

Article 10 – State and Federal Programs

Section 1 Notice of Nondiscrimination (Board Policy 4001)

The school district shall not discriminate on the basis of race, national origin, creed, age, marital status, sex or disability in its education programs, activities, or employment policies in compliance with Title VI and VIII of the Civil Rights Act, Title IX, the Rehabilitation Act, the Nebraska Equal Educational Opportunity Act, the Americans with Disabilities Act, and all other relevant civil rights statutes and regulations.

Any person who believes she or he has been discriminated against, denied a benefit, or excluded from participation in any district education program or activity may file a grievance using the district’s grievance procedures.

Inquiries regarding compliance with Title IX, the Nebraska Equal Opportunity in Education Act, Section 504, or Title VII may be directed to the superintendent.

Section 2 Designation of Coordinator(s)

Any person having inquiries concerning this district’s compliance with anti-discrimination laws or policies or other programs should contact or notify the following person(s) who are designated as the coordinator for such laws, policies or programs. The contact address for the coordinator is: Seward Public Schools, 410 South St., Seward, NE 68434, (402) 643-2941.

Law, Policy or Program	Issue or Concern	Coordinator
Title VI	Discrimination or harassment based on race, color, or national origin; harassment	Superintendent or designee
Title IX (Board Policy 4001)	Discrimination or harassment based on sex; gender equity	Superintendent or designee
Section 504 of the Rehabilitation Act and the (ADA) Americans with Disability Act (Board Policy 6022)	Discrimination, harassment or reasonable accommodations of persons with disabilities	Superintendent or designee
Homeless student laws (Board Policy 5014)	Children who are homeless	Superintendent or designee
Safe and Drug Free Schools and Communities	Safe and Drug Free Schools	Superintendent or designee

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Section 3 Notice to Parents of Rights Afforded by Section 504 of the Rehabilitation Act of 1973

The following is a description of the rights granted by federal law to qualify students with disabilities. The intent of the law is to keep you fully informed concerning the decisions about your child and to inform you of your rights if you disagree with any of these decisions. 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 the school district advise you of your rights under federal law.
3. Receive notice with respect to identification, evaluation or placement of your child.
4. Have your child receive a free appropriate public education.
5. Have your child receive services and be educated in facilities that are comparable to those provided to every student.
6. Have evaluation, educational and placement decisions made based on a variety of information sources and by persons who know the student and who are knowledgeable about the evaluation data and placement options.
7. Have transportation provided to and from an alternative placement setting (if the setting is a program not operated by the district) at no greater cost to you than would be incurred if the student were placed in a program operated by the district.
8. Have your child be given an equal opportunity to participate in non-academic and extra-curricular activities offered by the district.
9. Examine all relevant records relating to decisions regarding your child's identification, evaluation and placement.
10. Request mediation or an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement. (You and your child may take part in the hearing. Hearing requests are to be made to the superintendent.)
11. File a local grievance.

Section 4 Notification of Rights Under FERPA

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 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 day the district receives a request for access. Parents or eligible students should submit to the school principal (or appropriate school official) 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 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

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may ask the school district to amend a record that they believe is accurate 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 record 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 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, 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 and 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 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. Upon request, the district discloses education 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 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, S.W.
Washington, D.C. 20202-4605

NOTICE CONCERNING DIRECTORY INFORMATION

The district may disclose directory information. The types of personally identifiable information that the district has designated as directory information are as follows: student's name, address, telephone listing, electronic mail address, photograph, dates of attendance, grade level, enrollment status (e.g., undergraduate or graduate, full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and most recent previous educational agency or institution attended. A parent or eligible student has the right to refuse to let the district designate any or all of those types of information about the student as directory information. The period of time within which a parent or eligible student has to notify the district in writing that he or she does not want any or all of those types of information about the student designated as directory

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information is as follows: two (2) weeks from the time the information is first received. The district may disclose information about former students without meeting the conditions of this section.

ADDITIONAL NOTICE CONCERNING DIRECTORY INFORMATION

The district's policy is for education records to be kept confidential except as permitted by the FERPA law, and the district does not approve any practice that involves an unauthorized disclosure of education records. In some courses student work may be displayed or made available to others. Also, some teachers may have persons other than the teacher or school staff, such as volunteers or fellow students, assist with the task of grading student work and returning graded work to students. The district does not either approve or disapprove such teaching practices, and designates such student work as directory information and as non-education records. Each parent and eligible student shall be presumed to have accepted this designation in the absence of the parent or eligible student giving notifications to the district in writing in the manner set forth above pertaining to the designation of directory information. Consent will be presumed to have been in the absence of such a notification from the parent or eligible student.

Section 5 Notice Concerning Disclosure of Students Recruiting Information

The No Child Left Behind Act of 2001 required Seward Public Schools to provide military recruiters and institutions of higher education access to secondary school student's names, addresses and telephone listings. Parents and secondary students have the right to request that Seward Public Schools not provide this information (i.e., not provide the student's name, address and telephone listing) to military recruiters or institutions of higher education, without their prior written parental consent. Seward Public Schools will comply with any request.

