  
OF EXPEDITIONARY  
LEARNING SPECIAL  
EDUCATION POLICIES  
AND PROCEDURES  
MANUAL**

**Combination SLD Eligibility Method**

September, 2021

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## **I. GENERAL PROVISIONS**

### **I.A. PURPOSES (34 CFR § 300.1.; RULES I.A.)**

The primary purposes of this local education agency (LEA) policies and procedures manual, consistent with Utah Code Annotated (UCA) 53E-7-2 and the Individuals with Disabilities Education Improvement Act (IDEA), Public Law 108-446, as amended; are:

1. To ensure that all students with disabilities ages 3 through 21 in Utah, including students with disabilities who have been suspended or expelled from school and students who have not graduated from high school with a regular high school diploma, have available to them a free appropriate public education (FAPE) that emphasizes special education and related services, as specified on an Individualized Education Program (IEP) designed to meet their unique needs and prepare them for further education, employment, and independent living;

2. To ensure that the rights of students with disabilities and their parent(s) are protected;
3. To ensure that State standards are implemented for the provision of a FAPE to students with disabilities, as defined in Utah State Board of Education Special Education Rules (Rules); and
4. To assess and ensure the effectiveness of efforts to educate students with disabilities.

### **I.B. DEFINITIONS (34 CFR §**

### **300.4–300.45; RULES I.E.1–53.)**

1. Promontory School of Expeditionary Learning has adopted applicable definitions as found in Rules I.E.1-53. including:
2. *Charter school* (20 USC § 7221i; UCA 53G-5-404) means a public school that functions as an LEA unless it is a school of an LEA, that:
  - a. Is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;
  - b. Is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;
  - c. Operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency, provides a program of elementary or secondary education, or both;
  - d. Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;
  - e. Does not charge tuition;
  - f. Complies with the Age Discrimination Act of 1975, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Part B of the IDEA;
  - g. Is a school to which parent(s) choose to send their students, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;



- h. Agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;
- i. Meets all applicable Federal, State, and local health and safety requirements;
- j. Operates in accordance with State law; and
- k. Has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school.

**I.C. FULL EDUCATIONAL**

**OPPORTUNITY GOAL (34 CFR §  
300.109; RULES IX.A.2.D.(2)(c))**

Promontory School of Expeditionary Learning provides a free appropriate public education (FAPE) to all eligible students with disabilities in conformity with the requirements of the Rules and the IDEA. Promontory School of Expeditionary Learning hereby affirms the goal of providing a full educational opportunity to all students with disabilities determined eligible for special education and related services, of the ages served by Promontory School of Expeditionary Learning , in accordance with all of the timeline requirements of the IDEA.

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Promontory School of Expeditionary Learning follows all necessary requirements in the development and delivery of an individualized education program (IEP) for eligible students. Placement in the least restrictive environment (LRE) will be implemented to the maximum extent appropriate for students with special needs. Promontory School of Expeditionary Learning provides a continuum of placements to address the needs of students with disabilities to ensure those students receive special education and related services appropriate to their needs.

**I.D. METHODS OF ENSURING SERVICES (34 CFR § 300.154; RULES**

**IX.A.2.D.(2)(m))**

Promontory School of Expeditionary Learning ensures each eligible student with disabilities enrolled in the school receives the services included in the IEP through a systematic process

of IEP internal file reviews and monitoring of service delivery by Promontory School of Expeditionary Learning personnel.

## **II. IDENTIFICATION, LOCATION, AND EVALUATION**

### **II.A. CHILD FIND SYSTEM (34 CFR §§ 300.109, 300.111; RULES II.A.)**

1. Promontory School of Expeditionary Learning , in accordance with the requirements of Part B of the IDEA and with the Rules, has developed policies and procedures to ensure that all students with disabilities residing within the jurisdiction of the LEA, including students with disabilities birth through 21 years of age, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated. These policies and procedures include a practical method for determining which students are currently receiving needed special

education and related services and provide a process to reevaluate those who are found eligible within the three-year timeframe.

2. The requirements of this section apply to:

- a. Highly mobile students with disabilities (such as students who are migrant and homeless) (34 CFR § 300.111(c)(2); Rules II.A.2.a.).
- b. Students who have been suspended or expelled from school (34 CFR § 300.101(a); Rules II.A.2.b.).
- c. Students who have not graduated from high school with a regular high school diploma (34 CFR § 300.102(a)(3)(iii); Rules II.A.2.c.).
- d. Students who are suspected of being a student with a disability under the IDEA and the Rules and who are in need of special education and related services, even though they are advancing from grade to grade (34 CFR § 300.111(c)(1)). The determination that a student is a “student with a disability” under the Rules must be made on an individual basis, by a team made up of the parent or adult student and school personnel determined by the student’s LEA (Rules II.A.2.d.).
- e. Students in State custody/care (Rules II.A.2.f.).
- f. Students in nursing homes (Rules II.A.2.g.).

3. Promontory School of Expeditionary Learning is responsible for child find for students enrolled in its own school and has no responsibility for child find for private school

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students. Promontory School of Expeditionary Learning may not refer enrolled students to the local school district for child find (Rules II.A.3.).

4. Major components of the child find system include:

- a. LEA implementation, coordination, and tracking of child find activities and students identified. (34 CFR § 300.131; Rules II.A.4.a.).
- b. USBE staff provision of ongoing technical assistance to LEAs, private schools, and other State agencies in implementing the child find system (Rules II.A.4.b.).
- c. Implementation of the statewide data collection system for reporting student information, including Federal student count (34 CFR §§ 300.132, 300.640–641). The

collection and use of data to meet the requirements of this section are subject to the confidentiality of information provisions under the Rules and R277-487.

**II.B. REFERRAL (34 CFR § 300.301;  
RULES II.B.)**

1. Consistent with the consent requirements in Rules II.C., either a parent or the adult student or an LEA may initiate a request for an initial evaluation to determine if a student is a student with a disability under Part B of the IDEA and the Rules. Upon receipt of a request for an evaluation, Promontory School of Expeditionary Learning must respond within a reasonable timeframe. The response may not be delayed due to Promontory School of Expeditionary Learning 's Response to Intervention process.
2. Promontory School of Expeditionary Learning shall provide an initial special education assessment for students who enter the custody of the Division of Child and Family Services (DCFS) upon request by that division, and the LEA obtains appropriate parental consent for the evaluation for students whose school records indicate they may have disabilities requiring special education services.

**II.C. PARENTAL CONSENT (34 CFR §  
300.300; RULES II.C.)**

1. Parental consent for initial evaluation.
  - a. When proposing to conduct an initial evaluation to determine if a student qualifies as a student with a disability under the Rules, Promontory School of Expeditionary Learning must, after providing prior written notice to the parent or adult student,

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obtain informed consent, consistent with Rules I.E.9., from the parent of the student or the adult student before conducting the evaluation.

(1) Parental or adult student consent for initial evaluation must not be construed as consent for initial provision of special education and related services.

(2) Promontory School of Expeditionary Learning must make reasonable efforts to obtain informed consent from the parent or adult student for an initial evaluation to determine whether the student is a student with a disability.

(3) When conducting psychological evaluations, Promontory School of Expeditionary

Learning must implement the parental or adult student consent requirements of UCA 53E-9-203 (Student Privacy and Data Protection).

b. For initial evaluations only, if the student is a ward of the State and is not residing with the student's parent(s), Promontory School of Expeditionary Learning is not required to obtain informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability if:

- (1) Despite reasonable efforts to do so, Promontory School of Expeditionary Learning cannot discover the whereabouts of the parent(s) of the student;
- (2) The rights of the parent(s) of the student have been terminated in accordance with State law; or
- (3) The rights of the parent(s) to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student.

c. If the parent(s) of a student or an adult student enrolled in public school or seeking to be enrolled in public school does not provide consent for initial evaluation, or fails to respond to a request to provide consent, Promontory School of Expeditionary Learning may, but is not required to, pursue the initial evaluation of the student by utilizing the procedural safeguards or the due process procedures in Section IV of the Rules.

- (1) Promontory School of Expeditionary Learning does not violate its obligation under the child find provisions of the Rules if it declines to pursue the evaluation by utilizing the procedural safeguards or the due process procedures.

## 2. Parental consent for services.

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a. Promontory School of Expeditionary Learning is responsible for making a FAPE available to a student with a disability and must obtain informed consent from the parent(s) of the student or adult student before the initial provision of special education and related services to the student.

b. Promontory School of Expeditionary Learning must make reasonable efforts to obtain informed consent from the parent(s) or adult student for the initial provision of special education and related services to the eligible student with disabilities.

- c. If the parent(s) of a student or adult student fails to respond to a request for, or refuses to consent to, the initial provision of special education and related services, Promontory School of Expeditionary Learning :
- (1) May not use the procedures in Section IV of the Rules, including the mediation procedures or the due process procedures, in order to obtain agreement or a ruling that the services may be provided to the student;
  - (2) Will not be considered to be in violation of the requirement to make available a FAPE to the student for the failure to provide the student with the special education and related services for which Promontory School of Expeditionary Learning requests consent; and
  - (3) Is not required to convene an IEP Team meeting or develop an IEP for the student for the special education and related services for which Promontory School of Expeditionary Learning requests such consent.
- d. If, at any time subsequent to the initial provision of special education and related services, the parent(s) of a student or adult student revokes consent in writing for the continued provision of special education and related services, Promontory School of Expeditionary Learning :
- (1) May not continue to provide special education and related services to the student but must provide prior written notice in accordance with Rules IV.D. before ceasing the provision of special education and related services;
  - (2) May not use the procedures in Rules IV., including the mediation procedures or the due process procedures, in order to obtain agreement or a ruling that the services may be provided to the student;
  - (3) Will not be considered to be in violation of the requirement to make available a FAPE to the student for the failure to provide the student with the special education and related services for which Promontory School of Expeditionary Learning requests consent; and
  - (4) Is not required to convene an IEP Team meeting or develop an IEP for the student for the special education and related services for which Promontory School of Expeditionary Learning requests such consent (34 CFR § 300.300; Rules II.C.2.d.(4)).

3. Parental consent for reevaluations.

- a. Promontory School of Expeditionary Learning must obtain informed parental or adult student consent prior to conducting any reevaluation of a student with a disability.
- b. If the parent or adult student refuses to consent to the reevaluation, Promontory School of Expeditionary Learning may, but is not required to, pursue the reevaluation by using the dispute resolution procedures provided in the procedural safeguards, and including mediation or due process procedures.
- c. Promontory School of Expeditionary Learning does not violate its obligation under child find if it declines to pursue the reevaluation.
- d. The informed parental or adult student consent need not be obtained if Promontory School of Expeditionary Learning can demonstrate that:
  - (1) It made reasonable efforts to obtain such consent; and
  - (2) The student's parent or the adult student has failed to respond.

4. Other consent requirements.

- a. Parental or adult student consent is not required before:
  - (1) Reviewing existing data as part of an evaluation or a reevaluation; or
  - (2) Administering a test or other evaluation that is administered to all students unless consent is required for all students before administration of that test or evaluation.
- b. Promontory School of Expeditionary Learning may not use a parent's or adult student's refusal to consent to one service or activity under Rules II.C.1., II.C.2., or II.C.3., to deny the parent or student any other service, benefit, or activity of Promontory School of Expeditionary Learning , except as required by this part.

- c. To meet the reasonable efforts requirement in Rules II.C.1.a.2., II.C.1.b.1., II.C.2.b., and II.C.3.d.1., Promontory School of Expeditionary Learning must document its attempts to obtain parental or adult student consent using the procedures in Rules III.G.3.
- d. Unless parent(s) or the adult student revoke consent for special education and

related services or refuse consent for initial placement, disagreements regarding the provision of IEP services should be resolved by the IEP Team and result in a completed IEP which includes all components necessary for the provision of a FAPE.

## **II.D. INITIAL EVALUATION (34 CFR § 300.301; RULES II.D.)**

1. Promontory School of Expeditionary Learning must conduct a full and individual initial evaluation to determine whether a student is a “student with a disability” under Part B of the IDEA and the Rules, and to determine the educational needs of the student.

2. The initial evaluation:

a. Must be conducted within 45 school days of receiving parental or adult student consent for the evaluation, unless:

(1) The initial evaluation is requested by the Division of Child and Family Services (DCFS) and Promontory School of Expeditionary Learning obtains appropriate consent for the evaluation, in which case Promontory School of Expeditionary Learning shall provide an initial special education evaluation to an individual who enters DCFS custody if DCFS suspects the individual may be an eligible student within 30 days after the day on which DCFS makes the request (53E-7-207).

(a) Promontory School of Expeditionary Learning may refuse to conduct an evaluation described in II.D.2.a.(1) if Promontory School of Expeditionary Learning reviews the relevant data regarding the individual and, within 10 days after the day on which Promontory School of Expeditionary Learning received the request described in II.D.2.a.(1), gives the DCFS prior written notice of refusal to evaluate.

b. Must consist of procedures to determine:

(1) If the student is a student with a disability; and

(2) The educational needs of the student.

3. The timeframe shall not apply to Promontory School of Expeditionary Learning if:

a. The parent of a student repeatedly fails or refuses to produce the student for the



evaluation; or

- b. The adult student repeatedly fails or refuses to participate in evaluation activities; or
- c. A student enrolls in Promontory School of Expeditionary Learning after the relevant timeframe has begun, and prior to a determination by the student's previous LEA as to whether the student is a student with a disability.
- d. The exception in Rule II.D.3.c. applies only if Promontory School of Expeditionary Learning is making sufficient progress to ensure a prompt completion of the evaluation, and the parent or adult student and Promontory School of Expeditionary Learning agree to a specific time when the evaluation will be completed.

### **II.E. SCREENING FOR INSTRUCTIONAL PURPOSES (34 CFR § 300.302; RULES II.E.)**

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. Results of screenings should be considered by Promontory School of Expeditionary Learning for child find purposes.

### **II.F. EVALUATION PROCEDURES (34 CFR § 300.304; RULES II.F.)**

Promontory School of Expeditionary Learning has established and implemented the following procedures that meet the evaluation requirements of Part B of the IDEA and the Rules as follows:

1. In conducting the evaluation, Promontory School of Expeditionary Learning must:
  - a. Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by a parent or adult student, that may assist in determining:
    - (1) Whether the student is a student with a disability; and

- (2) The content of the student's IEP, including information related to enabling

- the student to be involved in and progress in the general education curriculum;
- b. Not use any single procedure as the sole criterion for determining whether a student is a student with a disability and for determining an appropriate educational program for the student; and
  - c. Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. Promontory School of Expeditionary Learning must consider the publication date and continued validity of assessments in use when new editions are published.
2. Promontory School of Expeditionary Learning must ensure that assessments and other evaluation materials used to assess a student:
- a. Are selected and administered so as not to be discriminatory on a racial or cultural basis;
  - b. Are provided and administered in the student's native language or other mode of communication, and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer;
  - c. Are selected to assess the specific areas of concern identified by the assessment/evaluation team, including the parent(s) or adult student;
  - d. Are used for the purposes for which the assessments or measures are valid and reliable;
  - e. Are selected and administered by trained and knowledgeable personnel based upon the specific assessment's requirements; and
  - f. Are administered and interpreted in accordance with any instructions and administrator requirements provided by the producer of the assessments and the Standards for Educational and Psychological Testing (AERA, APA, NCME, 2014).
3. Promontory School of Expeditionary Learning must ensure and document that all evaluators meet the assessment publishers' administrator/interpreter/user requirements, (e.g., appropriate degree, higher education coursework in tests and measures, and supervised clinical experiences/practica).
4. Promontory School of Expeditionary Learning shall provide documentation to USBE staff upon request.

5. Promontory School of Expeditionary Learning must ensure that:
  - a. Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
  - b. Assessments are selected and administered so as best to ensure that if an assessment is administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).
  - c. The administration of psychological testing and the evaluation or assessment of personal characteristics, such as intelligence (e.g., cognitive, IQ), personality, abilities, interests, aptitudes, and neuropsychological functioning are only administered and interpreted by personnel who have been trained and fully meet the administrator/interpreter/user qualifications of the test publisher (e.g., appropriate degree, higher education coursework in tests and measures, and supervised clinical experiences/practica).
  - d. The student is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.
  - e. Assessments of students with disabilities who transfer from another LEA to Promontory School of Expeditionary Learning in the same school year are coordinated with those students' prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations.
  - f. In evaluating each student with a disability, the evaluation is sufficiently comprehensive to identify all the student's special education and related services needs, whether or not commonly linked to the disability category in which the student has been classified.
  - g. Assessment tools and strategies provide relevant information that directly assists persons in determining the educational needs of the student are provided.
6. The Utah Schools for the Deaf and the Blind (USDB) is available to LEAs for assessments of students with visual impairment and hearing loss, as well as professional learning on appropriate administration of assessments, and procedures to ensure appropriate

interpretation of assessments (R277-800-7). The Utah Department of Health shall provide diagnostic and evaluation services, which are required by State or Federal law but are not typically otherwise provided by school districts and charter schools, to students with disabilities.

