

# Sioux Falls School District

# Annual Notifications

- ✚ Family Educational Rights and Privacy Act
- ✚ Directory Information
- ✚ Protection of Pupil Rights Amendment: Information Not Subject to Survey, Analysis, or Evaluation Without Consent and Consent/Opt-Out for Specific Activities
- ✚ Non-Discrimination
- ✚ Section 504 of the Rehabilitation Act of 1973
- ✚ Individuals with Disabilities Education Act: Child Identification



All District Policies can be found on the District's website at <http://www.sf.k12.sd.us/our-district/district-policies>, or can be obtained from any school office or the Instructional Planning Center. Should you have any questions regarding these annual notifications, please contact your school principal or the Instructional Planning Center at (605) 367-7900.

## NOTICE: Family Educational Rights and Privacy Act. Policy Regulation JRA/JRA-R

The Family Educational Rights and Privacy Act (FERPA) afford parents and students over 18 years of age (“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 of the day the school receives a request for access. Parents or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notification 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. This does not include the right to request a change to any specific grade. Parents or eligible students who wish to ask the school to amend a record should write the school principal, 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, the school will notify the parent or eligible student of the decision and advise them 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 privacy of personally identifiable information (PII) in 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 or 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, a parent, student, or other volunteer assisting another school official in performing his or her tasks; or a service provider or vendor providing the District with online educational services or applications. 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. Upon request, the District discloses educational records without consent to officials of another school district in which a student seeks to enroll if the disclosure is for the purposes of the student’s enrollment or transfer.

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. Dept. of Education, 400 Maryland Ave. SW, Washington, DC 20202.

## NOTICE: Directory Information

FERPA requires that the District, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information (PII) from your child's education records. However, the District may disclose appropriately designated "directory information" (information that is generally not considered harmful or an invasion of privacy if released, without written consent), unless you have advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow the District to include this type of information in certain school publications. Directory information may also be provided to outside organizations. The District classifies and identifies directory information as follows:

### A. Directory Information for Use in School Publications:

The District designates the following as directory information for use by the District in school publications without prior parental written consent:

1. Student's name;
2. Grade level;
3. Student's participation in officially recognized activities or sports;
4. Weight and height of athletes;
5. Honors, awards, and degrees;
6. Information which denotes accomplishments and achievements;
7. Individual and group photographs;
8. Dates of attendance;
9. School attending; and
10. Parent/Guardian name.

Examples of the use of the above information in school publications by the District include, but are not limited to: class rosters posted inside school buildings; a program showing a student's role in a music or drama production; the annual yearbook; school newspaper; honor roll or other recognition lists; graduation programs; and sports activity programs, such as for wrestling, showing weight and height of team members.

### B. Directory Information for Student Contact Lists and Public Requests (Outside Organizations):

The District designates the following as directory information that may be disclosed by the District without prior written parental consent to outside organizations:

1. Student's name;
2. Address;
3. Telephone number;
4. School attending; and
5. Grade level.

Examples of the use of this outside organization directory information include, but are not limited to: use in a parent/student contact list (e.g. buzz book, school telephone directory, school contact list); providing information, upon request, to individuals, groups or organizations outside of school (e.g. parent groups [booster groups, PTA], outside organizations serving youth, companies that manufacture class rings or supply graduation items, photographers).

In addition, the District may provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the District that they do not want their student's information disclosed without their prior written consent. This written notice must be given to the student's building principal/program administrator or the Director of Technology & Information Services/Student Records within fifteen (15) days after notice is given.

Upon directory information from either category A or B being made public by the District (e.g. a program distributed at school event or information provided to manufacturer of class rings), that specific information, unless excluded by law, may fall within the definition of a public record and be accessible to the citizens of South Dakota in accordance with South Dakota's open record laws.

#### *Right of Parent/Guardian or Eligible Student to Opt-Out Of Disclosure of Directory Information*

The District will disclose the above identified directory information without written consent unless a parent or an eligible student "opts-out." Parents or an eligible student may elect to "opt-out" of one or both categories of directory information (Directory Information for Use in School Publications and/or Directory Information for Student Contact Lists and Public Requests (Outside Organizations)). Any such "opt-out" must be made, in writing, to the building principal within fifteen 15 days after the notice is given.

Policy/Regulation JRA/JRA-R can be found on the District's website at [www.sf.k12.sd.us](http://www.sf.k12.sd.us) or can be obtained from any school office or the Instructional Planning Center.

## Protection of Pupil Rights Amendment: Information Not Subject to Survey, Analysis, or Evaluation Without Consent and Consent/Opt-Out for Specific Activities

The Protection of Pupil Rights Amendment (PPRA) affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. South Dakota Codified Law 13-3-51.2 provides greater rights to parents. These include the right to:

- *Consent* before students are required to submit to a survey, analysis, or evaluation that concerns one or more of the following protected areas (“protected information survey”):
  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 parents
  8. Personal or family gun ownership; or,
  9. Income, other than as required by law to determine program eligibility.
  