Section 6 Notice Concerning Staff Qualifications

The No Child Left Behind Act of 2001 gives parents or guardians the right to get information about professional qualifications of their child's classroom teachers. Upon request, Seward Public Schools will give parents or guardians the following information about their child's classroom teacher.

1. Whether the teacher has met state qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
2. Whether the teacher is teaching under an emergency or provisional teaching certificate.
3. The baccalaureate degree major of the teacher. You may also get information about other graduate certification or degrees held by the teacher, and the field of discipline of the certification or degree. We will also, upon request, tell parents/guardians whether their child is being provided services by a paraprofessional, and, if so, the qualifications of the paraprofessional. The request for information should be made to an administrator in your child's school building. The information will be provided to you in a timely manner. Finally, Seward Public Schools will give timely notice to

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you if you child has been assigned, or has been taught for four (4) or more consecutive weeks by a teacher who does not meet the requirements of the act.

Section 7 Student Privacy Protection Policy

It is the policy of Seward Public Schools to develop and implement policies that protect the privacy of students in accordance with applicable laws. The district's policies in this regard include the following: Right of Parents to Inspect Surveys Funded or Administered by the United States Department of Education or Third Parties: Parents shall have the right to inspect, upon the parent's request, a survey created by and administered by either the United States Department of Education or a third party (a group or person other than the district) before the survey is administered or distributed by the school to the parent's child.

Protection of Student Privacy in Regard to Surveys of Matters Deemed to be Sensitive: The district will require, for any survey of students which contain one or more matters deemed to be sensitive (see section headed "Definition of Surveys of Matters Deemed to be Sensitive"), that suitable arrangements be made to protect student privacy (that is, the name or other identifying information about a particular student.) For such surveys, the district will also follow the procedures set forth in the section entitled: "Notification of and Right to Opt-Out of Specific Events."

Rights of Parents to Inspect Instructional Materials: Parents shall have the right to inspect, upon reasonable request, any instructional material used as part of the educational curriculum for their child. Reasonable requests for inspection of instructional materials shall be granted within a reasonable period of time after the request is received. Parents shall not have the right to access academic tests or academic assessments, as such are not within the meaning of the term "instructional materials" for purposes of this policy. The procedures for making and granting a request to inspect instructional materials are as follows: The parent shall make the request, with reasonable specificity, directly to the building principal. The building principal, within five (5) school days, shall consult with the teacher or other educator responsible for the curriculum materials. In the event the request can be accommodated, the building principal shall make the materials available for inspection or review by the parent, at such reasonable times and place as will not interfere with the educator's intended use of the materials. In the event there is a question as to the nature of the curriculum materials requested or as to whether the materials are required to be provided, the building principal shall notify the parent of such concern, and assist the parent with forming a request which can reasonably be accommodated. If the parent does not formulate such a request, and continues to desire certain curriculum materials, the parent shall be asked to make their request to the superintendent.

Rights of Parents to be Notified of and to Opt-Out of Certain Physical Examinations or Screenings. The general policy and practice of the district is to not administer physical examinations or screening of students which require advance notice or parental opt-out rights under the applicable federal laws, for the reason that the physical examinations or screenings to

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be conducted by the district will usually fit into one of the following exceptions: (1) hearing, vision or scoliosis screening; (2) physical examinations or screenings that are permitted or required by an applicable state law; and (3) surveys administered to students in accordance with the Individuals with Disabilities Education Act. For physical examinations or screening which do not fit into the applicable exceptions, the district will follow the procedures set forth in the sections entitled: “Notification of and Right to Opt-Out of Specific Events.”

Protection of Student Privacy in Regard to Personal Information Collected from Students: The general policy and practice of the district is to not engage in the collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information. The district will make reasonable arrangements to protect student privacy to the extent possible in the event of any such collection, disclosure or use of personal information. “Personal information” for the purposes of this policy means individually identifiable information about the student including: (1) a student or parent’s first and last name, (2) home address, (3) telephone number, and (4) social security number. The term “personal information”, for purposes of this policy, does not include information collected from students for the exclusive purpose of developing, evaluating or providing educational products or services for, or to, students or educational institutions. This exception includes the following examples: (i) college or postsecondary education recruitment, or military recruitment; (ii) book clubs, magazines, and programs providing access to low-cost literary products; (iii) curriculum and instructional materials used by elementary schools or secondary schools; (iv) tests and assessments used by elementary school and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude or achievement information about student, or to generate other statistically useful data for the purpose of securing such tests and assessments, and the subsequent analysis and public release of the aggregate data from such tests and assessments; (v) the sale by student of products or services to raise funds for school related or education related activities; (vi) student recognition programs.