## **II.G. REEVALUATION PROCEDURES (34 CFR § 300.303; RULES II.G.)**

1. Promontory School of Expeditionary Learning must ensure that a reevaluation of each student with a disability is conducted:
  - a. If Promontory School of Expeditionary Learning determines the educational or related services needs, including improved academic achievement and functional performance, of the student warrant a reevaluation; or
  - b. If the student's parents or adult student or teacher requests a reevaluation.
2. A reevaluation:
  - a. May occur not more than once a year, unless the parent(s) or adult student and Promontory School of Expeditionary Learning agree otherwise; and
  - b. Must occur at least once every three years, unless the parent(s) or adult student and Promontory School of Expeditionary Learning agree that a reevaluation is unnecessary as there are data available to continue eligibility and determine the educational needs of the student. When the parent(s) or adult student and LEA agree that a reevaluation is unnecessary, the team must document data reviewed and used in an evaluation report and complete an eligibility determination.

## **II.H. ADDITIONAL REQUIREMENTS FOR INITIAL EVALUATIONS AND REEVALUATION PROCEDURES (34 CFR § 300.305; RULES II.H.)**

1. As part of any initial evaluation (if appropriate) and as part of any reevaluation, the IEP Team and other qualified professionals, as appropriate, must:
  - a. Review existing evaluation data on the student, including:
  - b. Evaluations and information provided by the parent(s) of the student or the adult student;

- c. Current classroom-based, local, or State assessments, and classroom-based observations; and
  - d. Observations by teachers and related services providers; and
  - e. On the basis of that review, and input from the student's parent(s) or the adult student, identify what additional data, if any, are needed to determine:
    - (1) Whether the student is a student with a disability and the educational needs of the student; or, in the case of a reevaluation of a student, whether the student continues to have such a disability, and the educational needs of the student;
    - (2) The present levels of academic achievement and related developmental needs of the student;
    - (3) Whether the student needs special education and related services; or, in the case of a reevaluation of a student, whether the student continues to need special education and related services; and
    - (4) Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general education curriculum.
2. The IEP Team and other qualified professionals, as appropriate, may conduct its review of existing data without a meeting.
  3. Promontory School of Expeditionary Learning must administer such assessments and other evaluation measures as may be needed to produce the data needed to determine continuing eligibility.
  4. If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, Promontory School of Expeditionary Learning must notify the student's parent(s) or adult student of:
    - a. That determination and the reason(s) for the determination; and
    - b. The right of the parent(s) or adult student to request an assessment to determine whether the student continues to be a student with a disability, and to determine the student's educational needs.

5. Promontory School of Expeditionary Learning is not required to conduct the assessment for reevaluation described in Rules II.H.4.b. unless requested to do so by the student's parent(s) or the adult student.
6. Evaluations before change in eligibility.
  - a. Promontory School of Expeditionary Learning must evaluate a student with a disability before determining that the student is no longer a student with a disability.
  - b. The evaluation is not required before the termination of a student's eligibility due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for a FAPE under State law (i.e., age 22).

For a student whose eligibility terminates due to graduation from secondary school with a regular high school diploma or due to exceeding the age eligibility for a FAPE under State law, Promontory School of Expeditionary Learning must provide the student with a summary of the student's academic achievement and functional performance, which shall include recommendations on how to assist the student in meeting the student's postsecondary goals.

## **II.I. DETERMINATION OF ELIGIBILITY**

### **(34 CFR § 300.306; RULES II.I.)**

1. Upon completion of the administration of assessments and other evaluation measures, a group of qualified professionals and the parents of the student or the adult student determine eligibility under Part B of the IDEA and the Rules, including:
  - a. Whether that student is a student with a disability, and
  - b. The educational needs of the student.
2. Promontory School of Expeditionary Learning shall provide the parent(s) or adult student with a copy of the evaluation report and the documentation of determination of eligibility.
3. A student must not be determined to be a student with a disability:
  - a. If the determinant factor for that determination is:
    - (1) Lack of appropriate instruction in reading, including the essential components of reading instruction (phonemic awareness, alphabetic principle, vocabulary, comprehension, and fluency);

- (2) Lack of appropriate instruction in mathematics; or
  - (3) Limited English proficiency; and
  - (4) If the student does not otherwise meet the eligibility criteria.
4. Procedures for determining eligibility and educational need.
- a. In interpreting evaluation data for the purpose of determining if a student is a student with a disability and the educational needs of the student, Promontory School of Expeditionary Learning must:
    - (1) Draw upon information from a variety of sources, such as aptitude and achievement tests, parent or adult student input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; and
    - (2) Ensure information obtained from all these sources is documented and carefully considered.
  - b. If a determination is made that a student has a disability and needs special education and related services, an IEP must be developed for the student within 30 calendar days.

**II.J. CATEGORICAL DEFINITIONS,  
CRITERIA, AND ASSESSMENTS  
(34 CFR § 300.8; RULES II.J.)**

Promontory School of Expeditionary Learning has adopted the criteria and evaluation procedures, by category, for determining eligibility for a student with disabilities under Part B of the IDEA and the Rules II.J.1-13. Including:

- 1. Specific Learning Disabilities (Rules II.J.10.).
  - a. Definition (34 CFR § 300.8(C)(10); Rules II.J.10.a.).

Specific Learning Disabilities means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia, that affects a student's educational performance.

Specific learning disabilities does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; of intellectual disability; of emotional disturbance; or of environmental, cultural, or economic disadvantage.

b. Procedures for Identifying Students with Specific Learning Disabilities (34 CFR § 300.307; Rules II.J.10.b.)

(1) Promontory School of Expeditionary Learning has adopted the following method for determining a student's eligibility under the specific learning disability category:

(a) A Combination method of:

(i) A process based on the student's response to scientific, research-based intervention called the Response to Intervention (RtI) method which shows the student does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified in Rule II.J.10.b.(3)(a); and

(ii) A discrepancy analysis which identifies that the student's scores demonstrate that a severe discrepancy exists between the student's intellectual ability and academic achievement in one or more of the areas identified in Rules II.J.10.b.(3)(a) which indicates the student exhibits a disability using a combination of both the RtI and a discrepancy analysis (the team must refer to the *USBE Specific Learning Disability Eligibility Guidelines* when using this method).

(2) Additional team members (34 CFR § 300.308; Rules II.J.10.b.2.)

The determination of whether a student suspected of having a specific learning disability is a student with a disability must be made by the student's parent(s) or adult student and a team of qualified professionals, which must include:

(a) The student's regular teacher; or

(b) If the student does not have a regular teacher, a regular classroom teacher qualified to teach a student of his/her age; or

(c) For a student of less than school age; an individual qualified by the USBE to teach a student of his/her age; and

(d) At least one person qualified to conduct individual diagnostic examinations of students and interpret the results of those assessments (as per the



publisher's assessment administration criteria), such as a school psychologist, speech-language pathologist, reading teacher or reading specialist, or special education teacher.

- (3) Determining the existence of a specific learning disability (34 CFR § 300.309; Rules II.J.10.b.3.)

The team described may determine that a student has a specific learning disability if:

- (a) The student does not achieve adequately for the student's age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's age or State-approved grade-level standards:

- (i) Oral expression;
- (ii) Listening comprehension;
- (iii) Written expression;
- (iv) Basic reading skills;
- (v) Reading fluency skills;
- (vi) Reading comprehension;
- (vii) Mathematics calculation;
- (viii) Mathematics problem solving.

- (b) The group determines that its findings are not primarily the result of:

- (i) A visual, hearing, or motor disability;
- (ii) Intellectual disability;
- (iii) Emotional disturbance;
- (iv) Cultural factors;
- (v) Environmental or economic disadvantage; or
- (vi) Limited English proficiency.

- (4) The specific learning disability must adversely affect the student's educational performance.

(5) The student with the specific learning disability must need special education and related services (34 CFR § 300.8(a); Rules II.J.10.b.5.)

(6) The team must determine that the specific learning disability is the student's primary disability.

c. Evaluation (34 CFR § 300.309(b)–(c); Rules II.J.10.c.)

(1) An evaluation must include a variety of assessment tools and strategies and cannot rely on any single procedure as the sole criterion.

(2) To ensure underachievement in a student suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation:

(a) Data that demonstrate that prior to, or as a part of, the referral process, the student was provided appropriate instruction in regular education settings, delivered by qualified personnel; and

(b) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student's parent(s) or the adult student.

(3) Promontory School of Expeditionary Learning must promptly request parental consent or consent of the adult student to evaluate the student to determine if the student needs special education and related services, and must adhere to the 45-school-day evaluation timeframe, unless extended by mutual written agreement of the student's parent(s) or adult student and a group of qualified professionals:

(a) If, prior to a referral, a student has not made adequate progress after an appropriate period of time as determined by Promontory School of Expeditionary Learning when provided appropriate instruction, and

(b) Whenever a student is referred for an evaluation.

(4) Observation (34 CFR § 300.310(a)–(c); Rules II.J.10.b.4.)

Promontory School of Expeditionary Learning must ensure the student is observed in the student's learning environment (including the regular classroom setting) to document the student's academic performance and behavior in the areas of concern.

- (a) The team must decide to:
    - (i) Use information from an observation in routine classroom instruction and monitoring of the student's performance that was done before the student was referred for an evaluation; or
    - (ii) Have at least one member of the team conduct an observation of the student's academic performance in the regular classroom after the student has been referred for an evaluation and parental consent or consent of the adult student is obtained.
  - (b) If the student is a home-schooled student, Promontory School of Expeditionary Learning may determine how to conduct the observation and who will conduct it.
  - (c) In the case of a student of less than school age or who is out of school, a group member must observe the student in an environment appropriate for a student of that age.
- (5) Specific documentation for the eligibility determination (34 CFR § 300.311; Rules II.J.10.b.5.)

The team's documentation of the determination of eligibility with a specific learning disability must contain a statement of:

- (a) Whether the student has a specific learning disability;
- (b) The basis for making the determination;
- (c) The relevant behavior, if any, noted during the observation of the student and the relationship of that behavior to the student's academic functioning;
- (d) The educationally relevant medical findings, if any; and
- (e) Whether the student meets the criteria below.
- (f) Combination (Rtl and discrepancy analysis). Does not make sufficient progress to meet State-approved age- or grade-level standards when using a process based on the student's response to scientific evidence-based interventions and obtains scores that demonstrate that a severe discrepancy exists between the student's academic achievement and intellectual ability in one or more of the areas of specific learning disability.

- (i) Promontory School of Expeditionary Learning has a process that assesses a student's response to scientific, research-based intervention as part of determining if the student has a specific learning disability. This process must include:
  - (ii) High quality research-based instruction delivered by qualified staff in the general education setting; and
  - (iii) Assessment of student performance that specifically includes universal screening and progress-monitoring; and
  - (iv) Multiple tiers of evidence-based interventions to address individual student difficulties; and
  - (v) Documentation of systematic and regular parent, adult student, and/or family involvement and communication as well as notification about:
    - (A) The State's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided (the team must refer to the USBE Specific Learning Disability Eligibility Guidelines when using this method);
    - (B) Strategies for increasing the student's rate of learning; and
    - (C) The parent's(s') or the adult student's right to request an evaluation; and
  - (vi) System supports (e.g., leadership, problem-solving, data management systems, coaching and collaboration, professional learning, and measures of fidelity) in place to ensure effective implementation; or
  - (vii) The instructional strategies used and the student-centered data collected.
  - (viii) The team must document that the student's performance on a standardized, norm-referenced, individually administered achievement measure in the area of the suspected disability, and
  - (ix) That the student scored above the intellectual disability range on a standardized, norm-referenced, individually administered measure of intellectual ability, and

- (A) The comparison of the standard scores on the tests of achievement and intellectual ability using an LEA board-approved and USBE-reviewed discrepancy analysis. The team must document consideration of the discrepancy analysis and the team's determination of whether or not it represents a severe discrepancy.
- (6) The determination of the team concerning the effects of a visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the student's achievement level;
- (7) The requirements of Rules II.D.–H. must be met.
- (8) Each team member must certify in writing whether the report reflects the member's conclusion (34 CFR § 300.311(b)). If it does not reflect the member's conclusion, the team member must submit a separate statement presenting the member's conclusions.

### **III. IEP DEVELOPMENT AND SERVICE DELIVERY**

#### **III.A. INDIVIDUALIZED EDUCATION**

##### **PROGRAM (RULES III.A.)**

Promontory School of Expeditionary Learning implements the following policies and procedures to address the IEP requirements of Rules III.A-T, including the least restrictive environment (LRE) requirements, consistent with Part B of the IDEA and the Rules, as well as R277-750, R277-800, and the USBE/USDB Interagency Agreement.

#### **III.B. WHEN IEPs MUST BE IN EFFECT**

##### **(34 CFR § 300.323; RULES III.B.)**

1. At the beginning of each school year, Promontory School of Expeditionary Learning must have an IEP in effect for each student with a disability within its jurisdiction.
2. Promontory School of Expeditionary Learning must ensure that:
  - a. A meeting to develop an IEP for a student is conducted within 30 calendar days of a determination that the student needs special education and related services; and
  - b. As soon as possible following development of the IEP, special education and related services are made available to the student in accordance with the student's IEP.
3. Promontory School of Expeditionary Learning must ensure the student's IEP is:
  - a. Accessible to each regular education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation; and
  - b. Each teacher and provider is informed of:
    - (1) His/her specific responsibilities related to implementing the student's IEP; and
    - (2) The specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP.
4. Documentation of IEP implementation shall be provided to USBE upon request. 28 | Page

#### **III.C. TRANSFER STUDENTS (34 CFR §**

## **300.323; RULES III.C.)**

### 1. Transfers within Utah.

a. In the case of a student with a disability with a current IEP who transfers from one LEA to another within the State within the same school year and enrolls in a new school, Promontory School of Expeditionary Learning , in consultation with the parent(s) or adult student, must provide a FAPE to the student, including services comparable to those described in the previously held IEP, until such time as Promontory School of Expeditionary Learning :

(1) Adopts the previously held IEP, or

(2) Develops, adopts, and implements a new IEP that is consistent with Federal regulations and the Rules.

b. The requirements of 34 CFR § 300.323 also apply for students transferring from an LEA placement to a local juvenile or adult correctional facility or temporary State placement for observation and assessment.

### 2. Transfers from out of State.

a. In the case of a student with a disability with a current IEP who transfers LEAs within the same school year, who enrolls in a new school, and who has an IEP that was in effect in another State, Promontory School of Expeditionary Learning , in consultation with the parent(s) or adult student, must provide the student with a FAPE, including services comparable to those described in the previously held IEP, until Promontory School of Expeditionary Learning :

(1) Conducts an evaluation, if determined to be necessary by Promontory School of Expeditionary Learning ; and

(2) Develops a new IEP, if appropriate, that is consistent with Federal and State law.

b. The evaluation for eligibility that may be conducted by Promontory School of Expeditionary Learning is considered an initial evaluation, not a reevaluation (71 FR 4668-82).

### 3. To facilitate the transition for a student described above:

a. Promontory School of Expeditionary Learning must take reasonable steps to promptly obtain the student's records, including the IEP and supporting documents

- and any other records relating to the provision of special education or related services to the student, from the previous LEA in which the student was enrolled; and
- b. The previous LEA in which the student was enrolled must take reasonable steps to promptly respond to the request from Promontory School of Expeditionary Learning .
  - c. Promontory School of Expeditionary Learning must keep a copy of the records for three years after the transfer.
4. Experiencing difficulty in obtaining the IEP from the previous LEA does not relieve Promontory School of Expeditionary Learning of its obligation to have a current IEP in place for an eligible student.

**III.D. LEA RESPONSIBILITY FOR IEP  
MEETINGS (34 CFR §  
300.323(c)(1)); RULES III.D.)**

1. Promontory School of Expeditionary Learning is responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising the IEP of a student with a disability ages 3 through 21, consistent with the Rules.
2. A meeting to develop an IEP for an eligible student must be conducted within 30 calendar days of a determination that a student needs special education and related services.

**III.E. IEP TEAM MEMBERSHIP (34 CFR  
§ 300.321; RULES III.E.)**

Promontory School of Expeditionary Learning must ensure the IEP Team for each student with a disability includes:

1. The parent(s) of the student or the adult student;
2. Not less than one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);
3. Not less than one special education teacher of the student, or where appropriate, not less than one special education provider of the student;
4. A representative of Promontory School of Expeditionary Learning who: 30 | Page



- a. Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;
  - b. Is knowledgeable about the general education curriculum; and
  - c. Is knowledgeable about the availability of resources of Promontory School of Expeditionary Learning .
  - d. Promontory School of Expeditionary Learning may designate a Promontory School of Expeditionary Learning member of the IEP Team to also serve as Promontory School of Expeditionary Learning representative, if the above criteria are satisfied.
5. A representative of USDB and the LEA of residence when the student's placement is at USDB, when the IEP Team is considering placement at USDB, or when the student receives 180 minutes or more of special education and/or related services from USDB.
  6. An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in this section;
  7. At the discretion of the parent(s) or adult student or Promontory School of Expeditionary Learning , other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate; and
  8. Whenever appropriate, the student with a disability.
  9. The determination of knowledge or special expertise of any individual described in Rule III.E.6. above must be made by the party (parent(s) or adult student or Promontory School of Expeditionary Learning ) who invited the individual to be a member of the IEP Team.
  10. If a purpose of the IEP Team meeting is consideration of the postsecondary goals for the student and the transition services needed to assist the student in reaching those goals, Promontory School of Expeditionary Learning must invite the student with a disability to attend the student's IEP meeting. If the student does not attend the IEP meeting, Promontory School of Expeditionary Learning must take other steps to ensure the student's preferences and interests are considered.
  11. To the extent appropriate, with the written consent of the parent(s) or adult student, Promontory School of Expeditionary Learning must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

12. Signatures on an IEP denote participation of IEP Team members in the development of the IEP.

### **III.F. IEP TEAM ATTENDANCE (34 CFR § 300.321; RULES III.F.)**

1. A required member of the IEP Team is not required to attend a particular IEP Team meeting, in whole or in part, if the parent(s) of a student with a disability or adult student and Promontory School of Expeditionary Learning agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.
2. A required member of the IEP Team may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if:
3. The parent(s) or adult student, in writing, and Promontory School of Expeditionary Learning consent to the excusal; and
4. The member submits, in writing, to the parent(s) or adult student and the IEP Team, input into the development of the IEP prior to the meeting.