- *Receive notice and an opportunity to opt a student out of –*
  1. Certain non-emergency medical examinations required for school attendance; and
  2. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
  
- *Inspect, upon request and before administration or use –*
  1. Protected information surveys of students;
  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.

The District has adopted a procedure regarding the above rights and 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. The District will notify parents at the beginning of the school year if the District has identified the specific or approximate dates of surveys for which consent is required. 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 consent (protected information surveys) or opt their child out ( marketing activities and certain non-emergency medical examinations) as required by the PPRA and state law. Parents will also be provided an opportunity to review any pertinent surveys.

Parents who believe their rights have been violated may file a complaint with the Family Policy Compliance Office, U.S. Dept. of Education, 400 Maryland Ave., SW, Washington, DC 20202. Policy ILD can be found on the District's website at [www.sf.k12.sd.us](http://www.sf.k12.sd.us) or can be obtained from any school office or the Instructional Planning Center.

## NOTICE: Non-Discrimination, Policy/Regulation AC/AC-R

In an effort to provide a safe, respectful educational environment, the District prohibits discrimination in its policies, employment practices and programs on the basis of race, color, creed, religion, age, gender (including pregnancy), sexual orientation, disability, national origin or ancestry, military/veteran status, genetic information or any other category protected by law. In addition, the District shall not discriminate in the opportunities for students on the basis of parental status, marital status, or pregnancy, nor shall such students be excluded from any program or activity, including any class or any extracurricular activity. Additionally, the District provides equal access to the Boy Scouts and other designated youth groups. Prohibited acts of discrimination include racial, sexual, ethnic or other types of slurs, insults, intimidation, harassment and other conduct directed toward another person in accordance with Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973 (discrimination based on disability); Title VI of the Civil Rights Act of 1964 (discrimination based on national origin or race); Title IX of the Education Amendments of 1972 (discrimination based on gender); the Age Discrimination Act of 1975 (discrimination based on age); and the Boy Scouts of America Equal Access Act of 2001 (equal access to public school facilities for the Boy Scouts and other designated youth groups) In addition, the District provides equal access/equal opportunity for students, employees, and the public to District programs and activities.

### *Complaint Procedure – Resolution of Discrimination Complaints*

Individuals with concerns or inquiries about discrimination are encouraged to attempt to resolve the concern informally by working with the administrator most directly involved in the situation. The following persons have been designated to handle inquiries regarding the non-discrimination policies:

- Discrimination based on a student's disability: Section 504 Coordinator: Health Services Supervisor, 201 East 38<sup>th</sup> Street, Sioux Falls, SD 57105-5898, (605) 367-7933.
- All other forms of discrimination: Civil Rights Officer/Title IX Coordinator (CRO/IX), In-House Counsel, 201 East 38<sup>th</sup> St., Sioux Falls, SD 57105-5898, (605) 367-4670.

A complaint may be filed by a student, parent/guardian, employee or other citizen when it is felt that a violation of Policy AC Nondiscrimination/Equal Opportunity has occurred. Formal complaints are filed with the persons named above.

1. The Complaint Investigation Form should be completed by the person filing the complaint or the designated administrator. The form includes the following:

- Complainant's name and address
  - Date(s) of the incident(s)
  - Description of the incident(s)
  - Name(s) of the person(s) involved in the incident(s)
  - Name(s) of any witness(es) to the incident(s)
  - What action, if any, has been taken
  - Requested resolution of the complaint
  - Signature of the complainant will be requested, but not required
2. An investigation will be initiated. This investigation may be conducted by District officials or by a third party designated by the District. The investigating party shall provide a written report of the status of the investigation within ten (10) working days to the Superintendent and the CRO/IX.
  3. If the complainant is not satisfied with the decision rendered by the designated administrator, he/she may appeal the decision to the Superintendent within ten (10) working days following receipt of the decision. The appeal must include the original Complaint Investigation Form, a copy of the decision from the designated administrator and a written statement as to a reason for the appeal.
  4. The Superintendent or designee will review the materials submitted, investigate the circumstances and respond in writing within fourteen (14) working days from the appeal. At the Superintendent's level, the appeal process may or may not include a conference with the parties involved.
  5. If the complainant is not satisfied with the decision rendered by the Superintendent, he/she may request a hearing in executive session with the School Board. The request for hearing must be submitted in writing within ten (10) working days through the Superintendent's Office. The hearing will be scheduled within thirty (30) working days from the request for hearing. The involved parties will be notified in writing of the date and time of the scheduled hearing.
  6. The School Board will render a decision in writing within ten (10) working days of the hearing.
  7. During the investigation all parties directly involved in the complaint may have legal or other representation. If any party elects to be represented at any step of the complaint procedure, the name of the representative must be declared in writing to the Civil Rights Officer within two (2) days of the filing of the complaint, notification of any investigation, or the filing of any appeal.

The District prohibits retaliation against any individual who reports a claim under this policy or participates in an investigation of any such claim.

Policy/Regulation AC/AC-R can be found on the District's website at [www.sf.k12.sd.us](http://www.sf.k12.sd.us) or can be obtained from any school office or the Instructional Planning Center. Concerns and inquiries regarding discrimination rights may be directed to the Kansas City Office, Office of 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](mailto:OCR.KansasCity@ed.gov).

