

NOTICE OF NON-DISCRIMINATION

The **Elkton School** does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups.¹ The following person has been designated to handle inquiries regarding the non-discrimination policies:

Supt. Brian Jandahl
508 Buffalo Street Elkton, SD
605-542-2541

For further information on notice of non-discrimination, please contact the Office for Civil Rights:

U.S. Department of Education
One Petticoat Lane
1010 Walnut Street, Suite 320
Kansas City, MO 64106
Telephone: (816) 268-0550
Facsimile: (816) 268-0559
Email: OCR.KansasCity@ed.gov

CHILD FIND

The Elkton School District, in order to fulfill the obligations of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act is required to inform and provide full educational opportunities to all individuals with disabilities ages birth through twenty-one.

Brian Jandahl, Superintendent of the Elkton School District needs your assistance to identify, locate, and evaluate all children with disabilities. This public awareness notice is to inform parents and other individuals/agencies of the availability of educational services and related services to all individuals who reside within the jurisdiction of the Elkton School District and who are between the ages of birth through twenty-one, regardless of the severity of their disability. This includes individuals in all public and private agencies and institutions and highly mobile children with disabilities, such as migrant and homeless children, who reside within the legal boundaries of the district.

Anyone aware of an individual who may benefit from educational services and related services is encouraged to call the Elkton School District, at 605-542-2541.

PUBLIC INFORMATION

The Elkton School District has the following documents available for review by parents of children with disabilities and to the general public:

1. Comprehensive Plan for Special Education.
2. IDEA Federal Applications for Funds.
3. Special Education Accountability/Monitoring Final Report.
4. Applications, evaluations, periodic program plan or reports relating to federal programs including auditor's reports, statements of assurance, budget, and grant materials.

Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day the **Elkton School** receives a request for access.

Parents or eligible students should submit to the school principal **Kelly Neill** a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the Elkton School to amend a record should write the school principal **Kelly Neill**, clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

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

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer or contractor outside of the school who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

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

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

Family Educational Rights and Privacy Act (FERPA)

The *Family Educational Rights and Privacy Act* (FERPA), a Federal law, requires that **Elkton School**, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, **Elkton School** may disclose appropriately designated "directory information" without written consent, unless you have advised the **Elkton School** to the contrary in accordance with **Elkton School** procedures. The primary purpose of directory information is to allow the **Elkton School** to include information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965, as amended (ESEA) to provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.

If you do not want **Elkton School** to disclose any or all of the types of information designated below as directory information from your child's education records without your prior written consent, you must notify the **Elkton School** in writing by **August 31, 2015**. **Elkton School** has designated the following information as directory information:

- **Student's name**
- **Address**
- **Telephone listing**
- **Electronic mail address**
- **Photograph**
- **Date and place of birth**
- **Major field of study**
- **Dates of attendance**
- **Grade level**
- **Participation in officially recognized activities and sports**
- **Weight and height of members of athletic teams**
- **Degrees, honors, and awards received**
- **The most recent educational agency or institution attended**
- **Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user**
- **A student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.**

PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)

This is probably the public notice that creates the most questions. Below are some answers and questions concerning the PPRA.

What is the Protection of Pupil Rights Amendment (PPRA)?

PPRA applies to the programs and activities of an SEA, LEA, or other recipient of funds under any program funded by the U.S. Department of Education. It governs the administration to students of a survey, analysis, or evaluation that concerns one or more of the following eight protected areas:

1. political affiliations or beliefs of the student or the student's parent;
2. mental or psychological problems of the student or the student's family;
3. sex behavior or attitudes;
4. illegal, anti-social, self-incriminating, or demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. religious practices, affiliations, or beliefs of the student or student's parent; or
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

PPRA also concerns marketing surveys and other areas of student privacy, parental access to information, and the administration of certain physical examinations to minors. The rights under PPRA transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

What types of notification do local educational agencies (LEAs), i.e., school districts, have to make to parents about PPRA?

There are three types of notification an LEA must provide parents and students. The first one is a general notification of their rights under PPRA.

The second notice is a notification of *specific* events. The following activities require notification:

Activities involving the collection, disclosure, or use of personal information collected from students for marketing purposes or for selling that information, or otherwise providing it to others for that purpose;

The administration of any survey containing one or more of the eight protected areas listed above; and

Any nonemergency, invasive physical examination or screening that is: (1) required as a condition of attendance; (2) administered by the school and scheduled by the school in advance; and (3) not necessary to protect the immediate health and safety of the student, or of other students.

The third notice is a notification of the policies LEAs are required to develop, in consultation with parents, under PPRA. The LEA shall provide the notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in the policies.

What policies must an LEA develop under PPRA?