### **III.G. PARENT PARTICIPATION (34 CFR § 300.322; RULES III.G.)**

1. Promontory School of Expeditionary Learning must take steps to ensure that one or both of the parents of a student with a disability or the adult student are present at each IEP meeting or are afforded the opportunity to participate, including:
  - a. Notifying parent(s) or adult student of the meeting early enough to ensure they will have an opportunity to attend; and
  - b. Scheduling the meeting at a mutually agreed-on time and place.
2. If the parent(s) or adult student cannot attend, Promontory School of Expeditionary Learning must use other methods to ensure participation of the parent(s) or the adult student, including individual or conference telephone calls. The parent(s) of a student with a disability or the adult student and Promontory School of Expeditionary Learning may agree to use alternative means of meeting participation, such as video conferences and conference calls (34 CFR § 300.328).

3. A meeting may be conducted without a parent or the adult student in attendance if Promontory School of Expeditionary Learning is unable to convince the parent(s) or the adult student they should attend. In this case, Promontory School of Expeditionary Learning must keep a record of its attempts to arrange a mutually agreed-on time and place, such as:
  - a. Detailed records of telephone calls made or attempted and the results of those calls;
  - b. Copies of correspondence sent to the parent(s) or adult student and any responses received; and
  - c. Detailed records of visits made to the parent's(s') or adult student's home or place of employment and the results of those visits.
4. Promontory School of Expeditionary Learning must take whatever action is necessary to ensure the parent(s) or adult student understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parent(s) or adult student with deafness or whose native language is other than English.
  - a. Under UCA 35A-13-604, an individual is required to be certified as an interpreter if that individual provides interpreter services for deaf and hard of hearing individuals.
  - b. An individual providing interpreting services other than those for deaf and hard of hearing individuals shall be trained.
5. The parent(s) of a student with a disability or adult student are participants along with school personnel in developing, reviewing, and revising the IEP for their student. This is an active role in which the parent(s) or adult student:
  - a. Provide critical information regarding the strengths of the student and express their concerns for enhancing the education of the student;
  - b. Participate in the discussion of the student's need for special education and related services, and supplementary aids and services; and
  - c. Join with other participants in deciding how the student will be involved and progress in the general curriculum, how the student will participate in State- and LEA-wide assessments, and what services Promontory School of Expeditionary Learning will provide to the student and in what setting.
6. Promontory School of Expeditionary Learning must give the parent(s) or adult student a copy of the student's IEP at no cost to the parent(s) or adult student.

**III.H. NOTICE OF MEETING (34 CFR §  
300.322; RULES III.H.)**

1. The notice of meeting required to be provided to the parent(s) or adult student must:
  - a. Indicate the purpose, time, and location of the meeting and who will be in attendance; and
  - b. Inform the parent(s) or adult student of the provision for participation of other individuals who have knowledge or special expertise about the student on the IEP Team.
2. For a student with a disability, ages 14 and older, or younger if determined appropriate by the IEP Team, the IEP notice of meeting also must:
  - a. Indicate that a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the student; and
  - b. Indicate that Promontory School of Expeditionary Learning will invite the student; and
  - c. Identify any other agency that will be invited, with parental or adult student consent, to send a representative.
3. When conducting IEP Team meetings and placement meetings and carrying out administrative matters, the parent(s) of a student with a disability or adult student and Promontory School of Expeditionary Learning may agree to use alternative means of meeting participation such as video conferences and conference calls (34 CFR § 300.328).

**III.I. DEVELOPMENT, REVIEW, AND  
REVISION OF THE IEP (34 CFR §  
300.324; RULES III.I.)**

1. Development, review, and revision of the IEP.
  - a. In developing each student's IEP, the IEP Team must consider:
    - (1) The strengths of the student;
    - (2) The concerns of the parent(s) or adult student for enhancing the education of the student;

- (3) The results of the initial or most recent evaluation of the student, and
  - (4) The academic, developmental, and functional needs of the student.
- b. The IEP Team, in conducting a meeting to develop, review and, if appropriate, revise a student's IEP, must consider the following special factors:
- (1) In the case of a student with limited English proficiency (LEP), consider the language needs of the student as those needs relate to the student's IEP;
  - (2) In the case of a student who is blind or visually impaired, provide for instruction in braille and the use of braille unless the IEP Team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in braille or the use of braille), that instruction in braille or the use of braille is not appropriate for the student;
    - (a) Prior to determining whether a blind student should use braille as the primary reading mode, the student's IEP Team must be provided (through pertinent literature or discussions with competent braille users and educators, or both) with detailed information about the use and efficiency of braille as a reading medium, in order to make an informed choice as to the student's primary reading.
  - (3) Consider the communication needs of the student and, in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode;
  - (4) Consider whether the student needs assistive technology devices and services in school and on a case-by-case basis, in a student's home or other setting; and
  - (5) In the case of a student whose behavior impedes the student's learning or that of others, consider the use of positive behavior interventions and supports, and other strategies, to address that behavior.
    - (a) When making decisions on behavior interventions, the IEP Team must refer to the USBE Least Restrictive Behavior Interventions (LRBI) Technical

Assistance (TA) Manual for information on research-based intervention procedures.

- (i) Emergency safety interventions may only be included in an IEP as a planned intervention when the IEP Team agrees that less restrictive means which meet circumstances in R277-608 have been attempted, a functional behavior assessment (FBA) has been conducted, and a positive behavior intervention plan based on data analysis has been developed and implemented (R277-609).
  - (b) The purpose of the LRBI TA Manual related to the use of positive behavior supports and behavior interventions in schools is to:
    - (i) Protect the safety and well-being of all students;
    - (ii) Provide protection for students, teachers, other school personnel, and LEAs; and
    - (iii) Ensure parent(s) or adult students are involved in the consideration and selection of behavior interventions to be used.
  - (c) When an emergency situation occurs that requires the immediate use of an emergency safety intervention to protect the student or others from harm, the staff shall comply with requirements in R277-609 with regards to time limitations and parental or adult student notification.
  - (d) As appropriate, the student should receive a FBA and behavior intervention services and modifications that are designed to address the behavior (34 CFR § 300.530(d)(1)(ii)).
- c. If, in considering the special factors described above, the IEP Team determines a student needs a particular device or services for educational purposes (including an intervention, accommodation, or other program modification) in order for the student to receive a FAPE, the IEP Team must include a statement to that effect in the student's IEP.
- d. A regular education teacher of a student with a disability, as a member of the IEP Team, must, to the extent appropriate, participate in the development of the IEP of the student, including the determination of:
- (1) Appropriate positive behavior interventions and supports and other strategies for the student; and

(2) Supplementary aids and services, program modifications, and support for school personnel consistent with the IEP.

2. Changes to the IEP.

- a. In making changes to a student's IEP after the annual IEP Team meeting for a school year, the parent(s) of a student with a disability or adult student and Promontory School of Expeditionary Learning may agree not to convene an IEP meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP.
- b. Upon request, the parent(s) or adult student must be provided with a revised copy of the IEP with the amendments incorporated.
- c. If changes are made to the student's IEP through the amendment process, Promontory School of Expeditionary Learning must ensure the student's IEP Team is informed of those changes.

3. To the extent possible, Promontory School of Expeditionary Learning must encourage the consolidation of reevaluation meetings and other IEP Team meetings for the student (34 CFR § 300.324(a)(5)).

4. Review and revision of the IEP.

Promontory School of Expeditionary Learning must ensure the IEP Team:

- a. Reviews the student's IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved; and
- b. Revises the IEP, as appropriate, to address:
  - (1) Any lack of expected progress toward the annual goals in the IEP and in the general education curriculum, if appropriate;
  - (2) The results of any reevaluation;
  - (3) Information about the student provided to, or by, the parent(s) or adult student;
  - (4) The student's anticipated needs; or
  - (5) Other matters.
- c. In conducting a review of the student's IEP, the IEP Team must consider the special factors in Rules III.I.1.b.

- d. A regular education teacher of the student, as a member of the IEP Team, must participate in the review and revision of the IEP of the student, if the student is or may be participating in the general education classroom.
- e. If a participating agency, other than Promontory School of Expeditionary Learning , fails to provide the transition services described in the IEP, Promontory School of Expeditionary Learning must reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.
- f. Nothing in this part relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

**III.J. DEFINITION OF THE  
INDIVIDUALIZED EDUCATION  
PROGRAM (34 CFR § 300.320;  
RULES III.J.)**

- 1. The term individualized education program (IEP) means a written statement for each student with a disability that is developed, reviewed, and revised in a meeting.
- 2. The IEP must include:
  - a. A statement of the student's present levels of academic achievement and functional performance (PLAAFP), including:
    - (1) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same grade-level curriculum as for non-disabled students); or
    - (2) For students who are blind, the results obtained from a braille-related or braille skills assessment;
  - b. A statement of measurable annual goals, including academic and functional goals designed to:
    - (1) Meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the grade-level general education curriculum; and



- (2) Meet each of the student's other educational needs that result from the student's disability;
- c. For eligible students with significant cognitive disabilities who will participate in grade-level alternate achievement standards (i.e., Essential Elements):
  - (1) Notification to the parent(s) or adult student that the student's academic achievement will be measured through an assessment of the grade-level Utah alternate achievement standards and how participation in such alternate achievement assessments may delay or otherwise affect the student from completing the requirements for a regular high school diploma; and
  - (2) A description of benchmarks or short-term objectives for each annual goal;
- d. A description of:
  - (1) How the student's progress toward meeting the annual IEP goals will be measured; and
  - (2) When periodic reports to the parent(s) or adult student on the progress the student is making toward meeting the annual IEP goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;
- e. A statement of the special education and related services and supplementary aids and services (including assistive technology), based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:
  - (1) To advance appropriately toward attaining the annual goals;
  - (2) To be involved in and make progress in the grade-level general education curriculum, and to participate in extracurricular and other nonacademic activities; and
  - (3) To be educated and participate with other similar-aged students with disabilities and non-disabled students in the activities described in this section;
- f. An explanation of the extent, if any, to which the student will not participate with similar-aged non-disabled students in the regular education environment and in the activities described in this section;

g. A statement of:

- (1) Any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on all grade-level State- and LEA-wide assessments; and
- (2) If the IEP Team determines the student must take an alternate assessment instead of a particular regular State- or LEA-wide assessment of student achievement, a statement of why:
  - (a) The student cannot participate in the regular assessment; and
  - (b) The particular alternate assessment selected is appropriate for the student; and

h. All students, including students with disabilities, participate in statewide assessments. Promontory School of Expeditionary Learning reports the results of statewide assessments on the website. If more than one percent of students with significant cognitive disabilities participate in an alternate assessment, Promontory School of Expeditionary Learning will submit justification to the USBE on the need to exceed the cap.

i. The projected date for the beginning of the services and modifications, and the anticipated frequency, location, and duration of those services and modifications.

j. A statement of school to post-school transition services.

For a student with a disability, ages 14 and older, or younger if determined appropriate by the IEP Team, and updated annually thereafter, the IEP must include:

- (1) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training or education, employment, and, where appropriate, independent living skills; and
- (2) The transition services (including courses of study) needed to assist the student in reaching those goals.

k. Transfer of rights at age of majority.

Beginning not later than one year before the student reaches the age of majority (age 18 in Utah), the IEP must include a statement that the student has been informed of the student's rights under Part B of the IDEA that will transfer

to the student on reaching the age of majority. The transfer of rights also occurs upon

notification to Promontory School of Expeditionary Learning that a student has married or become emancipated before age 18.

- I. Nothing in this section shall be construed to require that additional information be included in a student's IEP beyond what is explicitly required in Section 614 of Part B of the IDEA, or require the IEP Team to include information under one component of a student's IEP that is already contained under another component of the student's IEP.
- m. IEP Teams should discuss and address, if appropriate, student participation in not only the grade-level Utah Core Standards, but other general education activities and courses (e.g., health and maturation, suicide prevention), as well as the Statewide Online Education Program (SOEP) or other online, distance, blended, or competency-based courses, as well as courses taken through Career and Technical Education (CTE) programs and concurrent enrollment. Students with disabilities may require special education and related services and accommodations for equitable participation, in conjunction with Part B of the IDEA, the Rules, R277-418, R277-713, and R277-726.

### **III.K. PHYSICAL EDUCATION (34 CFR § 300.108; RULES III.L.)**

- 1. Physical education services, specially designed if necessary, are made available to every student with a disability receiving a FAPE,
- 2. Each student with a disability must be afforded the opportunity to participate in the regular physical education program available to nondisabled students unless:
  - a. The student is enrolled full time in a separate facility; or
  - b. The student needs specially designed physical education, as prescribed in the student's IEP.
- 3. Promontory School of Expeditionary Learning is responsible for specially designed physical education (e.g., adapted PE) if it is prescribed in a student's IEP, by providing the services directly or by making arrangements for those services to be provided

through other public or private programs.

4. Promontory School of Expeditionary Learning is responsible for the education of a student with a disability who is enrolled in a separate facility and must ensure the student receives appropriate physical education services.

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**III.L. ASSISTIVE TECHNOLOGY (34 CFR  
§ 300.105; R277-495; RULES III.M.)**

1. Promontory School of Expeditionary Learning must ensure assistive technology devices or assistive technology services, or both, are made available to a student with a disability if required as a part of the student's:
  - a. Special education,
  - b. Related services, or
  - c. Supplementary aids and services.
2. On a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or in other settings is required if the student's IEP Team determines the student needs access to those devices in order to receive a FAPE.

**III.M. EXTENDED SCHOOL YEAR (ESY)  
SERVICES (34 CFR § 300.106;  
R277-751; RULES III.N.)**

1. Extended school year services mean special education and related services that:
  - a. Are provided to an eligible student with a disability:
    - (1) Beyond the normal school year of Promontory School of Expeditionary Learning ;
    - (2) In accordance with the student's IEP; and
    - (3) At no cost to the parent(s) of the student or adult student; and
  - b. Meet the standards of the USBE in R277-751.
2. Promontory School of Expeditionary Learning shall ensure:
  - a. ESY services are available as necessary to provide a FAPE, consistent with the Rules and considered for each individual student with a disability during an IEP, based upon a review of multiple data sources and factors.

- b. ESY student programs are provided in the least restrictive environment.
- c. ESY teachers and paraeducators meet USBE and IDEA requirements.

3. ESY services must be provided only if a student's IEP Team determines, on an individual basis, the services are necessary for the provision of a FAPE to the student. The annual IEP shall reflect the IEP Team's decision regarding the need for ESY services.
  - a. Parent(s) or the adult student shall be provided with prior written notice of proposal or refusal to provide ESY services.
  - b. If the student is determined eligible for ESY services, the IEP Team shall determine the appropriate ESY program, based on the student's individual needs.
  - c. ESY eligibility decisions and prior written notice of ESY programs shall be provided to parent(s) or adult student in sufficient time to permit accessing dispute resolution options of the procedural safeguards, in the event of a dispute.
4. In implementing the requirements of this section, Promontory School of Expeditionary Learning may not:
  - a. Limit ESY services to particular categories of disability, age, or grade level;
  - b. Unilaterally limit the type, amount, or duration of those services; or
  - c. Limit data consideration by IEP Teams to only an analysis of regression and recoupment.

**III.N. LEAST RESTRICTIVE  
ENVIRONMENT (LRE) (34 CFR §  
300.114; RULES III.O.)**

1. Promontory School of Expeditionary Learning must ensure:
  - a. To the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities (e.g., nursing homes), are educated with similar-aged students who are nondisabled; and
  - b. Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the

disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. In the case of a student who is deaf or hard of hearing, consideration of a special class or school may be the least restrictive environment in that it provides opportunities for direct communication and instruction in the student's language and communication mode with professional personnel and peers.

c. LRE provisions apply to transition programs and placement.

**III.O. CONTINUUM OF ALTERNATIVE  
PLACEMENTS (34 CFR § 300.115;  
RULES III.P.)**

1. Promontory School of Expeditionary Learning must ensure a continuum of alternative placements is available to meet the needs of students with disabilities for special education and related services.
2. The continuum required:
  - a. Includes the following alternative placements for instruction:
    - (1) Regular classes,
    - (2) Special classes,
    - (3) Special schools,
    - (4) Home instruction, and
    - (5) Instruction in hospitals and institutions; and
  - b. Makes provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

**III.P. PLACEMENTS (34 CFR § 300.116;  
RULES III.Q.)**

1. In determining the educational placement of a student with a disability, including a transition-aged student with a disability, Promontory School of Expeditionary Learning must ensure:
  - a. The placement decision:

- (1) Is made by a group of persons, including the parent(s) or adult student and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options; and
  - (2) Is made in conformity with the LRE provisions above.
- b. The student's placement:
- (1) Is determined at least annually;
  - (2) Is based on the student's IEP; and
  - (3) Is as close as possible to the student's home;
- c. Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that the student would attend if non-disabled;
- d. In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services the student needs; and
- e. A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

**III.Q. PARENTAL INVOLVEMENT IN  
PLACEMENT DECISIONS (34 CFR  
§§ 300.327, 300.50; RULES III.R.)**

1. Promontory School of Expeditionary Learning must ensure the parent(s) of each student with a disability or adult student are members of any group that makes decisions on the educational placement of the parent's student or the adult student (Rules IV.B).
2. In implementing this requirement, Promontory School of Expeditionary Learning shall use procedures for parent or adult student involvement in placement decisions consistent with those used for parent participation in IEP meetings.
3. If neither parent or the adult student can participate in a meeting in which a decision is to be made relating to the educational placement of the student, Promontory School of Expeditionary Learning shall use other methods to ensure their participation, including individual or conference telephone calls or video conferencing.
4. A group may make a placement decision without the involvement of the parent(s) or

adult student if Promontory School of Expeditionary Learning is unable to obtain either parent's or adult student's participation in the decision. In this case, Promontory School of Expeditionary Learning must have a record of its attempts to ensure their involvement.

