

**EAST BERNSTADT INDEPENDENT
SCHOOL DISTRICT PUBLIC NOTICE**

**NOTIFICATION OF FERPA RIGHTS and CHILD FIND
for CHILDREN WITH DISABILITIES IN NEED of SPECIAL EDUCATION or 504 SERVICES**

Notification of FERPA Rights

The Family Education Rights and Privacy Act (FERPA) affords parents and “eligible students” (students over 18 years of age or students who are attending a postsecondary institution) certain rights with respect to the student’s education records. They are:

- 1) ***The right to inspect and review the student’s education records within forty-five (45) days of the day the District receives a request for access.***

Parents or eligible students should submit to the school Principal/designee a written request that identifies the record(s) they wish to inspect. The Principal will make arrangements for access and notify the parent or eligible student of the time and place where the record(s) 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 in violation of the student’s privacy or other rights.***

Parents or eligible students may ask the District to amend a record that they believe is inaccurate, misleading, or in violation of privacy or other rights. They should write the school Principal, clearly identify the part of the record they want changed, and specify why it is inaccurate, misleading, or in violation of their privacy or other rights.

If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent or eligible student of the decision and advise him\her of the 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 consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.***

One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A “school official” is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility to the district.

Upon request, the District shall disclose education records without consent to officials of another school district in which a student seeks or intends to enroll or is already enrolled or to other entities authorized by law.

Disclosure of information is provided to those whose knowledge of such information is necessary to respond to an actual, impending, or imminent articulable and significant health/safety threat.

- 4) ***The right to prohibit the disclosure of personally identifiable information concerning the student to recruiting representatives of the U.S. Armed Forces and its service academies, the Kentucky Air National Guard, and the Kentucky Army National Guard.***

Unless the parent or eligible student requests in writing that the District not release information, the student's name, address, and telephone number (if listed) shall be released to Armed Forces recruiters upon their request.

- 5) *The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA.* The name and address of the Office that administers FERPA is:

**Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605**

DIRECTORY INFORMATION

The Superintendent or the Superintendent's designee is authorized to release Board approved directory information. "*Directory Information*" is information contained in an educational record which would not generally be considered harmful or an invasion of privacy if disclosed. This information may be released without consent. "*Directory Information*" includes the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended. The parent, guardian, or eligible student currently enrolled may request that all or part of the "*Directory Information*" be withheld.

East Bernstadt Independent School District's process for any eligible student, parent, or guardian who does not wish to have directory information released shall make a written request to the Principal within thirty (30) calendar days after the Annual FERPA Notice has been distributed. The written request must specifically state what information may not be classified as "*Directory Information*".

CHILD FIND

The *East Bernstadt Independent School District* will keep educational records in a secure location in each school and Board office.

The *East Bernstadt Independent School District* obtains written consent from a parent or eligible student (age 18 or who is attending a postsecondary institution), before disclosing personally identifiable information to an entity or individual not authorized to receive it under FERPA.

For students who have been determined eligible for Special Education, educational records will be destroyed at the request of the parents when they are no longer needed to provide educational programs or services. The *East Bernstadt Independent School District* may destroy the educational records of a child without parent request three years after they are no longer needed to provide educational programs or services. Parents are advised that data contained in the records may later be needed for Social Security benefits or other purposes. The *East Bernstadt Independent School District* may retain, for an indefinite period of time, a record of the student's name, address, telephone number, grades, attendance records, classes attended, grade level completed, and year completed.

Children eligible for Special Education include those children with disabilities who have autism, deaf-blindness, developmental delay, emotional-behavior disability, hearing impairment, mental disability, multiple disabilities,

orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, or visual impairment and who because of such an impairment need Special Education services.

Children eligible for 504 services include those children who have a current physical or mental impairment that currently substantially limits some major life activity, which causes the student's ability to access the school environment or school activities to be substantially limited.

The *East Bernstadt Independent School District* has an ongoing "*Child Find*" system, which is designed to locate, identify and evaluate any child residing in a home, facility, or residence within its geographical boundaries, age three (3) to twenty-one (21) years, who may have a disability and be in need of Special Education or 504 services. This includes children who are not in school; those who are in public, private, or home school; those who are highly mobile such as children who are migrant or homeless; and those who are advancing from grade to grade, who may need but are not receiving Special Education or 504 services.

The *East Bernstadt Independent School District* will make sure any child enrolled in its district who qualifies for Special Education or 504 services, regardless of how severe the disability, is provided appropriate Special Education or 504 services at no cost to the parents of the child.

Parents, relatives, public and private agency employees, and concerned citizens are urged to help the *East Bernstadt Independent School District* find any child who may have a disability and need Special Education or 504 services.

Letters and phone calls are some of the ways the *East Bernstadt Independent School District* collects the information needed. The information the school District collects will be used to contact the parents of the child and find out if the child needs to be evaluated or referred for Special Education or 504 services.

If you know of a child who attends a private or home school within the boundaries of the *East Bernstadt Independent School District*, who may have a disability, and may need but is not receiving Special Education or 504 services, please contact the appropriate district at the numbers listed below or send the information to the appropriate Board office:

Director of Special Education or 504 Coordinator
Rebecca Hubbard
East Bernstadt Independent School
P.O. Box 128
229 School Street
East Bernstadt, KY 40729
(606) 843-6221
Fax (606) 843-7671

"*Child Find*" activities will continue throughout the school year. As part of these efforts the *East Bernstadt Independent School District* will use screening information, student records, and basic assessment information it collects on all children in the District to help locate those children who have a disability and need Special Education or 504 services. Any information the District collects through "*Child Find*" is maintained confidentially.

Written *Policies and Procedures* have been developed which describe the District's requirements regarding the confidentiality of personally identifiable information and "*Child Find*" activities. There are copies in the Principal's office at each school, and in the Board of Education offices. Copies of these *Policies and Procedures* may be obtained by contacting:

Director of Pupil Personnel
Vicki Jones
East Bernstadt Independent School
P.O. Box 128
229 School Street
East Bernstadt, KY 40729
(606) 843-6221
Fax (606) 843-7671

The District office is open Monday through Friday, from 8:00 a.m. to 4:00 p.m.

The *East Bernstadt Independent School District* provides a public notice in the native language or other mode of communication of the various populations in the geographical boundaries of the District to the extent feasible. If you know of someone who may need this notice translated to another language, given orally, or delivered in some other manner or mode of communication, please contact the *Director of Pupil Personnel*, the *Director of Special Education* or the *Section 504 Coordinator* at the addresses or phone numbers listed above for the *East Bernstadt Independent School District*.

ANNUAL NOTICE OF NON-DISCRIMINATION

Students, their families, employees and potential employees of the East Bernstadt Independent School District are hereby notified that the East Bernstadt Independent School System does not discriminate on the basis of race, color, national origin, age, religion, marital status, sex or disability in employment, vocational programs, or activities as set forth in compliance with federal and state statutes and regulations.

Any persons having inquiries concerning East Bernstadt Independent School District's compliance with Title II, Title VI, Title IX and/or Section 504 may contact:

Vicki Jones / Superintendent
East Bernstadt Independent School
P.O. Box 128
229 School Street
East Bernstadt, KY 40729
(606)843-6221