PPRA requires that LEAs, in consultation with parents, develop the following local policies concerning student privacy, parents access to information, and administration of certain physical examinations to minors:

The right of a parent of a student to inspect, upon the request of the parent, a survey created by a third party before the survey is administered or distributed by a school to a student, and any applicable procedures for granting a request by a parent for reasonable access to the survey within a reasonable period of time after the request is received;

Arrangements to protect student privacy that are provided by the LEA in the event of the administration or distribution of a survey to a student containing one or more of the eight protected areas of information;

The right of a parent or student to inspect, upon the request of the parent, any instructional material used as part of the educational curriculum for the student, and any applicable procedures for granting a request by a

parent for reasonable access to instructional material within a reasonable period of time after the request is received;

The administration of physical examinations or screenings that the school or LEA may administer to a student;

The collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information, or otherwise providing that information to others for that purpose, including arrangements to protect student privacy that are provided by the LEA in the event of such collection, disclosure, or use;

The right of a parent of a student to inspect, upon request, any instrument used in the collection of personal information (a student or parent's first and last name, a home or other physical address, a telephone number, or a Social Security identification number) before the instrument is administered or distributed to a student, and any applicable procedures for granting a request by a parent for reasonable access to such instrument within a reasonable period of time after the request is received.

PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)
Model Notification of Rights

PPRA affords parents of elementary and secondary students certain rights regarding the conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include, but are not limited to, the right to:

- *Consent* before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)–

1. Political affiliations or beliefs of the student or student’s parent;
2. Mental or psychological problems of the student or student’s family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or student’s parent; or
8. Income, other than as required by law to determine program eligibility.

- *Receive notice and an opportunity to opt a student out of* –

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information collected from students for marketing or to sell or otherwise distribute the information to others. (This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions.)

- *Inspect*, upon request and before administration or use –

1. Protected information surveys of students and surveys created by a third party;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

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

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

- Collection, disclosure, or use of personal information collected from students for marketing, sales, or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

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

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

PPRA Model Notice and Consent/Opt-Out for Specific Activities
[LEAs should adopt the following model form as appropriate]

The below are just examples to use when and if the district completes any protected information surveys.

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h, requires [School District] to notify you and obtain consent or allow you to opt your child out of participating in certain school activities. These activities include a student survey, analysis, or evaluation that concerns one or more of the following eight areas (“protected information surveys”):

1. Political affiliations or beliefs of the student or student’s parent;
2. Mental or psychological problems of the student or student’s family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or the student’s parent; or
8. Income, other than as required by law to determine program eligibility.

This parental notification requirement and opt-out opportunity also apply to the collection, disclosure or use of personal information collected from students for marketing purposes (“marketing surveys”). Please note that parents are not required by PPRA to be notified about the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions. Additionally, the notice requirement applies to the conduct of certain physical exams and screenings. This includes any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student. This does not include hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required by State law.

Following is a schedule of activities requiring parental notice and consent or opt-out for the upcoming school year. This list is not exhaustive and, for surveys and activities scheduled after the school year starts, the [School District] will provide parents, within a reasonable period of time prior to the administration of the surveys and activities, notification of the surveys and activities, an opportunity to opt their child out, as well as an opportunity to review the surveys. (Please note that this notice and consent/opt-out transfers from parents to any student who is 18 years old or an emancipated minor under State law.)

[The following are only examples of PPRA notices and consent/opt-outs that may be used by school districts for protected information surveys or marketing surveys. School districts will need to tailor their notices and consent/opt outs depending on their specific activities, as required by PPRA.]

[For surveys that contain questions from one or more of the eight protected areas noted above:]

Date: On or about February 3, 2015

Grades: Eight and Nine

Activity: ABC Survey of At-Risk Behaviors.

Summary: This is an anonymous survey that asks students questions about behaviors such as drug and alcohol use, sexual conduct, violence, and other at-risk behaviors. The survey also asks questions of a demographic nature concerning family make-up, the relationship between parents and children, and use of alcohol and drugs at home.

[Note to schools: We recommend that the notice inform parents that they may submit a request to a specified school official or office in order to review the protected information survey and that the school official or office will notify the parent of the time and place where the parent may review this. A parent has the right, upon request, to review this protected information survey.]

[Note to schools: If the survey in question is administered as part of an applicable program of the U.S. Department of Education (ED program), such as through an ED-administered grant program and the student is required to submit to the survey, prior “active” consent is required, as in the first example. If the survey is not administered as part of an ED program or the student is not required to submit to the survey, then the school should use the second example of an opt-out notice.]

Consent [only for protected information surveys that are administered as part of an ED program and to which the student is required to submit]: A parent must sign and return the consent below no later than [insert return date] so that your child may participate in this survey.