**III.R. NONACADEMIC SETTINGS AND  
EXTRACURRICULAR ACTIVITIES  
(34 CFR § 300.117; UCA  
53G-6-709; RULES III.S.)**

1. In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities in Rules III.V, Promontory School of Expeditionary Learning must ensure each student with a disability participates with non-disabled students in the extracurricular services and activities to the maximum extent appropriate to the needs of that student.
2. Promontory School of Expeditionary Learning must ensure each student with a disability has the supplementary aids and services determined by the student's IEP Team to be appropriate and necessary for the student to participate in nonacademic settings.
3. A student with a disability (under the age of 22 who has not graduated from high school with a regular high school diploma, whose IEP Team recommends participation) may not be denied the opportunity of participating in public school programs or extracurricular activities solely because of the student's age, unless the participation threatens the health or safety of the student. Promontory School of Expeditionary Learning , in cooperation with the Utah Department of Health, shall establish criteria used to determine the health and safety factor (UCA 53G-6-709).

**III.S. NONACADEMIC SERVICES (34  
CFR § 300.107; RULES III.T.)**

1. Promontory School of Expeditionary Learning must take steps, including the provision of



supplementary aids and services determined appropriate and necessary by the student's IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford students with disabilities an equal opportunity for participation in those services and activities.

2. Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by Promontory School of Expeditionary Learning , referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by Promontory School of Expeditionary Learning and assistance in making outside employment available.

## **IV. PROCEDURAL SAFEGUARDS: DUE PROCESS PROCEDURES FOR PARENT(S) AND STUDENTS (IDEA SUBPART E)**

### **IV.A. PARENTAL OPPORTUNITY TO EXAMINE RECORDS AND PARTICIPATE IN MEETINGS (34 CFR § 300.501; RULES IV.A.)**

1. Opportunity to examine records.
  - a. The parent(s) of a student with a disability or adult student must be afforded, in accordance with the Rules, an opportunity to inspect and review all education records with respect to the identification, evaluation, and educational placement of the student and the provision of a FAPE to the student.
2. Parent participation in meetings.
  - a. The parent(s) of a student with a disability or adult student must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of the student and the provision of a FAPE to the student.
  - b. Promontory School of Expeditionary Learning must provide notice, consistent with the Rules, to ensure parents of students with disabilities or adult students have the opportunity to participate in meetings.

c. A meeting does not include informal or unscheduled conversations involving Promontory School of Expeditionary Learning personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that Promontory School of Expeditionary Learning personnel engage in to develop a proposal or a response to a parent or adult student proposal that will be discussed at a later meeting.

3. Parent involvement in placement decisions.

a. Promontory School of Expeditionary Learning must ensure that a parent of each student with a disability or adult student is a member of any group that makes decisions on the educational placement of the parent's student (34 CFR § 300.327), including notifying the parent(s) or adult student of the meeting early enough to

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ensure that they will have an opportunity to attend and scheduling the meeting at a mutually agreed-on time and place (34 CFR § 300.322(a)).

b. The notice of meeting must indicate the purpose(s), time, and location of the meeting, who will be in attendance, and inform the parents or adult student of their right to bring other individuals who have knowledge or special expertise about the student (34 CFR § 300.322(b)).

c. If neither parent or the adult student can participate in a meeting in which a decision is to be made relating to the educational placement of the student, Promontory School of Expeditionary Learning must use other methods to ensure their participation, including individual or conference telephone calls or video conferencing.

d. A placement decision may be made by a group without the involvement of a parent or adult student if Promontory School of Expeditionary Learning is unable to obtain the parent's(s') or adult student's participation in the decision. In this case, the LEA must have a record of its attempt to ensure their involvement.

**IV.B. INDEPENDENT EDUCATIONAL  
EVALUATION (34 CFR § 300.502;  
RULES IV.B.)**

1. Definitions.

a. Independent educational evaluation (IEE) means an evaluation conducted by a

qualified examiner who is not employed by the LEA responsible for the education of the student in question.

b. Public expense means that the LEA either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent or adult student.

2. Promontory School of Expeditionary Learning has established and implemented the following policies and procedures related to independent educational evaluation that meet the requirements of Part B of the IDEA and the Rules.

3. The following requirements must be addressed:

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a. The parent(s) of a student with a disability or adult student have the right to obtain an IEE of the student at public expense if they disagree with an evaluation obtained by Promontory School of Expeditionary Learning .

b. Promontory School of Expeditionary Learning must provide to the parent(s) or adult student, upon request for an IEE, information about where an IEE may be obtained and Promontory School of Expeditionary Learning criteria applicable for IEEs.

c. If the parent(s) or adult student requests an IEE at public expense, Promontory School of Expeditionary Learning must, without unnecessary delay, either file a due process complaint to request a hearing to show that its evaluation is appropriate, or ensure an IEE is provided at public expense, unless Promontory School of Expeditionary Learning demonstrates in a hearing that the evaluation obtained by the parent(s) or adult student did not meet Promontory School of Expeditionary Learning criteria. If Promontory School of Expeditionary Learning files a due process complaint notice to request a hearing and the final decision is that Promontory School of Expeditionary Learning 's evaluation is appropriate, the parent(s) or adult student still has the right to an IEE, but not at public expense. If the parent(s) or adult student requests an IEE, Promontory School of Expeditionary Learning may ask for the parent's(s') or adult student's reason why they object to the public evaluation. However, the explanation by the parent(s) or adult student may not be required and Promontory School of Expeditionary Learning may not unreasonably delay either providing the IEE at public expense or requesting a due process hearing to defend the public evaluation.

- d. The parent(s) or adult student is entitled to only one IEE at public expense each time Promontory School of Expeditionary Learning conducts an evaluation with which the parent(s) or adult student disagrees.
- e. If the parent(s) or adult student obtains an IEE at public expense or shares with Promontory School of Expeditionary Learning an evaluation obtained at private expense, the results of the evaluation must be considered by Promontory School of Expeditionary Learning , if it meets Promontory School of Expeditionary Learning criteria, in any decision made with respect to the provision of a FAPE to the student, and may be presented by any party as evidence at a hearing on a due process complaint regarding that student.
- f. If a hearing officer requests an IEE as part of a hearing on a due process complaint, the cost of the evaluation must be at public expense.

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- g. If an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that Promontory School of Expeditionary Learning uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's(s') or adult student's right to an IEE.
  - h. Except for the criteria described above, Promontory School of Expeditionary Learning may not impose additional conditions or timelines related to obtaining an IEE at public expense.
4. An IEE conducted at Promontory School of Expeditionary Learning 's expense becomes the property of Promontory School of Expeditionary Learning , in its entirety.

#### **IV.C. PRIOR WRITTEN NOTICE (34 CFR § 300.503; RULES IV.C.)**

1. Prior written notice must be given to the parents of a student with a disability or adult student a reasonable time before Promontory School of Expeditionary Learning :
  - a. Proposes to initiate or change the identification, evaluation, or educational placement of the student or the provision of a FAPE to the student; or
  - b. Refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a FAPE to the student.
2. The notice required must include:

- a. A description of the action proposed or refused by Promontory School of Expeditionary Learning ;
- b. An explanation of why Promontory School of Expeditionary Learning proposes or refuses to take the action;
- c. A description of each evaluation procedure, assessment, record, or report Promontory School of Expeditionary Learning used as a basis for the proposed or refused action;
- d. A statement that the parent(s) of a student with a disability or adult student have protection under the procedural safeguards of Part B of the IDEA and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;

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- e. Sources for the parent(s) or adult student to contact to obtain assistance in understanding the provisions of Part B of the IDEA;
  - f. A description of other options the IEP Team considered and the reasons why those options were rejected; and
  - g. A description of other factors relevant to Promontory School of Expeditionary Learning 's proposal or refusal.
3. The notice must be:
- a. Written in language understandable to the general public; and
  - b. Provided in the native language of the parent(s) or adult student or other mode of communication used by the parent(s) or adult student, unless it is clearly not feasible to do so.
    - (1) If the native language or other mode of communication of the parent(s) or adult student is not a written language, Promontory School of Expeditionary Learning must take steps to ensure:
    - (2) The notice is translated orally or by other means to the parent(s) or adult student in his/her native language or other mode of communication;
    - (3) The parent(s) or adult student understands the content of the notice; and
    - (4) There is written evidence that the requirements have been met.

## **IV.D. PROCEDURAL SAFEGUARDS**

### **NOTICE (34 CFR § 300.504; RULES IV.D.)**

1. A copy of the procedural safeguards available to the parent(s) of a student with a disability or adult student must be given to the parent(s) or adult student only one time a year, except that a copy also must be given to the parent(s) or adult student:
  - a. Upon initial referral or parental or adult student request for evaluation;
  - b. Upon receipt of the first State complaint or a due process complaint in that school year; and
  - c. Upon request by the parent(s) or adult student.

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2. An LEA may place a current copy of the procedural safeguards notice on its website if a website exists.
3. The procedural safeguards notice must include a full explanation of all the procedural safeguards relating to:
  - a. Independent educational evaluations;
  - b. Prior written notice;
  - c. Parental or adult student consent;
  - d. Access to educational records;
  - e. The opportunity to present and resolve complaints through the State IEP facilitation, mediation, due process complaint or State complaint procedures, including the time period in which to file a complaint;
  - f. The opportunity for Promontory School of Expeditionary Learning to resolve the complaint, and the difference between the due process complaint and the State complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures;
  - g. The availability of IEP facilitation and mediation;
  - h. The student's placement during pendency of hearings on due process complaints;

- i. Procedures for students who are subject to placement in an interim alternative educational setting (IAES);
  - j. Requirements for unilateral placement by parent(s) of students or by adult students in private schools at public expense;
  - k. Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;
  - l. State-level appeals;
  - m. Civil actions, including the time period in which to file those actions; and
  - n. Attorneys' fees.
4. The notice required must be in language understandable to the parent(s) or adult student.

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5. The parent(s) of a student with a disability or adult student may elect to receive notices by an electronic mail communication, if Promontory School of Expeditionary Learning makes that option available (34 CFR § 300.505).
6. Dispute resolution options remain available.

**IV.E. STATE COMPLAINT PROCEDURES  
(34 CFR § 300.151–153; UCA  
53E-7-208; RULES IV.E.)**

Promontory School of Expeditionary Learning follows all requirements found in Rules IV.E. regarding State Complaint Procedures.

**IV.F. MEDIATION (34 CFR § 300.506;  
RULES IV.F.)**

Promontory School of Expeditionary Learning follows all requirements found in Rules IV.F. regarding Mediation.

**IV.G. FILING A DUE PROCESS  
COMPLAINT (34 CFR § 300.507;**

### **UCA 53E-7-208; RULES IV.G)**

Promontory School of Expeditionary Learning follows all requirements found in Rules IV.G. regarding filing a due process complaint.

### **IV.H. DUE PROCESS COMPLAINT (34 CFR § 300.508; RULES IV.H.)**

Promontory School of Expeditionary Learning follows all requirements found in Rules IV.H. regarding due process complaints.

### **IV.I. MODEL FORMS (34 CFR § 300.509; RULES IV.I.)**

The USBE staff has developed model forms to assist parent(s) or adult students in filing a State complaint, a due process hearing complaint, and requesting mediation. These forms are available on the USBE Special Education Services webpage. Parties are not required to use the State's model forms. Parents or adult students, public agencies, and other parties

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may use the appropriate State model form or another form or other document, so long as the form or document that is used meets, as appropriate, the content requirements for filing a due process complaint or the requirements for filing a State complaint.

### **IV.J. RESOLUTION PROCESS (34 CFR § 300.510; RULES IV.J.)**

Promontory School of Expeditionary Learning follows all requirements found in Rules IV.J. regarding the resolution process.

### **IV.K. IMPARTIAL DUE PROCESS HEARING (34 CFR § 300.511; RULES IV.K.)**

Promontory School of Expeditionary Learning follows all requirements found in Rules IV.K regarding impartial due process hearings.

### **IV.L. HEARING RIGHTS (34 CFR §**



**300.512; RULES IV.L.)**

Promontory School of Expeditionary Learning follows all requirements found in Rules IV.L. regarding hearing rights.

**IV.M. HEARING DECISIONS (34 CFR §  
300.513; RULES IV.M.)**

Promontory School of Expeditionary Learning follows all requirements found in Rules IV.M. regarding hearing decisions.

**IV.N. FINALITY OF DECISION (34 CFR §  
300.514; RULES IV.N.)**

Promontory School of Expeditionary Learning acknowledges that a decision made in a hearing conducted is final, unless a party to the hearing appeals the decision to a civil action.

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**IV.O. STATE ENFORCEMENT**

**MECHANISMS (34 CFR § 300.537;  
RULES IV.O.)**

Promontory School of Expeditionary Learning acknowledges the state enforcement mechanisms found in Rules IV.O.

**IV.P. TIMELINES AND CONVENIENCE  
OF HEARINGS (34 CFR § 300.515;  
UBSE-SER IV.P.)**

Promontory School of Expeditionary Learning follows all requirements found in Rules IV.P. regarding timelines and convenience of hearings.

**IV.Q. CIVIL ACTION (34 CFR § 300.516;  
RULES IV.Q.)**

Promontory School of Expeditionary Learning follows all requirements found in Rules IV.Q. regarding civil action.

**IV.R. ATTORNEYS' FEES (34 CFR §  
300.517; UCA 53E-7-208(4)(B);  
RULES IV.R.)**

Promontory School of Expeditionary Learning follows all requirements found in Rules IV.R. regarding attorneys' fees.

**IV.S. STUDENT'S STATUS DURING  
PROCEEDINGS (34 CFR § 300.518;  
RULES IV.S.)**

Promontory School of Expeditionary Learning follows all requirements found in Rules IV.S. regarding student's status during proceedings.

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**IV.T. SURROGATE PARENTS (34 CFR §  
300.519; RULES IV.T.)**

1. Promontory School of Expeditionary Learning ensures the rights of a student are protected when:
  - a. No parent can be identified for a student under the age of majority;
  - b. Promontory School of Expeditionary Learning , after reasonable efforts, cannot locate a parent for a student under the age of majority;
  - c. The student is a ward of the state under the laws of that state; or
  - d. The student is an unaccompanied homeless youth under the age of majority.
2. The duties of Promontory School of Expeditionary Learning include the assignment of an individual to act as a surrogate for the parent(s) for a student under the age of majority. This must include a method for determining whether a student under the age of majority

needs a surrogate parent and for assigning a surrogate parent to the student.

3. In the case of a student who is a ward of the State, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided that the surrogate meets the requirements.
4. Promontory School of Expeditionary Learning may select a surrogate parent in any way permitted under State law.
5. Promontory School of Expeditionary Learning must ensure that a person selected as a surrogate parent:
  - a. Is not an employee of the USBE, Promontory School of Expeditionary Learning , or any other agency that is involved in the education or care of the student;
  - b. Has no personal or professional interest that conflicts with the interest of the student he/she represents; and
  - c. Has knowledge and skills that ensure adequate representation of the student.
6. A person otherwise qualified to be a surrogate parent is not an employee of Promontory School of Expeditionary Learning solely because the person is paid by Promontory School of Expeditionary Learning to serve as a surrogate parent.
7. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street

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outreach programs may be appointed as temporary surrogates until a surrogate can be appointed who meets all of the requirements.

8. The surrogate parent may represent the student in all matters relating to the identification, evaluation, and educational placement of the student, and the provision of a FAPE to the student.
9. The USBE and Promontory School of Expeditionary Learning staff must make reasonable efforts to ensure the assignment of a surrogate parent not more than 30 calendar days after Promontory School of Expeditionary Learning determines the student needs a surrogate.

#### **IV.U. TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY (34 CFR §**

### **300.520; RULES IV.U.)**

1. When a student with a disability reaches the age of majority under State law (i.e., age 18) that applies to all students, except for a student with a disability who has been determined to be incompetent under State law, or the student with a disability marries or becomes emancipated:
  - a. Promontory School of Expeditionary Learning must provide any notice required by Part B of the IDEA to both the individual and the parent(s); and
  - b. All other rights accorded to parents under Part B of the IDEA transfer to the student;
  - c. All rights accorded to parents under Part B of the IDEA transfer to students who are incarcerated in an adult or juvenile State or local correctional institution; and
  - d. Whenever a state transfers rights, Promontory School of Expeditionary Learning must notify the individual and the parent(s) of the transfer of rights within a reasonable time frame.

### **IV.V. CONFIDENTIALITY (34 CFR § 300.610; R277-487; RULES IV.V.)**

Promontory School of Expeditionary Learning takes appropriate steps to ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the LEAs pursuant to Part B of the IDEA and R277-487.

