

NOTICE TO PARENTS OF CHILDREN WHO RESIDE IN
NORTHERN POTTER SCHOOL DISTRICT

PROGRAMS FOR ELIGIBLE OR PROTECTED DISABLED STUDENTS

In compliance with state and federal law, notice is hereby given by the Northern Potter School District that it conducts ongoing identification activities as a part of its school program for the purpose of identifying students who may be in need of special education and related services (eligible students). If your child is identified by the District as possibly in need of such services, you will be notified of applicable procedures. Individualized services and programs are available for children who are determined to need specially designed instruction due to the following conditions:

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|--------------------------|------------------------------------|
| 1. Autism | 7. Traumatic brain injury |
| 2. Visual impairment | 8. Other health impairments |
| 3. Hearing impairment | 9. Orthopedic impairment |
| 4. Developmental delay | 10. Emotional disturbance |
| 5. Mental retardation | 11. Specific learning disability |
| 6. Multiple disabilities | 12. Speech and language impairment |

If you believe that your school-aged child may be in need of special education services and related programs, or young child (age 3 to school-age) may be in need of early intervention, screening and evaluation processes designed to assess the needs of the child and his/her eligibility are available to you at no cost, upon written request. You may request screening and evaluation at any time, whether or not your child is enrolled in the District's public school program. Requests for independent educational evaluations of students with disabilities will follow the provisions of 34 CFR 300.502. They are as follows:

- (a) General. (1) The parents of a child with a disability have the right under this part to obtain an independent educational evaluation of the child, subject to paragraphs (b) through (e) of this section.
- (b) Parent right to evaluation at public expense. (1) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency. (2) If a parent requests an independent educational evaluation at public expense, the public agency must, without unnecessary delay, either - (i) Initiate a hearing under 34 CFR 300.507 to show that its evaluation is appropriate; or (ii) Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing under 34 CFR 300.507 that the evaluation obtained by the parent did not meet agency criteria. (3) If the public agency initiates a hearing and the final decision is that the agency's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense. (4) If a parent requests an independent educational evaluation, the public agency may ask for the parent's reason why he or she objects to the public evaluation. However, the explanation by the parent may not be required and the public agency may not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation.
- (c) Parent-initiated evaluations. If the parent obtains an independent educational evaluation at private expense, the results of the evaluation - (1) Must be considered by the public agency, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child; and (2) May be presented as evidence at a hearing under this subpart regarding that child.
- (d) Requests for evaluations by hearing officers. If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.
- (e) Agency criteria. (1) If an independent educational evaluation 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 the public agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation.

Requests for evaluation and screening are to be made in writing to:

Mr. Scott V. Graham, Superintendent
Northern Potter School District
745 Northern Potter Road
Ulysses, PA 16948.

In compliance with state and federal law, the Northern Potter School District will provide to each protected disabled student without discrimination or cost to the student or family, those related aids, services or accommodations which are needed to provide equal opportunity to participate in and obtain the benefits to the school program and extracurricular activities to the maximum extent appropriate to the student's abilities. In order to qualify as a protected disabled student, the child must be school age with a physical or mental disability which substantially limits or prohibits participation in or access to an aspect of the school program. These services and protections for "protected disabled students" are distinct from those applicable to all eligible or exceptional students enrolled (or seeking enrollment) in special education programs.

For further information on the rights of parents and children, provision of services, evaluation and screening (including purpose, time and location), and rights to due process procedures, you may contact in writing the person listed above or any building principal.

Confidentiality: All information gathered about your child is subject to the confidentiality provisions contained in federal and state law. The district has policies and procedures in effect governing the collection, maintenance, destruction and disclosure to third parties of this information. For information about these policies and procedures, as well as rights of confidentiality and access to education records, you may contact in writing the person named above or any building principal.

NOTICE TO PARENTS AND ELIGIBLE STUDENTS
WHO RESIDE IN THE NORTHERN POTTER SCHOOL DISTRICT

NOTICE OF RIGHTS UNDER FERPA FOR ELEMENTARY AND SECONDARY STUDENTS
IN THE NORTHERN POTTER SCHOOL DISTRICT

Family Educational Rights and Privacy Act (FERPA) provides for its parents and students who are over eighteen years of age (“eligible students”) 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 45 days of the date the District receives a request for access.

Parents or eligible students should submit to the school principal or other appropriate school official a written request that identifies the records they wish to inspect. The principal will make arrangements for access and notify the parent or eligible students 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 or misleading.

Parents or eligible students may ask Northern Potter School District to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the District decides not to amend the records as requested by the parent or eligible student, the District will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding their request for the 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 disclosure of personally identifiable information contained 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 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; person or company with whom the District has contracted to perform a specific 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 or her task.

A school official has a legitimate educational interest if the official needs to review an educational 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 or intends to enroll.

4. The right to file a complaint with the United States 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, D. C. 20202-4605.

Consistent with the recent changes to the Individuals with Disabilities Education Act, the District is notifying you of the following changes to the Notice of Parents Rights:

Prior to a due process hearing, parents must provide written notice to the District regarding their problem with the District's proposed or existing program, placement, evaluation or identification.

Parents requesting a due process hearing must notify the school in writing of the nature of the problem with the school's proposed or existing program, placement, evaluation or identification; facts relating to such problem; and a proposed resolution of the problem to the extent known and available to the parents at the time. This notice is mandatory, and failure to provide it to the school can diminish or extinguish a claim for attorney's fees and costs if the parents are represented by counsel.

Parental claims for tuition reimbursement can be reduced or denied entirely—

1. If a parent does not advise the school at the last IEP team meeting prior to withdrawal of their child from school or at least ten business days prior to withdrawal of their child from school
 - A. that they are rejecting the school's program and placement offer;
 - B. their concerns with that offer; and
 - C. their intent to enroll the child in a private school at public expense.

OR

2. If prior to withdrawal, the school notifies the parents of its intent to evaluate with its reasons therefore, and the parents refuse to make their child available for such evaluation.

OR

3. If the court finds that the parents acted unreasonably.

NOTIFICATION OF RIGHTS UNDER THE PROTECTION
OF PUPIL RIGHTS AMENDMENT (PPRA)

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include 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 parents;
- 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 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.