## NOTICE: Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 (Section 504) is designed to eliminate discrimination on the basis of disability and requires that qualified individuals be provided equal access to educational programs and services.

**ACCESS** Persons with disabilities may contact the building principal or site administrator at least 72 hours before the event to obtain reasonable accommodations needed to participate in District programs.

**STUDENTS** Policy/Regulation KED/KED-R, Concerns and Complaints about Educational Programs for Students with Disabilities or Students with Substantially Limiting Health Conditions, outlines the District's procedure relating to the identification, evaluation or educational placement of a student under Section 504. Concerns/Complaints relating to the identification, evaluation or educational placement of a student under Section 504 should be referred to the District's Section 504 Coordinator - Supervisor of Health Services. 201 East 38<sup>th</sup> Street; Sioux Falls, SD 57105-5898; (605) 367-7933.

**PARENTAL RIGHTS** You have the right to: (1) Have your child take part in and receive benefits from public education programs without discrimination because of his/her disability; (2) Have your child receive a free appropriate education; (3) Have your child educated in facilities and receive services comparable to those provided nondisabled students; (4) Have your child have an equal opportunity to participate in nonacademic and extracurricular activities provided by the District; (5) Receive notice with respect to the identification, evaluation or placement (including a substantial change in placement) of your child; (6) Have the identification, evaluation and placement decisions based upon a variety of information sources and by persons who know the student, the evaluation data, and placement options; (7) Have your child receive appropriate educational and related services when eligible and necessary under Section 504; (8) Examine all relevant records relating to decisions regarding your child's educational records, including records related to the identification, evaluation, educational program and placement; (9) Request a review of a Section 504 Team decision relating to the evaluation, educational program and placement (including any substantial change in placement) of your child; (10) Request an impartial due process hearing relating to the evaluation, educational and placement decisions (including any substantial change in placement); (11) Appeal the decision of the impartial hearing officer to a court of competent jurisdiction; (12) Have the District advise you of these rights under the federal law.

The Sioux Falls School District must identify and evaluate students who may be eligible for services under Section 504 due to the following conditions:

1. A physical or mental impairment that substantially limits one or more major life activities (which includes major bodily functions); or

2. A record of having an impairment that substantially limits one or more major life activities, or
3. An impairment that substantially limits one or more major life activities.

The District will provide prior written notice to parents before initiating or changing or refusing to initiate or change the identification, evaluation or educational placement of a student under Section 504. Parent consent is required for all initial evaluations.

#### *Review and Impartial Due Process Hearing Procedure*

The parent of a child with a disability who disagrees with any decision regarding the identification, evaluation or educational placement of a student by the 504 Team may request a review by the District's Section 504 Coordinator - Supervisor of Health Services or file a Due Process Complaint. Request for review: The District's 504 Coordinator will send a written response to the parent/guardian within ten (10) working days of receiving the request for review. That written response will specifically address the issues raised by the parent/guardian. Impartial Due Process Hearing: A parent/guardian may file a Due Process Complaint at the Instructional Planning Center addressed to the District's 504 Coordinator.

Prior to the initiation of a Due Process Hearing, the Section 504 Coordinator will offer to convene a meeting with the parents and the relevant member or members of the 504 Team and a representative of the District who has decision-making authority on behalf of the District. The purpose of the meeting is for the parents to discuss their Due Process Complaint and the facts that form the basis of the Complaint so that the District has the opportunity to resolve the dispute. If the issues raised in the Due Process Complaint are not resolved to the satisfaction of the parent within 30 days of the receipt of the Due Process Complaint, a Due Process Hearing will be scheduled. An impartial Hearing Officer will be retained to conduct a hearing. Any party to a hearing has the right to:

1. Be accompanied and advised by counsel - neither party has the right to be represented by a non-attorney at a hearing;
2. Present evidence and confront, cross-examine, and compel the attendance of witnesses;
3. Introduce evidence that has been disclosed to the other party at least 5 business days before the hearing;
4. Obtain a written, or, at the option of the parent, electronic, verbatim record of the hearing; and
5. Obtain written, or, at the option of the parents, electronic findings of fact and decisions.

A complete copy of Policy/Regulation KED/KED-R can be accessed at <http://www.sf.k12.sd.us/our-district/district-policies> or obtained from any school office.

Concerns and inquiries regarding Section 504 may be directed to the Office of Civil Rights, U.S. Dept. of Education, Kansas City Office, 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](mailto:OCR.KansasCity@ed.gov).

## Individuals with Disabilities Education Act: Child Identification

The District provides free, appropriate education for all children with disabilities from birth through age 21. Any eligible child within the jurisdiction of the District, including those enrolled in any public or private agency or school located in the District, should be referred to the Office of Special Services. Ph. (605) 367-7689.

Documents for Public Inspection: The District is operating a project in compliance with the Individuals with Disabilities Education Act. Any funding applications, evaluation, or reports required by the state for operation of the project are available for public inspection. Documents are maintained in the Special Services Office of the Instructional Planning Center, 201 East 38th St., and are available during business hours.