1. Definitions (34 CFR § 300.611).

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As used in these procedural safeguards:

- a. *Destruction* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
- b. *Education records* means the type of records covered under the definition of “education records” in 34 CFR § 99, implementing regulations for the Family Educational Rights and Privacy Act of 1974, 20 USC § 1232g (FERPA).
- c. *Participating agency* means any agency or institution that collects, maintains, or uses personally identifiable information (PII), or from which information is obtained, under Part B of the IDEA.

2. Notice to parent(s) or adult student (34 CFR § 300.612).

- a. Promontory School of Expeditionary Learning must give notice that is adequate to fully inform parent(s) or adult students, including:
  - (1) A description of the extent that the notice is given in the native languages of the various population groups in the State;
  - (2) A description of the students on whom PII is maintained, the types of information sought, the methods Promontory School of Expeditionary Learning intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;
  - (3) A summary of the policies and procedures Promontory School of Expeditionary Learning must follow regarding storage, disclosure to third parties, retention, and destruction of PII; and
  - (4) A description of all of the rights of parents and students regarding this information, including the rights under FERPA.
3. Before any major identification, location, or evaluation activity, the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents or adult students throughout Promontory School of Expeditionary Learning of the activity.
4. Access rights (34 CFR § 300.613).
  - a. Promontory School of Expeditionary Learning must permit parents or adult students to inspect and review any education records relating to their student or themselves that are collected, maintained, or used by the LEA. Promontory School of Expeditionary Learning must comply with a request without unnecessary delay and

before any meeting regarding an IEP, or any hearing or resolution session, and in no case more than 45 calendar days after the request has been made.

- b. The right to inspect and review education records under this section includes:
  - (1) The right to a response from Promontory School of Expeditionary Learning to reasonable requests for explanations and interpretations of the records;
  - (2) The right to request that Promontory School of Expeditionary Learning provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent or adult student from exercising the right to inspect and review the records; and

(3) The right to have a representative of the parent or adult student inspect and review the records.

c. Promontory School of Expeditionary Learning may presume that the parent(s) or adult student has authority to inspect and review records relating to his/her student unless Promontory School of Expeditionary Learning has been advised that the parent(s) does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

5. Record of access (34 CFR § 300.614).

Promontory School of Expeditionary Learning must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA and the Rules (except access by parents or adult students and authorized employees of the LEA), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

6. Records on more than one student (34 CFR § 300.615).

If any education record includes information on more than one student, the parent(s) of those students or the adult students have the right to inspect and review only the information relating to their student or themselves or to be informed of that specific information.

7. List of types and locations of information (34 CFR § 300.616).

On request, Promontory School of Expeditionary Learning must provide parents or adult students with a list of the types and locations of education records collected, maintained, or used by the LEA.

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8. Fees (34 CFR § 300.617).

a. Promontory School of Expeditionary Learning may charge a fee for copies of records that are made for parent(s) or adult students under Part B of the IDEA if the fee does not effectively prevent the parent(s) or adult students from exercising their right to inspect and review those records.

b. The USBE staff and an LEA may not charge a fee to search for or to retrieve information under Part B of the IDEA.

9. Amendment of records at parent's(s') request (34 CFR § 300.618).

- a. A parent or adult student who believes that information in the education records collected, maintained, or used under Part B of the IDEA or Rules is inaccurate or misleading or violates the privacy or other rights of the student may request Promontory School of Expeditionary Learning to amend the information.
  - b. Promontory School of Expeditionary Learning must decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.
  - c. If Promontory School of Expeditionary Learning decides to refuse to amend the information in accordance with the request, it must inform the parent or adult student of the refusal and advise the parent(s) or adult student of the right to a hearing on the matter.
10. Opportunity for a hearing (34 CFR § 300.619).
- a. Promontory School of Expeditionary Learning must, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. This hearing is not an IDEA due process complaint/hearing.
11. Result of hearing (34 CFR § 300.620).
- a. If, as a result of the hearing, Promontory School of Expeditionary Learning decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it must amend the information accordingly and so inform the parent(s) or adult student in writing.
  - b. If, as a result of the hearing, Promontory School of Expeditionary Learning decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it must inform the parent(s) or adult student
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- c. Any explanation placed in the records of the student under this section must:
    - (1) Be maintained by the LEA as part of the records of the student as long as the record or contested portion is maintained by the LEA; and
    - (2) If the records of the student or the contested portion are disclosed by the LEA to

any party, the explanation must also be disclosed to the party.

12. Hearing procedures (34 CFR § 300.621).

A hearing that challenges education records must be conducted according to the procedures under 34 CFR § 99.22 as described below. At a minimum, Promontory School of Expeditionary Learning's hearing procedures must adhere to the following requirements:

- a. The hearing shall be held within a reasonable period of time after the LEA receives the request, and the parent(s) of the student or adult student shall be given notice of the date, place, and time reasonably in advance of the hearing.
- b. The hearing may be conducted by any party, including an official of the LEA, who does not have a direct interest in the outcome of the hearing.
- c. The parent(s) of the student or adult student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or be represented by individuals of his/her choice at his/her own expense, including an attorney.
- d. The LEA shall make its decision in writing within a reasonable period of time after the conclusion of the hearing.
- e. The decision of the LEA shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

13. Consent (34 CFR § 300.622).

- a. Except as to disclosures addressed in referral to and action by law enforcement and judicial authorities, for which parental consent is not required by 34 CFR § 99, parental or adult student consent must be obtained before PII is:

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(1) Disclosed to anyone other than officials of participating agencies collecting or using the information under Part B of the IDEA or the Rules, or

(2) Used for any purpose other than meeting a requirement of Part B of the IDEA or the Rules.

- b. Promontory School of Expeditionary Learning may not release information from education records to participating agencies without parental or adult student



consent unless authorized to do so by 34 CFR §§ 99.31 and 99.34 (FERPA):

- (1) Regulation 34 CFR § 99.31 allows an LEA to disclose personally identifiable information from the education records of a student without the written consent of the parent(s) of the student or adult student, if the disclosure is:
    - (a) To other school officials, including teachers within the LEA who have been determined by the LEA to have legitimate educational interests.
    - (b) To officials of another school or school site in which the student seeks or intends to enroll, subject to the requirements set forth in 34 CFR § 99.34 below.
  - (2) Regulation 34 CFR § 99.34 requires that an LEA transferring the education records of a student pursuant to 34 CFR § 99.34 above shall make a reasonable attempt to notify the parent of the student or adult student of the transfer of records at the last known address of the parent or adult student, except that the LEA does not have to provide any further notice of the transfer of records when:
    - (a) The transfer is initiated by the parent(s) or adult student at the sending LEA.
    - (b) Promontory School of Expeditionary Learning includes in its annual notice of procedural safeguards, that it is the policy of the LEA to forward education records on request to a school in which a student seeks or intends to enroll.
    - (c) Promontory School of Expeditionary Learning transferring the records must keep a copy of the records for three years after the transfer.
- c. Promontory School of Expeditionary Learning , upon receiving PII from another educational agency or institution, may make further disclosure of the information on behalf of the LEA without the prior written consent of the parent(s) or adult student if the conditions of 34 CFR §§ 99.31 and 99.34 noted above are met, and if the educational agency informs the party to whom disclosure is made of these requirements.

- d. If the parent(s) or adult student refuses consent for the release of PII to a third party, then that party may proceed with statutory procedures in an effort to obtain the desired information.

Note: As authorized in 34 CFR § 99.31 (FERPA), Promontory School of Expeditionary

Learning includes in the annual procedural safeguards notice that it is their policy to forward educational records of a student with disabilities without parental or adult student consent or notice to officials of another school or school district in which a student seeks or intends to enroll.

14. Safeguards (34 CFR § 300.623).

- a. Promontory School of Expeditionary Learning must protect the confidentiality of PII at collection, storage, disclosure, and destruction stages.
- b. One official at each LEA must assume responsibility for ensuring the confidentiality of any PII.
- c. All persons at Promontory School of Expeditionary Learning collecting or using PII must receive training or instruction regarding the State's policies and procedures in Rules IV.V. and 34 CFR § 99.
- d. Promontory School of Expeditionary Learning must maintain, for public inspection, a current listing of the names and positions of those employees within the LEA who may have access to personally identifiable information on students with disabilities.

15. Destruction of information (34 CFR § 300.624).

- a. Promontory School of Expeditionary Learning must inform parents or adult student when PII collected, maintained, or used under Part B of the IDEA and Rules is no longer needed to provide educational services to the student.
- b. The information no longer needed must be destroyed at the request of the parent(s) or adult student. However, a permanent record of a student's name, address, phone number, his/her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.
- c. Each student's records may be considered "no longer needed to provide educational services" and may be destroyed three years after the student graduates or three years after the student turns 22 under IDEA. Medicaid requires that records be maintained for at least five years after the provision of services.

16. Students' rights (34 CFR § 300.625).

- a. The rights of privacy afforded to parent(s) are transferred to the student who reaches the age of 18, providing the student has not been declared incompetent by a court order or the student has married or become emancipated.

b. Under the regulations for FERPA at 34 CFR § 99.5(a), the rights of parent(s) regarding education records are transferred to the student at age 18, providing the student has not been declared incompetent by a court order or the student has married or become emancipated.

c. Because the rights accorded to parents under Part B of the IDEA are transferred to a student who reaches the age of 18, providing the student has not been declared incompetent by a court order or the student has married or become emancipated, the rights regarding educational records must also be transferred to the student. However, Promontory School of Expeditionary Learning must provide any notice required under Section 615 of Part B of the IDEA to the student and the parent(s).

17. Enforcement (34 CFR § 300.626).

The confidentiality requirements of Part B of the IDEA are reviewed and approved as part of Promontory School of Expeditionary Learning eligibility process.

18. U.S. Department of Education use of PII (34 CFR § 300.627).

If the U.S. Department of Education or its authorized representatives collect any PII regarding students with disabilities that is not subject to the Privacy Act of 1974, 5 USC § 552a, the Secretary of Education (Secretary hereafter) applies the applicable Federal statute, and the regulations implementing those provisions in 34 CFR § 5b.

**V.A. DISCIPLINE PROCEDURES FOR  
STUDENTS WITH DISABILITIES  
(RULES V.A.)**

Consistent with the requirements of Part B of the IDEA and the Rules, Promontory School of Expeditionary Learning shall establish, maintain, and implement the following policies and procedures for disciplining students with disabilities.

**V.B. AUTHORITY OF SCHOOL  
PERSONNEL (34 CFR §  
300.530(A–C); RULES V.B.)**

1. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a student with a disability who violates a code of student conduct.
2. School personnel may remove a student with a disability who violates a code of student conduct from his/her current placement to an appropriate interim alternative educational setting (IAES), another setting, or suspension, for not more than ten consecutive school days (to the extent those alternatives are applied to students without disabilities), and for additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
3. After a student with a disability has been removed from his/her current placement for ten school days in the same school year, during any subsequent days of removal Promontory School of Expeditionary Learning must provide services to the extent required.
4. For disciplinary changes in placement that would exceed ten consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to students with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities,

LEA must provide services to the student.

**V.C. SERVICES (34 CFR § 300.530(d);  
RULES V.C.)**

1. A student with a disability who is removed from the student's current placement must:
  - a. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP; and
  - b. Receive, as appropriate, a functional behavior assessment, and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.
2. The services may be provided in an IAES.
3. Promontory School of Expeditionary Learning is only required to provide services during periods of removal to a student with a disability who has been removed from his/her current placement for ten school days or less in that school year if it also provides services to a student without disabilities who is similarly removed.
4. After a student with a disability has been removed from his/her current placement for ten school days in the same school year, if the current removal is for not more than ten consecutive school days and is not a change of placement, school personnel, in consultation with at least one of the student's teachers, determine the extent to which services are needed, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.
5. If the removal is a change of placement, the student's IEP Team determines appropriate services to be provided during the removal.

**V.D. CHANGE OF PLACEMENT DUE TO  
DISCIPLINARY REMOVALS (34  
CFR § 300.536; RULES V.D.)**

1. For purposes of removals of a student with a disability from the student's current educational placement, a change of placement occurs if:

- a. The removal is for more than ten consecutive school days; or
  - b. The student has been subjected to a series of removals that constitute a pattern: (1) Because the series of removals total more than ten school days in a school year;  
(2) Because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and  
(3) Because of such additional factors as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.
2. Promontory School of Expeditionary Learning determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

#### **V.E. MANIFESTATION**

#### **DETERMINATION (34 CFR § 300.530(E); RULES V.E.)**

1. Within ten school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct, Promontory School of Expeditionary Learning, the parent(s) or adult student, and relevant members of the student's IEP Team (as determined by the parent(s) or adult student and the LEA) must review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parent(s) or adult student to determine:
  - a. If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
  - b. If the conduct in question was the direct result of the LEA's failure to implement the IEP.
2. The conduct must be determined to be a manifestation of the student's disability if Promontory School of Expeditionary Learning, the parent(s) or adult student, and relevant members of the student's IEP Team determine that the misconduct was caused by or had a direct and substantial relationship to the student's disability, or was the direct result of the LEA's failure to implement the IEP.

3. If Promontory School of Expeditionary Learning , the parent(s) or adult student, and relevant members of the student's IEP Team determine that the misconduct was the direct result of the LEA's failure to implement the IEP, the LEA must take immediate steps to remedy those deficiencies.
4. If Promontory School of Expeditionary Learning , the parent(s) or adult student, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the student's disability, the IEP Team must either:
  - a. Conduct a functional behavior assessment (FBA), unless Promontory School of Expeditionary Learning had conducted a FBA before the behavior that resulted in the change of placement occurred, and implement a behavior intervention plan (BIP) for the student; or
  - b. If a BIP has already been developed, review the BIP, and modify it, as necessary, to address the behavior; and
  - c. Unless the misconduct falls under the definition of special circumstances in Rules V.E.5, return the student to the placement from which the student was removed, unless the parent or adult student and the LEA agree to a change of placement as part of the modification of the behavior intervention plan.

5. Special circumstances.

School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

- a. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an LEA;
- b. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an LEA, or
- c. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an LEA.

6. Definitions.

For purposes of this section, the following definitions apply:

- a. *Controlled substance* means a drug or other substance that cannot be distributed without a prescription, identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).
- b. *Illegal drug* means a controlled substance but does not include a drug controlled, possessed, or used under the supervision of a licensed health-care professional or one legally possessed or used under the Controlled Substances Act or under any other provision of Federal law (21 USC § 812).
- c. *Serious bodily injury* means bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty (18 USC § 1365). Serious bodily injury does not include a cut, abrasion, bruise, burn, disfigurement, physical pain, illness, or impairment of the function of a bodily member, organ or mental faculty that is temporary (20 USC § 1365).
- d. *Weapon* means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches (18 USC § 930).

## **V.F. PROCEDURAL SAFEGUARDS**

### **NOTICE (34 CFR § 300.530; RULES V.F.)**

On the date on which the decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, Promontory School of Expeditionary Learning must notify the parent(s) or adult student of that decision, and provide the parent(s) or adult student the procedural safeguards notice.

### **V.G. DETERMINATION OF SETTING (34 CFR § 300.531; RULES V.G.)**

The student's IEP Team determines the IAES for services if the behavior that gives rise to the removal is not a manifestation of the student's disability, the removal constitutes a change of placement, or the behavior falls under the special circumstances in USBE V.E.5.



**V.H. APPEALS BY PARENT OR LEA (34  
CFR § 300.532; RULES V.H.)**

1. The parent(s) of a student with a disability or adult student who disagrees with any decision regarding placement or the manifestation determination, or an LEA that believes that maintaining the current placement of the student is substantially likely to result in injury to the student or others, may appeal the decision by filing a due process hearing complaint.
2. Authority of hearing officer.
  - a. A due process hearing officer hears and makes a determination regarding an appeal.
  - b. In making the determination, the hearing officer may:
    - (1) Return the student with a disability to the placement from which the student was removed if the hearing officer determines that the removal was a violation of the discipline procedures under Part B of the IDEA or the Rules or that the student's behavior was a manifestation of the student's disability; or
    - (2) Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.
  - c. The appeal procedures may be repeated if Promontory School of Expeditionary Learning believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
3. Expedited due process hearing.
  - a. Whenever a hearing is requested, the parent(s) or adult student or Promontory School of Expeditionary Learning must have an opportunity for an impartial due process hearing.
  - b. Promontory School of Expeditionary Learning is responsible for arranging the expedited due process hearing with the State Director of Special Education, which must occur within 20 school days of the date the complaint requesting the hearing is filed. The hearing officer must make a determination within ten school days after the hearing.

- c. Unless the parent(s) or adult student and Promontory School of Expeditionary Learning agree in writing to waive the resolution meeting, or agree to use mediation:
- (1) A resolution meeting must occur within seven calendar days of receiving notice of the due process complaint; and
  - (2) The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 calendar days of the receipt of the due process complaint.
- d. The decisions on expedited due process hearings are final, unless meeting the requirements of 34 CFR § 300.514(b) or 34 CFR § 300.516.

#### **V.I. PLACEMENT DURING APPEALS**

**(34 CFR § 300.533; RULES V.I.)**

When an appeal through a due process complaint has been made by either the parent or adult student or Promontory School of Expeditionary Learning, the student must remain in the IAES pending the decision of the hearing officer or until the expiration of the time period specified, whichever occurs first, unless the parent(s) or adult student and the SEA or LEA agree otherwise.