[Sample consent:

I [parent's name] give my consent for [child's name] to take the ABC Survey of At-Risk Behaviors on or about February 3, 2015.

Parent's signature

Please return this form no later than [insert date] to the following school official: [Provide name and mailing address.]

Opt-out [for any protected information survey that is not administered as part of an ED program or to which the student is not required to submit]: A parent must sign and return this opt-out form no later than [insert return date] [OR] Contact [school official] at [telephone number, email, address, etc.] no later than [date] if you do not want your child to take the ABC Survey of At-Risk Behaviors on or about February 3, 2015.

[For marketing surveys:]

[Note to schools: Certain information that would not generally be considered harmful or an invasion of privacy if disclosed – such as names, addresses, and telephone listings – may be designated as “directory information” in a public notice under the Family Educational Rights and Privacy Act (FERPA) and subsequently disclosed if the parents or eligible students do not opt out of the disclosure. Instead of using a format similar to that set forth in these Model Notices, schools *may* meet PPRA notice requirements for specific marketing activities that involve only the disclosure of designated “directory information” by allowing parents or eligible students to opt out of the disclosure of the designated “directory information” at the start of each school year; if the parents or eligible students opt-out of the disclosure of their children’s or their “directory information,” then the school may not disclose their children’s or their “directory information” for marketing activities. In addition to the “directory information” notice discussed above, under applicable PPRA requirements, please note, however, that school districts must also directly notify parents of the specific or approximate dates during the school year when the marketing activities are scheduled or expected to be scheduled.]

Date: April 14, 2015

Grades: Nine through Twelve

Activity: Student-Based Commercial Services

Summary: [School] collects and discloses, or allows businesses to collect, use, or disclose personal information collected from students, including names, addresses, telephone listings and Social Security numbers. These businesses provide student-based products and services, such as computer equipment, sports clothing, school jewelry, and entertainment products.

[Note to schools: If this collection of personal information from students involves a marketing survey, we recommend that the notice inform parents that they may submit a request to specified school official or office to review the marketing survey and that specified school official or office will notify the parent of the time and place where the parent may review this. A parent has the right, upon request, to review this marketing survey before it is administered or distributed to a student.]

Opt-out : A parent must sign and return this opt-out form no later than [insert return date] [OR] Contact [school official] at [telephone number, email, address, etc.] no later than [date] if you do not want your child to participate in this marketing activity on April 14, 2015.

Consent: A parent also must sign and return the attached consent form no later than [insert return date] in order for your child’s Social Security number to be disclosed for this marketing activity.

[Sample consent:

I [parent's name] give my consent for [child's name] to be disclosed to businesses that provide student-based products and services, such as computer equipment, sports clothing, school jewelry, and entertainment products, on April 14, 2015.

Parent's signature

Please return this form no later than __[insert date]__ to the following school official: [Provide name and mailing address.]

[Note to schools: While some of the information – names, addresses, and telephone listings – may be designated and disclosed as “directory information” under the Family Educational Rights and Privacy Act (FERPA), schools that permit marketing activities that involve the disclosure of students’ Social Security numbers may not use an opt-out procedure and must obtain prior written consent in accordance with § 99.30 of the FERPA regulations.]

Other information for PPRA:

When to Notify:

- LEA’s must notify parents at least annually at the beginning of the school year of their rights under PPRA.

Methods of Notification:

- Examples include student handbook, school newspaper or catalog, local newspaper, inclusion in student’s registration packet.

NEWS RELEASE

The ___Elkton_____ School District is a member of the Northeast Educational Services Cooperative along with 23 other area school districts. The purpose of this membership is to provide services to special needs children in the district. It is very important to provide educational assistance to children in need at the earliest possible age. Children can receive services prior to reaching school age. If you as a parent or concerned citizen are aware of children who may be in need of services please call _605-542-2541_ and ask for __Kelly Neill__.

The services available, along with a brief description of each, include:

A. Speech and Language Therapy

Individual communication disorders are identified and remedial services provided to those in need.

B. Early Childhood

Both school and home based programs are provided to preschool children ages birth - five in need of special assistance due to low intellectual ability, physical impairments, social-emotional difficulties, and language difficulties.

C. School Psychology Assistance

Psychoeducational assessments and programming recommendations are provided to students in need of special education due to learning disabilities, low intellectual ability, social-emotional and behavioral difficulties. Consultation is available to school staff, students and parents.

D. Center-Base Program

The NESC currently operates three day programs which broaden the special education services in the school setting, thereby allowing the child to be educationally served closer to home. The program seeks to develop daily living, academic, and social skills for each student involved.

E. Occupational and Physical Therapy

The NESC provides these services in order to make them available to children who otherwise may not benefit from instruction without them.