#### **V.J. PROTECTIONS FOR STUDENTS**

**NOT DETERMINED ELIGIBLE FOR  
SPECIAL EDUCATION AND  
RELATED SERVICES (34 CFR §  
300.534; RULES V.J.)**

1. A student who has not been determined to be eligible for special education and related services under Part B of the IDEA, and who has engaged in behavior that violated a code of student conduct, may assert any of the protections provided for in this part if Promontory School of Expeditionary Learning had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.

2. Promontory School of Expeditionary Learning must be deemed to have knowledge that a student is a student with a disability if, before the behavior that precipitated the disciplinary action occurred:
  - a. The parent(s) of the student or adult student expressed concern in writing to supervisory or administrative personnel of Promontory School of Expeditionary Learning , or a teacher of the student, that the student is in need of special education and related services;
  - b. The parent(s) of the student or adult student requested an evaluation of the student;  
or
  - c. The teacher of the student, or other personnel of Promontory School of Expeditionary Learning , expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education of the LEA or to other supervisory personnel of the LEA.
3. Promontory School of Expeditionary Learning would not be deemed to have knowledge that a student is a student with a disability if:
  - a. The parent(s) of the student or the adult student:
    - (1) Has not allowed an evaluation of the student; or
    - (2) Has refused services under this part; or
  - b. The student has been evaluated in accordance with and determined to not be a student with a disability under Part B of the IDEA.
4. If Promontory School of Expeditionary Learning does not have knowledge that a student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the disciplinary measures applied to students without disabilities who engage in comparable behaviors.
  - a. If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.
    - (1) Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.
    - (2) If the student is determined to be a student with a disability, taking into consideration information from the evaluation conducted by Promontory

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of Expeditionary Learning and information provided by the parent(s) or adult student, the LEA must provide special education and related services.

**V.K. REFERRAL TO AND ACTION BY  
LAW ENFORCEMENT AND  
JUDICIAL AUTHORITIES (34 CFR §  
300.535; RULES V.K.)**

1. Nothing in Part B of the IDEA prohibits Promontory School of Expeditionary Learning from reporting a crime committed by a student with a disability to appropriate authorities or prevents State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a student with a disability.
2. Transmittal of records.
  - a. If Promontory School of Expeditionary Learning reports a crime committed by a student with a disability, it must ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom the LEA reports the crime.
  - b. If Promontory School of Expeditionary Learning reports a crime under this section, it may transmit copies of the student's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

## VI. STUDENTS WITH DISABILITIES IN OTHER SETTINGS

### VI.A. PRIVATE SCHOOL PLACEMENTS

#### BY LEAs (34 CFR § 300.325; RULES VI.A.)

1. Developing IEPs.
  - a. Before Promontory School of Expeditionary Learning places a student with a disability in, or refers a student to, a private school or facility, Promontory School of Expeditionary Learning must initiate and conduct a meeting to develop an IEP for the student in accordance with Part B of the IDEA and the Rules.
  - b. Promontory School of Expeditionary Learning must ensure that a representative of the private school or facility attends the meeting. If the representative cannot attend, the LEA must use other methods to ensure participation by the private school or facility, including individual or conference telephone calls or video conferencing.
2. Reviewing and revising IEPs.
  - a. After a student with a disability is placed in a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of Promontory School of Expeditionary Learning .
  - b. If the private school or facility initiates and conducts these meetings, Promontory School of Expeditionary Learning must ensure that the parent(s) or adult student and an LEA representative:
    - (1) Are involved in any decisions about the student's IEP; and
    - (2) Agree to any proposed changes in the IEP before those changes are implemented.
3. Even if a private school or facility implements a student's IEP, responsibility for compliance with this part remains with Promontory School of Expeditionary Learning and the USBE.
4. Residential placement (34 CFR § 300.104).

If placement in a public or private residential program is necessary to provide special education and related services to a student with a disability, the program,

including

non-medical care and room and board, must be at no cost to the parent(s) of the student or adult student.

**VI.B. STUDENTS WITH DISABILITIES  
ENROLLED BY THEIR PARENT(S)  
IN PRIVATE SCHOOLS WHEN  
FAPE IS AT ISSUE (34 CFR §  
300.148; RULES VI.C.)**

1. Promontory School of Expeditionary Learning is not required to pay for the cost of education, including special education and related services, of a student with a disability at a private school or facility if that LEA made a FAPE available to the student and the parent(s) or adult student elected to place the student in a private school or facility.
2. Disagreements between the parent(s) or adult student and an LEA regarding the availability of a program appropriate for the student, and the question of financial reimbursement, are subject to the State complaint and due process procedures in the Rules IV.G.–R.
3. If the parent(s) of a student with a disability or adult student, who previously received special education and related services under the authority of Promontory School of Expeditionary Learning, enroll the student in a private preschool, elementary school, or secondary school without the consent of or referral by the LEA, a court or a hearing officer may require the LEA to reimburse the parent(s) or adult student for the cost of that enrollment if the court or hearing officer finds that the LEA had not made a FAPE available to the student in a timely manner prior to that enrollment and that the private placement is appropriate. A parental placement may be found to be appropriate by a hearing officer or a court even if it does not meet the State standards that apply to education provided by the USBE and LEAs.
4. The cost of reimbursement may be reduced or denied if:
  - a. At the most recent IEP Team meeting that the parent(s) or adult student attended prior to removal of the student from the public school, the parent(s) or adult student did not inform the IEP Team that they were rejecting the placement proposed by the LEA to provide a FAPE to the student, including stating their

concerns and their intent to enroll their student in a private school at public expense; or

- b. At least ten business days (including any holidays that occur on a business day) prior to the removal of the student from the public school, the parent(s) or adult student did not give written notice to the LEA of the information described in the Rules VI.C.4.a;
  - c. Prior to the parent's(s') or adult student's removal of the student from the public school, the LEA informed the parent(s) or adult student, through the prior written notice requirements, of its intent to evaluate the student (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parent(s) or adult student did not make the student available for the evaluation; or
  - d. Upon a judicial finding of unreasonableness with respect to actions taken by the parent(s) or adult student.
5. Notwithstanding the requirements for the parent(s) or adult student to provide notice to Promontory School of Expeditionary Learning prior to removal of the student, the cost of reimbursement:
- a. Must not be reduced or denied for failure to provide the notice if:
    - (1) The school prevented the parent(s) or adult student from providing the notice;
    - (2) The parent(s) or adult student had not received prior written notice of the notice requirement in Rules VI.C.4.a–c; or
    - (3) Compliance with the notice requirements in Rules VI.C.4.a.–c. would likely result in physical harm to the student; and
  - b. May, in the discretion of the court or a hearing officer, not be reduced or denied for failure to provide this notice if:
    - (1) The parent(s) or adult student are not literate or cannot write in English; or
    - (2) Compliance with Rule VI.C.4.a.–c. would likely result in serious emotional harm to the student.

**VI.C. STUDENTS WITH DISABILITIES  
ENROLLED IN HOME SCHOOL.**

**(RULES VI.D.)**

1. Dual enrollment (R277-438 and UCA 53G-6-702).

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- a. A student with a disability who is simultaneously enrolled in both home school or private school and a public school is considered a dual enrollment student.
- b. A student with a disability seeking dual enrollment is entitled to special education and related services, under an IEP, for the time, or for the number of courses, the student is enrolled in the public school, based on the decision of the student's IEP Team. The IEP Team must consider the amount of time and courses needed for the provision of FAPE.

2. Home schools do not meet the definition of private schools (R277-438). **VI.D.**

**STUDENTS WITH DISABILITIES**

**ENROLLED IN VIRTUAL SETTINGS**

**(RULES VI.F.)**

1. Students with disabilities enrolled in public education virtual settings remain entitled to special education and related services until determined no longer meeting eligibility criteria, graduate with a regular high school diploma, or reach maximum age.
2. The responsibility for FAPE for students with disabilities enrolled in public education virtual settings remains with the LEA of enrollment, unless Board Rule specifies otherwise.

**VI.E. STUDENTS WITH DISABILITIES**

**WHO ARE ALSO IN STATE**

**CUSTODY/CARE (UCA**

**62A-4A-701; R277-709; RULES**

**VI.K.)**

1. The obligation to make FAPE available in the LRE, including special education and related services under Part B of the IDEA and these Rules, applies to all students with disabilities in state custody/care.



2. All requirements of these Rules apply to students with disabilities in State custody/care, including child find, LRE, and continuum of alternative placements.
3. Special education programs provided through youth in custody programs shall be monitored, through regular site monitoring visits and monthly desk monitoring on an annual basis, as directed by USBE (R277-709).

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4. The USBE will develop and implement a Memorandum of Understanding (MOU) with other State agencies responsible for placing students in State custody/care across LEAs or in private facilities. The MOU will address, at a minimum, payment for education and special education services, timelines for placement, and notification of LEAs of changes in placement, and assign responsibility for FAPE.
5. LEAs must develop and implement a Memorandum of Understanding (MOU), policies, and procedures to address the process and timelines for interstate and intrastate transfers of students with disabilities in State custody/care, including the transfer of special education files, including the IEP, and the implementation of the IEP and provision of FAPE in the LRE, even in temporary placements.
  - a. The LEA transferring the records must keep a copy of the records for three years after the transfer.

**VI.F. STUDENTS WITH DISABILITIES  
WHO RESIDE IN NURSING  
HOMES (RULES VI.L)**

1. Students with disabilities residing in nursing homes and their parent(s) or adult students have the same rights under IDEA as all other IDEA-eligible students with disabilities.

## VII. TRANSITIONS (34 CFR § 300.1; RULES VII.)

### VII.A. TRANSITION SERVICES—SCHOOL TO POST-SCHOOL (RULES VII.B.)

#### 1. Purpose (34 CFR § 300.1; Rules VII.B.1.)

To ensure that all students with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.

#### 2. Definition (34 CFR § 300.43; Rules VII.B.2.)

a. *Transition services* means a coordinated set of activities for a student with a disability that:

(1) Is designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the student with a disability, to facilitate the student's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

(2) Is based on the individual student's needs, taking into account the student's strengths, preferences, and interests, and includes:

(a) Instruction;

(b) Related services;

(c) Community experiences;

(d) The development of employment and other post-school adult living objectives; and

(e) If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

b. Transition services for students with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a student with a disability to benefit from special education.



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## Purpose

The purpose of this policy is to be a guidepost for the instructional structures at Promontory School of Expeditionary Learning. Using this policy, trustees, administration, teachers, faculty, and parents can work together to create and strengthen a unique and effective learning environment for all students.

## WHO WE ARE

### About Us

Promontory School is committed to providing quality educational resources that support our mission, vision statement, and curricular emphasis. The resources needed are reevaluated and revised, as necessary, to do so.

Our chosen instructional emphasis is learning through expeditions and the study of Great Thinkers. Both support our mission and vision statements.

Students who come to Promontory School of Expeditionary Learning trade in passive learning practices such as rows of desks and fill-in-the blank worksheets for purposeful hands-on activity guided by meaningful, project-based instruction. Instruction is organized around learning expeditions that involve students in original research to create high-quality products for audiences beyond the classroom.

For all or most of the day, students and teachers are engaged in challenging learning expeditions that explore a topic or theme in depth. Their studies call for intellectual inquiry, physical exploration, and community service. Students are given the opportunity to demonstrate excellence and produce high-quality work through multiple drafts and critiques and learn to give and receive kind, helpful and specific feedback in peer review protocols. On a given day, their exploration may take them outside the school building to do environmental research, conduct interviews in local businesses, or carry out other fieldwork assignments.

Each day provides opportunities for quiet reflection; time for students to write in their journals, gather their thoughts, and reflect on what they have learned.

Students work individually, in small groups, and as members of their “crews” (see also Crew). Together they learn to draw on the strengths of the whole class.

Teachers are provided extensive professional development and resources to equip them with innovative, research-based methods to enhance experiential, hands-on learning. At Promontory, teachers work closely together and use peer observation as well as learning walks to learn from one another and enrich their teaching. They also work closely with other colleagues throughout neighboring states. Teacher development and

collaboration across disciplines is essential in order to offer our students the

best education possible.

Promontory School implements a comprehensive teaching model using proven best practices in education. Ongoing professional development will be determined by faculty and administration based on school goals. Professional development will be conducted both on- and off-site.

A yearlong calendar and the daily schedule accommodate community meetings and events, crew time, flexible groupings of students, project work, off-campus research and fieldwork, and service learning. Leaders create a professional learning calendar that allows for regular time in which teachers collaborate across grade levels and subject areas, share in leadership responsibilities, and attend whole-school professional learning.

Families are encouraged to actively participate in their student's educational experience at Promontory School. A detailed calendar listing events such as overnight campouts, student-led conferences, etc. and a glossary of school terms will be made available online and in the office. Promontory School believes that parent involvement is vital to a successful school and optimal student achievement. Because of this it is expected that each family will contribute thirty volunteer hours a year.

## **Mission**

The mission of Promontory School of Expeditionary Learning is to provide a rich educational environment that views learning as an expedition and uses the study of Great Thinkers to cultivate the value of excellence and the love of knowledge.

Using investigation and discovery to make connections to ideas and our community, we empower children to embrace challenge, act with humanity, and become the Great Thinkers of the 21st century.

## **Vision**

Promontory provides a rich and active, yet fundamental, educational program to children in grades kindergarten through eight.

We believe that all children can and want to learn, and we prepare our students to become knowing inquirers and participants in their own learning.

In meeting our mission, we set high expectations for student achievement and provide the necessary support to enable each and every student to achieve these expectations.

literacy, character growth, and teamwork through:

- Learning Expeditions - in-depth investigations of important subjects that mirror real-life challenges, and
- Studying Great Thinkers - significant experts, both living and historical.

## Values

The values that govern our board, administration, staff, students, and school community are referred to at Promontory by the acronym RISE FAR. RISE FAR is an intricate part of our school day, culture, learning targets and daily interactions. Our school values are an integral part of each expedition. Each of the values is important and thus care should be taken to include them all in our planning and avoid an overemphasis on one value and neglect of another. We strive for balance in our implementation of our school values.

**RISE FAR stands for the following:**

### Respect

Respect is an awareness of another person's feelings, possessions, time, space, and rights, and an ability to adjust our own responses accordingly - in a way which protects and esteems both ourselves and others.

***Respect for ourselves guides our morals; respect for others guides our manners.***

*Laurence Sterne*

### Integrity

Integrity means being true to what we know is right and good. Integrity is at the core of all our values. Without integrity, the other values can never be fully realized.

***Have the courage to say no. Have the courage to face the truth. Do the right thing because it is right. These are the magic keys to living your life with integrity.***

*W. Clement Stone*

### Service

Service means seeing beyond ourselves as we immerse ourselves in giving



something of value to someone else and is vital to the development of good leaders and citizens.

***I know of no great men except those who have rendered great service to the human race.***

*Voltaire*

## **Excellence**

We believe students and teachers should be challenged, will naturally rise to the high standards expected of them, and will then set their own high expectations.

***We are what we repeatedly do. Excellence, then, is not an act, but a habit.***

*Aristotle*

## **Family**

We believe that the greatest influences in shaping a child's future are the experiences and teachings that happen in the home. As a school, we strive to help the family succeed.

***As the family goes, so goes the nation and so goes the whole world in which we live.***

*Pope John Paul II*

## **Adventure**

Learning through adventure creates an engaging environment where students are required to rise to the challenge, achieving more than they thought possible. Adventure encourages teamwork, courage, craftsmanship, imagination, creativity, perseverance, compassion, and respect for nature. We provide adventure through challenging, exciting, character-building experiences as a part of our everyday learning environment.

***We should come from adventures, and perils, and discoveries every day with new experience and character.***

*Henry David Thoreau*

## **Responsibility**

Responsibility means doing what needs to be done to take care of ourselves, our families, our friends, and the greater community. Being responsible means that others can rely on us, that we follow through on our promises, and accept the consequences of our actions.

***In the long run, we shape our lives, and we shape ourselves. The process never ends until we die. And the choices we make are ultimately our own responsibility.***

*Eleanor Roosevelt*

## **FOCUS**

### **Great Thinkers**

Great Thinkers across all disciplines have inspired students through the centuries. Promontory School believes there is exceptional value in studying significant experts, or Great Thinkers, both living and historical. Promontory students study the words and works of Great Thinkers by delving into expeditions with original research and discovering the treasures left to us by Great Thinkers, such as Aristotle, Handel, Eleanor Roosevelt, and Abraham Lincoln. The more students study Great Thinkers, the more they learn to identify greatness, and begin to understand how to identify greatness in themselves.

The Great Thinker policy developed and overseen by the Promontory Board of Trustees is a guide used by administration and faculty to intentionally develop learning expeditions using the study of Great Thinkers (See Great Thinkers Policy).

### **Learning Expeditions**

Learning expeditions are our signature instructional structure and drive our teaching. An expedition is a long-term, in-depth study of a topic that engages students in real-world learning and inspires students toward higher levels of academic achievement. The work students do within learning expeditions centers on critical thinking, essential skills and habits, and character development. Expeditions include compelling topics and guiding questions that create a “need to know” in each student. Depth, rather than breadth, is emphasized.

Each school year students will have the opportunity to be engaged in no less than two expeditions per year. The topic is chosen by teachers and studied as a community of grade-level classes.

State curriculum standards are met throughout expeditions through a variety of methods, including but not limited to: a compelling topic, kickoff experience, great thinkers, visiting experts, fieldwork, service learning, and celebrations of learning.

Learning expeditions are planned and designed by teachers with director oversight, are approved by the board of trustees, and should include the key elements listed above.

### **Flexible Scheduled Learning Blocks.**

Expeditions work best when time is structured with flexibility to allow attention to the needs of students who may be engrossed in research,

projects, and authentic learning. Extended blocks of class time are provided to aid with the commitment to interdisciplinary learning, opportunities for student fieldwork and service beyond the classroom, challenging curriculum, and common planning time for grade-level teaching teams.

## **Arts**

The Arts are a crucial component at Promontory School and are used as a vehicle for studying expedition topics. (See also “The Arts”).

## **CULTURE AND LEARNING ENVIRONMENT**

### **Crew and Morning Meeting**

#### **“We are crew, not passengers.”**

At Promontory School, we strive to create a culture of unity and inclusion, a place where students feel they belong and are safe to learn, participate in adventure, and succeed. Crew is a large part of creating this culture. Staff, students, and families learn together, pull together, and teach one another as crew. More than a traditional classroom, crew creates a tight-knit unit. That unit begins each day with a meeting in the morning. This is a time when teachers and their students come together as crew to team build, support each other’s learning and growth, shape and reshape culture, and build meaningful relationships with peers and the crew leader. Crews also use this time to reflect on and monitor academic progress, and to focus on character development. Closing crew is a bookend to the day, a time when we come together as a crew to process the day, reflect on learning and growth, and resolve conflicts.

The culture of crew impels all members of a school community to work together as a team, to pitch in, to serve and help others. Staff, families, and students help their colleagues and peers get up the mountain together - individual success is not enough. Crew helps develop relationships between students and staff so that each student feels supported academically, socially and emotionally. Through crew, students

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can develop skills of confidence, compassion, listening, and collaboration as well as speaking well in front of a group. The skills learned in crew will benefit students throughout their lives and support them as they move forward into their roles as the Great Thinkers of tomorrow.

Students meet in individual classroom crews, in Super Crews (all four classrooms in a learning community) and as Mega Crew (whole school assemblies).

Student crews will be supported by parent and teacher crews, fostering a school wide sense of crew and community.

### **Authentic Products and Audiences**

Throughout each learning expedition, students work on multiple projects. The projects themselves are the means of learning important skills and content standards during the school day. They are not add-on enrichment activities offered after core learning has been completed, but rather the vehicle for learning. As students work on these projects, at times they will venture into the community to study and to serve in ways they never have before (See Service). Each learning expedition includes a high-quality, student created product that has real-world application and will be meaningful to the larger community.

As the students create these products, they are learning important skills for the future. They are better prepared to create quality work, tackle real-world problems, and create real-world solutions. They will develop critical thinking skills and a greater sense of caring for their community and the world around them as they connect and serve in authentic ways. This will better prepare them to be great thinkers of the future, leaders in the community, and caretakers of the world around us.

### **Mixed Age Classrooms**

Whenever possible, Promontory School provides students opportunities to learn in mixed-age classrooms. The classrooms are combined as follows: 1st and 2nd grades, 3rd and 4th grades, 5th and 6th grades, and 7th and 8th grades. While grade-level groups may be appropriate for state standard-based math and science, remaining in multi-age classrooms for most of the instructional day offers several benefits. Mentor relationships for both younger and older students provide unique socialization opportunities. Multi-age classrooms provide expanded opportunities to provide individually appropriate instruction, meeting the differentiation needs of more students. Lastly, but very importantly, multi-age groupings allow a student the chance to spend

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two years with one teacher, fostering deep and knowledgeable relationships between teachers and students, and teachers and families.

### **Heterogenous groupings**

Promontory School believes that whole-class homogenous leveling, or ability grouping, is harmful to students and learning. Mixed or heterogeneous classrooms have proven beneficial to students at all levels of academic performance. As both diversity and inclusion increase the richness of ideas, creative power, problem-solving ability, and respect for others, learning groups are heterogeneous. Differentiation is key to meeting the needs of every student in a mixed level classroom. This will include fluid grouping within the mixed level classroom. Sometimes children of similar levels will be instructed together in small groups. Other times, within the classroom, children of varying levels of mastery will be grouped

together. Smaller class sizes will be the overall aim to maximize student learning.

### **Student Led Conferences**

Student Led Conferences are held twice a year and are an opportunity for students to demonstrate and communicate to families and caregivers what they are working on, what they have learned, and what they have accomplished. Students present mastery of skills and knowledge, as well as character development. Student Led Conferences include drafts showing student growth that has resulted in high quality work.

Teachers and/or the director communicate in advance to notify parents, families, and caregivers when student-led conferences will be held. They also help parents, families, and caregivers understand the role of each member of the educational team: parent, teacher, and student.

### **Portfolios**

Portfolios are student created and maintained to track individual assessment performance and ongoing academic progress. Students include in their portfolios, draft work, reflections, and personal best. Examples of assessment tools within a portfolio are:

- Display sections to highlight significant work, project work and tests.
- Revision sections and written reflection areas to show their process of learning over a period of time.
- Individual student achievements and progress charts.

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- Rubrics for major projects and assignments.
- Gifts and talents section dedicated to keeping track of students' progression and helping them set and achieve challenging goals around their unique gifts.

The data collected for portfolios is in constant use as a tool for learning and drives student goal setting as well as future instruction. Teachers, students, and parents use the gathered information in curricular decisions based on their joint assessment of the student's progress and interest.

Teachers and crew help students prepare by assisting them in selecting work for their portfolios, encouraging reflection on and articulation of their growth and development, and helping them practice and present with confidence what they have accomplished and learned with confidence.

### **Intensives & Middle School Electives**

Promontory School of Expeditionary Learning dedicates time and space for intensives

two times a year. During intensives, regular studies are set aside, and students and teachers have the opportunity to explore a chosen topic in great depth all day, every day, for 3-10 days, as appropriate for the intensive topic and age group. Some topics are better studied in an intense, all-day manner where students can utilize tools and resources, go out in the community, and focus on larger projects, etc., without being bound by the normal daily schedule. Intensive topics may vary widely--from adventure simply for adventure's sake, to core curriculum not covered during the expeditions.

Intensives serve many purposes, including providing students opportunities to learn or do something that they would not experience if it was not for the intensive, to provide service, or to cover standards that have not been met through expeditions. Plans for intensives include a guiding question, learning targets, a scope and sequence of learning experiences (which could include fieldwork or expert speaker(s)), and a product.

Intensives are planned and designed by teachers with director oversight, are presented to the board of trustees, and should include the key elements listed above.

## Passages

A Passage is a presentation of a student's learning, prepared and shared by the student. Students in grades 2, 4, 6, and 8 prepare throughout the year for a Passage and have the opportunity to present their core subjects of learning, exemplary work, accomplishments, and growth. Beginning with 2nd grade, each passage experience builds one on another until at the close of students' 8th grade year they present their

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polished portfolios to a panel that may consist of parents, teachers, student alumni, a member of the community, as well as a student advocate.

In Passages, students articulate what they have learned, why it is important, and are responsible to present work samples from their portfolios as well as be able to:

- Identify learning targets
- Demonstrate level of mastery
- Identify specific revisions
- Reflect on and speak to their learning journey

This helps students to see the areas in which they've grown, obstacles they've overcome and celebrate their successes with others. Watching other students' passages and participating with comments and questions helps develop the culture of crew as they celebrate one another's successes and the obstacles they've overcome. The student passage also provides evidence that the student will be successful in the upcoming grade and contains concrete proof of the important skills and habits developed throughout the previous years. The passage showcases this learning and is

an important tradition at Promontory School as they advance to the next grade.

Teachers work with students to ensure their portfolios and passage presentations are on target and that the presentation environment is supportive. These portfolios show the progression from studying a “Great Thinker” in the expeditions to becoming a “Great Thinker.”

## **The Arts**

The arts are essential at Promontory School and will be used as a vehicle for learning. The arts are woven into the daily curriculum as well as an important part of our expeditions and final products. In learning expeditions, students have the opportunity to create, perform, and respond to a variety of art forms, and to connect the arts to expedition content. Our school is filled with student artwork displayed in a way that honors the work.

All students attend art classes. K- 4th grade students attend music class, and 5th through 8th grade students have the opportunity to choose an art elective in the form of a music class such as Orchestra or Choir.

## **Community**

The increase of a student’s learning opportunities does not end when a student chooses to come to Promontory School. Once inside, students learn that they will form

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partnerships with educators and, with guidance, will become responsible for their own learning. As students work as individuals and in groups, they find that their ideas matter and that their voices will be heard. Students venture into the community to study with local experts in ways that they never have before. They create tangible products with

each expedition which will be meaningful to an authentic audience, and that audience is often members of the community

Service is seeing beyond ourselves and immersing ourselves in giving something of value to someone else. Service is vital to the development of good leaders and citizens. Promontory School is designed to engage students in their community by having students interact directly with community leaders and members to develop plans for service projects. By doing so, students take ownership and pride in their contributions to their community.

Service learning, a teaching and learning strategy, is used to help connect students to the world beyond the school walls and integrate meaningful community service with instruction and reflection. Teachers purposefully incorporate service learning as an integral part of at least one learning expedition each year.

The development of the school's outdoor learning center not only provides an exceptional space for learning for our students; it is also inviting and useful for the community as they use it outside of school hours. We strive to be good neighbors by keeping our property clean and safe, and by creating spaces that are welcoming to community members.

Community is also promoted at Promontory School through Celebrations of Learning. Celebrations of Learning are held each semester for the authentic sharing of student learning with the community.

### **Celebrations of Learning**

Celebrations of Learning take place each semester to communicate student learning with parents and members of the community, making learning at Promontory School public. Invited guests have the opportunity to view quality expedition end products created by students and to listen and watch as students articulate their findings, their questions, and their learning journey.

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## **INSTRUCTIONAL PRIORITIES**

### **Professional Development**

Promontory School of Expeditionary Learning facilitates on-going professional development to faculty for the successful implementation of proven best practices that fulfill our vision and mission. Curriculum development and planning, student engagement, character development, achievement, and high-quality work are all areas that are pursued in school professional development. We emphasize:

- a rigorous and engaging methodology
- an active, inquiry-based approach to teaching
- a school culture that fosters respect, enthusiasm, collaboration, and the idea that, with effort, everyone can achieve more than they thought possible.

Implementing learning through expeditions goes beyond mastering a fixed body of knowledge, methods, or materials. Expeditions are an innovative methodology requiring continual professional support and development for successful implementation. Additionally, the instructional planning and lesson designs change with each expedition, requiring teachers themselves to be learners, implement and master new practices and model learning for students. Dedicating a large portion of the budget to Professional Development is viable because



spending on textbooks is limited. Learning Expeditions require readings from various original sources rather than relying on textbooks.

The school director ensures that each faculty member is professionally trained in the innovative methods and philosophies at Promontory School and gives them opportunities to train one another on methods learned. Teachers are given opportunities to attend leadership training, conferences, summits, institutes, and various other training seminars. They collaborate with other teachers at Promontory School as well as other charter schools locally and nationwide to create expeditions that ensure that curriculum is covered and taught in a sequential manner from grade to grade. Additionally, an Instructional Coach is employed in our school throughout the year to personally train and reinforce principles of best practice.

Administration and faculty annually study and discuss culture-building literature such as: Promontory School Charter, Promontory Structures Policy, EL Education Core Practices, An Ethic of Excellence, A Culture of Quality, Leaders of Their Own Learning, Transformational Literacy, and Management in the Active Classroom, and other publications related to best practices.

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### **Common Planning Time**

Providing significant time each week for collaborative horizontal planning (within grade band communities) is necessary to support teachers in delivering rigorous, engaging, and authentic educational experiences within the framework of an expedition.

Time should also be made for vertical planning, up through the school from kindergarten through 8th grade. Kindergarten and first grade teachers, or 4th grade, and 5th grade teachers meet to discuss students and curriculum. This helps teachers understand and plan curriculum so that as children progress through the grades, we are preparing them for success.

Collaborative horizontal planning and vertical planning are also important components to teacher success.

### **Classroom Budgets**

Classroom budgets at Promontory School are robust. These generous budgets reflect the school's commitment to providing students with rigorous, engaging, and authentic educational experiences, including learning expeditions and extensive fieldwork. Planning and implementing these types of opportunities well requires appropriate funding for teachers and replaces expensive textbook and

curriculum purchases.

### **Standards Based Grading**

A grading system based on learning targets and state standards is used at Promontory School. Each subject area teacher is actively involved in verifying and evaluating student progress. Student achievement is reported with formal progress reports. A school-wide system is used, and parents and students are regularly informed about students' grades and about how to understand the grading system.

## **FACILITY USE AND DESIGN**

### **Facilities**

#### **Building**

Although the main focus with the facility is cost effectiveness and long-term operating efficiency, the Promontory School facility is designed with teacher collaboration and experiential learning in mind. A community-focused floor

plan reflects the values of community-based learning by designing space that facilitates bringing the school community together for collaboration, including group projects and team building and allowing for the clustering of grade-specific classrooms for sharing and encouraging creativity. Additionally, this design allows for the flexible delivery of learning through expeditions while limiting operational problems. Promontory School's community-focused floor plan includes: 1) Grouping classrooms in communities, 2) Creating central common areas per community, and 3) Designing for students' original work to be prominently displayed.

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#### **Playground**

It was and is important to Promontory School to extend learning expeditions to all aspects of the school, including the playground. Promontory values the exploratory, creative space of the playground and views it as a playful extension of the facility. This has been accomplished by providing educational and interactive play environments that offer play for the future scientist, inventor, engineer, archeologist, musician, and artist. Promontory also views this time as an opportunity for the children to connect with nature and encourage exploration and group play in a new and natural environment.

For the purposes mentioned, Promontory chose the following structures for its playground.

- Natural World Structures (large faux rocks and logs)
- Discovery Structures (faux dinosaur skeletons for dig sites and climbing)
- Musical Expression Structures (xylophones, chimes, bells, and drums)
- Traditional Playground Structures (climbing wall and slide)

### **Outdoor Learning & Adventure Center**

The school owns a five-acre plot to the west of the building that is allocated as an Outdoor Learning & Adventure Center for the Promontory students and the community at large. Much of the initial design and planning of this outdoor learning space has been completed by 7th and 8th grade students through learning expeditions (see also Learning Expeditions). This space is unique because of the student involvement throughout the whole process of development. Students dreamed up and planned most, if not all, aspects of this space, and students, again through learning expeditions, are currently leading, and will continue to lead, the design and execution of enhancing the outdoor learning space further. For example,

- Students, during learning expeditions about insects, build insect houses for several species of insects.

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- Students, during expeditions about bees, paint beehives to house the very insects they study.
- Students study seeds and use the greenhouses in the pollination garden to grow them into plants and food.
- Students participate and direct science talks in the outdoor learning spaces they design.
- Students develop and improve this outdoor learning space as a place to create and display final learning products.

Future changes to the building, playground, and outdoor learning center should be planned with consideration to the principles and vision outlined above.

### **Library**

Our library is the heart of our school. It is our belief that in order to love reading, children need access to books. The library is available to all students to check out books.

The library currently is, and will continue to be, equipped with books that support learning expeditions, the core curriculum, and the study of Great Thinkers. Each year, the librarians work with teachers to purchase books and reference materials to facilitate the learning expeditions. Students are exposed to literature written by and about the great thinkers of the world, not simply from textbooks, but from accepted classics, autobiographies, original sources, passionate authors, and other high-quality, meaningful books. Also included in the library are grade/ability-level books that

encourage personal reading for pleasure, enrichment, and information. To support these goals, a portion of library resources are annually dedicated to “great thinkers” and expedition-related books. This portion is set aside to ensure that we will continually grow our collection of books to enhance our school mission.

Books and materials selected for the library support and are consistent with the general educational goals of Promontory School and the “great thinker” approach to learning. All materials should fit the vision, mission, and values at Promontory school. Students are able to use the library for reading, project work, small group discussions, and to collaborate whenever possible, as well as just to curl up in a nook or cranny and escape into the world of reading.

We strive to include activities in our library curriculum that will emphasize our school mission, meet the state core for library standards, and support literacy.

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## **Technology**

The Technology plan at Promontory School is mission driven. Students are not just sent to the internet for research. They are original researchers, completing case studies not only through the use of technology, but also through personal interviews with real experts. Technology at the school will support but not supplant quality student work.

An important part of Promontory School is the creation of authentic products that come from semester-long interdisciplinary studies known as learning expeditions. In the process, students will use the same technologies as experts in the field, thus learning real-world skills. An important part of the technology plan, therefore, will be to include software that is authentic for students. Having these kinds of technologies readily accessible at the school will not only support Promontory School’s vision, but also improve the delivery of instruction.



# Student Search & Seizure Policy

## Purpose

The Utah State Legislature and the Utah State Board of Education have charged school authorities with the responsibility of safeguarding the safety and well-being of the students in their care. Utah Code Ann. § 53G-8-509 directs the Utah State Board of Education and local boards of education to have rules in place to protect individual student rights and guard against excessive intrusion. In the discharge of that responsibility, school authorities of Promontory School of Expeditionary Learning may search school property such as lockers used by students, or the person or property, including backpacks, purses and belongings, electronic devices, and vehicles of students, in accordance with the following policy.

The guidelines for when and how Administrative Officials of Promontory School of Expeditionary Learning may conduct student searches and seize property are outlined below.

## Publication

A copy of this policy shall be included in student conduct handbooks, employee handbooks, and available on the Promontory School of Expeditionary Learning website.

## Definitions

- a. "Appropriate school official" means the most appropriate school employee, considering all the circumstances, who should search a student. Usually, the appropriate school official will be the school principal or school director. Generally, the more intrusive the search, the higher the level the appropriate school official should be who conducts the search. Other factors may include age of the student, gender of the student, if the student has an IEP, the student's background, seriousness of the item(s) being searched for, which appropriate school official is reasonably available, and the urgency of the situation.
- b. "Electronic device" means a privately-owned device that is used for audio, video, or text communication or any other type of computer or computer-like instrument.
- c. "Local school board" means Promontory School of Expeditionary Learning.
- c. "Reasonable suspicion" means a particularized and objective basis, supported by specific articulable facts, for suspecting a person of criminal activity; reasonableness extends to both

**Commented [1]:** @mflynn@promontoryschool.org thanks for the reference to the new model policy. I've updated ours to reflect the new additions etc... not just to decide what we want to adopt  
\_Assigned to Michelle Flynn\_

**Commented [2]:** @DDobson@promontoryschool.org I had to do a lot of updating on this one to comply with the new model policy so formatting is really messy. Hopefully it can read well enough for you to make sense of it.  
\_Assigned to Dorothy Dobson\_

the reason for the search and the appropriateness of the scope of the search.

d. "Reasonable suspicion for a search" means grounds sufficient to cause an adult of normal intellect to believe that the search of a particular person, place, or thing will lead to the discovery of evidence that the student:

- has violated or is violating a rule or behavioral norm provided in school policy;
- has violated or is violating a particular law;
- possesses an item or substance which presents an immediate danger of physical harm or illness to students, staff or school/district property;

#### **Authority to Search**

- Authority.** Only the appropriate school official, which is the Director or another Administrative staff member designated the by the Director, is authorized to conduct a search. A second member of the school Administration or the police should supervise the search. If a police officer or additional supervisory Administration member is impractical because of an immediate concern for safety, the search should be conducted in view of another member of the school's staff.
- Consent.** The appropriate school official shall attempt to obtain the freely-offered consent of the student to the inspection; however, provided there is reasonable suspicion, the school official may conduct the search without such consent.
- Parent Notification.** School officials have no legal obligation to contact parents before detaining and questioning students. However, it is good practice when a student is questioned about serious allegations of the student's own misbehavior that another responsible adult should be notified to protect the interest and well being of the student. Parents will be advised of all student searches and seizures of property.

#### **Searches of School-Owned Property**

School-owned electronic devices and storage areas (including lockers, desks, etc.) remain under the exclusive control of the School and are subject to search at any time— with or without reasonable suspicion. Students shall have no expectation of privacy with respect to School-owned electronic devices or storage areas. Students shall provide passwords used to protect data on any school-owned electronic devices. Locks may be destroyed while searching School-owned storage areas.

- All lockers and other storage areas provided for student use remain the property of the School. These lockers and storage areas are subject to inspection, access for maintenance, and search pursuant to this policy. A student using the locker or storage area has no expectation of privacy in that locker or storage area or the contents contained therein. In the course of any search, students' privacy rights will be respected regarding any items that are not illegal or against local school board policy. No student shall lock or otherwise impede access to any locker or storage area except with a lock provided by or approved by the teacher or School administrator. Unapproved locks may be removed and destroyed.

- B. An appropriate School official may search student lockers and storage areas and the contents contained therein at any time for any justifiable reason.
- C. An appropriate School official may, at any time, request assistance of the appropriate law enforcement agency having jurisdiction over the facilities of the School. The law enforcement officer must have probable cause, however, to personally orchestrate or conduct a search of the lockers and storage areas and their contents.

### **Using Dogs in Searching School Property**

School also authorizes the use of canines, trained in detecting the presence of drugs or devices, when the appropriate school official has reasonable suspicion that illegal drugs may be present in a school. This means of detection shall be used only to determine the presence of drugs in locker areas, student desks, and other places in the School where such substances could be concealed. Canine detection must be conducted in collaboration with law enforcement authorities or other certified organizations and will not be used to search students personally unless either a warrant or parental permission has been obtained prior to the search.

Where a dog sniff search is otherwise appropriate, it is acceptable to detain students or restrict their movement to facilitate the search. Also, School has authority to require students to relinquish personal items from their possession (backpacks, book bags, gym bags) to facilitate searches.

**Commented [3]:** This is an addition to the model policy. Do we want it included?

### **Student Person and Possessions**

School recognizes that the privacy of students or their belongings may not be violated by unreasonable search and seizure and directs that no students are searched without reasonable suspicion or in an unreasonable manner. The extent of the search will be governed by the urgency and seriousness of the alleged infraction, the student's age, and the student's disciplinary history.

### **Personal Search of a Student and Student Consent to Search**

Except as provided below, a request for the search of a student or a student's possessions will be directed to the appropriate School official. The appropriate School official shall attempt to obtain the freely offered consent of the student to the inspection; however, provided there is reasonable suspicion, the appropriate School official may conduct the search without such consent.

Whenever possible, a search will be conducted by the appropriate School official in the presence of the student and a staff member in addition to the appropriate school official. A search prompted by the reasonable belief that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

Search of a student's person or intimate personal belongings shall be conducted by a person of the student's gender, in the presence of another staff member of the same gender, and only in



exceptional circumstances when the health or safety of the student or of others is immediately threatened.

The personal search of a student may be conducted by the appropriate School official when the appropriate School official has reasonable suspicion for a search of that student. Authorized searches of the student's person are as follows:

- A. the student's pockets;
- B. purses, backpacks, or any objects in the possession of the student;
- C. a "pat down" of the exterior of the student's clothing and the removal of any identified item;
- D. removal of an article of exterior clothing such as a jacket, watch, or hat; E. a student's electronic device if warranted and to the extent warranted.

### **Searching Students and Property While at School-sponsored Activities**

This authorization to search shall also apply to all situations in which the student *is under* the jurisdiction of the School—including all students participating in extracurricular activities and athletics, dual-enrolled students and students taking online courses, when applicable.

### **Documentation of Search**

The appropriate School official shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search and the name of the informant, if any; the persons present when the search was conducted; any substances or objects found, and the disposition made of them; and any subsequent action taken. The appropriate School official shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or objects taken from a student. The appropriate school official shall report a student's possession of a dangerous weapon consistent with Utah Code 53G-8-510.

The appropriate School official may prepare administrative guidelines to further implement this policy of documentation, maintenance, and disposal of items.

### **Search Procedures**

Pursuant to this policy, appropriate school officials shall use the following steps when appropriate school officials have reasonable suspicion that a student possesses evidence that a rule or law has been violated:

- A. All requests or suggestions for the search of a student or student's possessions shall be directed to the appropriate School official or the person in charge of the students if students are out of the district or School.
- B. Wherever possible, before conducting the search, the appropriate School official shall notify the student, request the student's consent to the inspection and inform the student that she/he may withhold consent. Such consent, if offered, shall be voluntary. The appropriate School official shall conduct the search, however, with or without the consent.
- C. Wherever possible, an adult third party shall be present at any search of a student or student's possessions.

D. The appropriate School official may conduct a student search upon reasonable suspicion of the presence of an illegal or dangerous substance or object, or anything contraband under school rules.

### Health/Safety of Students

Whenever the search is prompted by the reasonable suspicion that possession of a substance or object immediately threatens the safety and health of the student or others, the appropriate School official shall act with as much speed and dispatch as is required to protect persons and property in the School while keeping clearly in mind the student's rights and the potential consequences of inappropriate or hasty action.

### Method and Scope of Search

The scope of any search should be limited by the reasonable suspicion that motivated the search. If an item is found that leads to reasonable suspicion that additional, related items may also exist, the search may be extended. If the initial search produces no evidence of contraband, there should be no extension of the search based on simple curiosity or **unreasonable** teacher/administrator suspicion.

### Items Found

Anything found in the course of a search which is evidence of a student violation of School rules or federal/state laws may be seized and admitted as evidence in any suspension or expulsion proceeding if it is tagged for identification at the time it is seized and kept in a secure place by the School official until it is presented at the hearing. It may also be turned over to any law enforcement officer after proper notation and receipt.

### Vehicles

Vehicles in the possession of students and parked on school premises may be searched, based on reasonable suspicion, by the appropriate School official. Searches of vehicles of staff members or visitors shall be conducted by law enforcement personnel.

**Commented [4]:** Is this part necessary???

### Use of Breath - Test Instruments

The appropriate School official may arrange for a test to be conducted on a student whenever the School authority has individualized reasonable suspicion to believe the student has consumed an alcoholic beverage or an illegal unprescribed substance.

**Commented [5]:** This is new to the policy but was in the updated model policy. Do we want to include it?

The appropriate School official shall attempt to contact a local law enforcement agency and arrange for it to conduct the test.

The following procedure should be used if the test is conducted by a School official:

- A. Take the student(s) to a private administrative or instructional area on School property and have at least one other member of the teaching or administrative staff present as a witness to the test. If the student refuses to take the test, inform him that

ADA Compliant: 9/15/2021

refusal to participate leaves the observed evidence of the alcohol or drug use unrefuted, thus leading to disciplinary action.

- B. Allow the student a second opportunity to be tested, and if the student refuses again, ask the student to sign a refusal statement. Regardless of whether or not the student signs a refusal statement, prepare a written report of the incident.

### **Electronic Cigarette Products**

Students are prohibited from possessing or using electronic cigarette products while on School property and electronic cigarette products will be confiscated. School officials will properly store and arrange for disposal of any confiscated electronic cigarette product. Because electronic cigarette products are hazardous waste in accordance with Title 19, Chapter 6, Hazardous Substances, school officials must follow the proper disposal as outlined by the Utah Department of Environmental Quality. (Utah Admin Code R315-260 through 262).

School officials will avoid accumulating more than 1kg/2.2 lbs. of liquid nicotine or empty containers that held nicotine e-liquids (e.g., cartridges or pods) at any given time and will follow the Utah Department of Environmental Quality's administrative rules for waste management which, including:

- A. Identifying the waste; and
- B. Ensuring the delivery of the hazardous waste to an offsite treatment or disposal facility permitted to manage hazardous waste, municipal or industrial waste, or a facility that recycles nicotine waste.

Prior to delivery to a designated site, School officials will store any confiscated electronic cigarette products in the following manner:

- A. Using appropriate PPE, place the e-liquids, cartridges, and pods in a container that is in good condition and has a lid that can be securely closed. Label the container with the words, "Hazardous Waste Nicotine" and "Danger-Toxic in contact with skin."
- B. Keep a spill kit stocked with binders (sand/diatomaceous earth/sawdust) and gloves nearby. Have a Safety Data Sheet for e-liquids available (This can be found on the internet).
- C. Keep a log of the amount of waste as it is generated.
- D. Make arrangements with a disposal company to take the waste before accumulating 1 kg/2.2 lbs.
- E. Maintain records to show that the hazardous waste nicotine (e-liquids, cartridges, and pods) was disposed of at a permitted facility.
- F. Place damaged lithium batteries in a plastic bag and then place the bag in an inert material like sand. Lithium batteries that have an odor, are discolored, deformed, bulging, or swollen are damaged and have the potential to catch fire when they absorb moisture.
- G. Store lithium batteries away from heat and direct sunlight. Prevent terminals from touching by storing each battery in a plastic bag or cover the terminals.

**Commented [6]:** Same thing here - do we want to include it?

If a School official has reason to believe the confiscated electronic cigarette product contains an illegal substance, the school may release the confiscated electronic cigarette product to local law enforcement.

#### **Parent Notification**

School officials have no legal obligation to contact parents before detaining and questioning students. However, it is good practice when a student is questioned about serious allegations of the student's own misbehavior that another responsible adult should be notified to protect the interest and well being of the student. Parents will be advised of all student searches and seizures of property.

#### **Training**

Promontory School of Expeditionary Learning shall provide adequate training to appropriate classes of employees for fair and consistent implementation of student search policies.



Title1-Parent and Family Engagement  
Policy 3/21/2010  
4/27/2017  
2/21/2019  
3/16/2023

## Title 1-Parent and Family Engagement Policy

Promontory School of Expeditionary Learning recognizes the vital positive impact that parental involvement has on student achievement. The following Parent and Family Engagement Policy—created in consultation with parents, staff, and administration and approved by the governing board—sets forth the parameters and conditions for parental involvement in the educational programs at Promontory which are supported in part by Title I program funds.

### PARENT COMMUNICATION

Promontory School builds a capacity for strong parental/familial engagement by communicating clearly and consistently with families. Communication is sent out about Promontory's parent/family organization, Parents of Promontory (POP), volunteering in classrooms and on fieldwork, information about the annual Title I information meeting, other parent meetings, and additional information pertinent to parents and families. Communication will be sent by the following means as appropriate: email, school website posts, social media posts, hard paper copies, and phone calls. Translated documents (available within 24 hours of request), and reading assistance are available upon request.

**Commented [1]:** where would these requests go to and in what form?

Teachers send notifications to parents concerning their student's academic performance and need for extra help facilitated through the Title I program. Parents then will have the opportunity to accept or reject the extra help for their student.

### ACCESS TO BOARD

Promontory School's board will consist of at least two parents of children who currently attend the school as stated in the bylaws. This will give parents the opportunity to influence the management of the school. These meetings are open to the public and are well publicized. Parents, teachers, students and members of the community are encouraged to attend and offer comments. Families will also be encouraged to email board members with comments if they desire.

### BOARD MEMBERSHIP

As vacancies become available on the governing board, nominations for the new board member will be accepted from parents.

### PARENTS OF PROMONTORY (POP) VOLUNTEER ORGANIZATION

Promontory's parent/family organization, Parents of Promontory (POP), is made up of parents and will oversee the parent crews. They will assign parents to a parent crew and oversee the functioning of all parent crews.

Upon enrollment, each family will be assigned by our POP organization to a parent crew. These crews, made up of mostly parents, will be given the authority to accomplish important functions related to the mission of our school. Crews will consist of crews such as library crew, technology crew, fundraising crew, playground crew, etc. We cultivate our value of service and encourage parents to volunteer at least 30 hours per year to the school.



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**PARENT LIAISON**

A parent will be nominated (by POP) each school year to be the Parent Liaison. This person will become a non-voting member of the Governing Board, and will attend board meetings as a representative of parents of Promontory School students. The Parent Liaison will have the dual role of communicating to parent crews the needs and desires of the Governing Board, as well as being available to work with parents who wish their own concerns to be heard at board meetings. While all parents are invited to attend open board meetings, it can be helpful to parents to have an advocate sitting on the board as well.

**TITLE I-PARENT MEETINGS**

The Annual Title I Parent Information Meeting is held during back-to-school night, or as scheduling allows. Information about Title I requirements and the parents’ right to be involved in the school’s academic programs is provided to all who attend.

Parents have the opportunity to schedule time with administration to voice concerns, and to express ideas.

Parents will be informed about planning, development, and review meetings and given opportunities to help develop and revise the parent and family engagement programs and policies.

Parents have the opportunity to schedule time with the administration and/or teachers to discuss their child’s education when desired.

**CONFERENCES AND CELEBRATIONS**

Promontory School holds activities throughout the year that bring parents into the school to participate in their students’ learning. Student-led Conferences are held each semester where parents listen and ask questions as their child presents his/her learning progress and goals. Accommodations will be made for an alternative conference date for those who have schedule conflicts.

Promontory also holds Celebrations of Learning events open to families and the public each semester. At these celebrations, students spotlight their high-quality work and final products to visitors.

**THE COMPACT**

The School-Student- Family Compact is a written agreement between the student, parents, and school outlining how each will share the responsibility to increase student academic achievement. It forms a framework for strong parent/family engagement and addresses the importance of communication between teachers and parents on an ongoing basis. The compact is distributed to all parents with annual online registration, which they are required to sign in acknowledgement of having read the document.

**REVIEW OF PARENT AND FAMILY ENGAGEMENT POLICY**

**Commented [2]:** this happens in the registration documents right? @jblaine@promontoryschool.org

**Commented [3]:** Yes, they are part of the registration packet that they sign online.

The Policy was created with the input of parents, staff, administration, and is approved by the governing board. It is evaluated at the end of each school year with a school-wide questionnaire

Commented [4]: Who sends/creates this?



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which makes inquiries about the following possible difficulties parents may have: · Barriers to parent and family involvement (especially families who are economically disadvantaged, disabled, of limited English or literacy proficiency, or of any racial or ethnic minority).

- Needs that parents and families have that may prevent them from helping with their children's learning and from engaging with school staff.
- Strategies to support successful family-school interactions.

A team including parents, staff, administration, and the governing board review questionnaire data. The team evaluates and makes changes to the Parent and Family Engagement Policy as needed.

#### TRAINING

With input from the parent organization and governing board, administration educates teachers and support staff during scheduled faculty and aide meetings.

These trainings cover:

- The value and usefulness of parent/family contributions
- How to communicate, work, and build ties with parents
- How to implement and coordinate parent programs

This educational information will also be communicated to employees, families, and the community through emails, newsletters, and social media posts.

#### CURRICULUM

Promontory School will provide additional materials and tools to parents about strategies they can use with their children to improve academic achievement. Specifically, the school uses an online reading development program the students can use at home to further develop their skills and help identify learning gaps. Promontory School uses a math curriculum that parents/families can access from home via the internet to see the math lessons, homework, and tutorials. Additional materials and parent training is provided as needed and to the greatest extent possible through additional digital media, teacher/parent meetings, tutorials, and written information when requested.

Commented [5]: it mentions math here do we want to add the other online platforms as well?