Parental Access to Instruments used in the Collection of Personal Information: While the general practice of the district is to not engage in the collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information, parents shall have the right to inspect, upon reasonable request, any instrument which may be administered or distributed to a student for such purposes. Reasonable requests for inspection shall be granted within a reasonable period of time after the request is received. The procedures for making and granting such a request are as follows: The parent shall make the request, with reasonable specificity, directly to the building principal and shall identify the specific act and the school staff member or program responsible for the collection, disclosure, or use of personal information from students for the purpose of marketing that information. The building principal, within five (5) school days, shall consult with the school staff member or person responsible for the program that has been reported by the parent to be responsible for the collection, disclosure, or use of personal information from students. In the event such collection, disclosure, or use of personal information is occurring or there is a plan for such to occur, the building principal shall consult with the superintendent for determination of whether the action shall be allowed to

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continue. If not, the instrument for the collection of personal information shall not be given to any students. If it is to be allowed, such instrument shall be provided to the requesting parent as soon as such instrument can be reasonably obtained.

Annual Parental Notification of Student Privacy Protection Policy: The district shall provide parents with reasonable notice of the adoption or continued use of this policy and other policies related to student privacy. Such notice shall be given to parents of students enrolled in the district at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in such policies.

Notification of Parents of Dates of and Right to Opt-Out of Specific Events: The district shall directly notify the parents of affected children, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when any of the following activities are scheduled or are expected to be scheduled:

The collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information. (Note: the general practice of the district is not to engage in the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information).

Surveys or students involving one or more matters deemed to be sensitive in accordance with the law and this policy; and

Any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student or other students. (Note: the general practice of the district is to not engage in physical examinations or screening which require advance notice, for the reason that the physical examinations or screening to be conducted by the district will usually fit into one of the following exceptions to the advance notice requirement and parental opt-out right: (1) hearing, vision, or scoliosis screenings; (2) physical examinations or screenings that are permitted or required by an applicable state law, and (3) surveys administered to students in accordance with the Individuals with Disabilities Education Act.

Parents shall be offered an opportunity in advance to opt their child out of participation in any of the above listed activities.

In the case of a student of an appropriate age (that is, a student who has reached the age of 18, or a legally emancipated student), the notice and opt-out right shall belong to the student.

Definition of Surveys of Matters Deemed to be Sensitive: Any survey containing one or more of the following matters shall be deemed to be “sensitive” for purposes of this policy:

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1. Political affiliations or beliefs of the student of the student’s parents;
2. Mental or psychological problems of the student or the student’s parent;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating or demeaning behavior;
5. Critical appraisals of other individuals with whom the student has 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 of the student’s parent;
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Section 8 Parental Involvement Policy (Board Policy 5018)

The school district recognizes the importance of parental involvement in the education of their children. To ensure such rights, parents will be:

1. Provided access, as described in district procedures, to district-approved textbooks and other curricular materials and tests used in the district.
 - a. A parental request to review specific approved textbooks and other district- or building-approved curricular materials (written, visual, and audio) should be made to the principal of the building where the textbooks and curriculum materials are used. Parents may check out textbooks and may review curricular materials such as video and audio recordings within a time frame determined by the building principal to prevent disruption of the instructional process. A parental request to review specific standardized and criterion- referenced tests used in the district should be made in writing to the building principal. Copies of the most recent tests used in the district will be available for parent review. In the case of secure tests such as the ACT, parents must contact the publisher to obtain copies of the test.
2. Permitted, within district procedures, to attend and observe courses, assemblies, counseling sessions, and other instructional activities.
 - a. Parents are invited to make appointments with the building principal to visit classes, assemblies and other instructional activities. The principal shall give permission after determining that parental observation would not disrupt the activity.
 - b. Parents may request permission to attend counseling sessions in which their child is involved.

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3. Permitted, within district procedures, to ask that their children be excused from testing, classroom instruction, surveys and other school experiences that parents find objectionable.
 - a. Building principals will excuse a student from any single school experience at the parent's written request.
 - b. When appropriate, alternative experiences will be provided for the student by the school.
4. Informed through the student handbook of the manner that the district will provide access to records of students.
5. Informed of the standardized and criterion-referenced district testing program. Parents may request additional information from the building principal.
6. Notified of their right to remove their children from surveys prior to district participation in surveys.
 - a. The principal must approve all surveys intended to gather information from students before they are administered to students.
 - b. Students' participation in surveys is voluntary. Parents may restrict their child from participating in any survey.

Section 9 Homeless Students Policy (Board Policy 5014)

1. General Policy

The school district, in so far as is possible, will provide tuition free education for homeless children and youth who are in the district. The district will also accord homeless students with the educational rights and legal protections provided by state and federal law.

2. Homeless Liaison

The district's homeless liaison is the superintendent. Students in homeless situations who require assistance should contact the liaison at (402) 643-2941 or in person at 410 South Street, Seward, NE.

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3. Definitions

- a. A homeless individual is defined as one who
 - i. lacks a fixed regular and adequate residence; and
 - ii. has a primary nighttime residence in a supervised publicly or privately operated shelter within the district for temporary accommodations, an institution within the district providing temporary residence for individuals intended to be institutionalized, or a public or private place within the district not designated for or ordinarily used as a regular sleeping accommodation for human beings.
- b. The term “homeless” or “homeless individual” does not include any individual imprisoned or otherwise detained by the act of Congress or by state law.
- c. “Child” and “youth” refers to persons who, if they were children of residents of the District, would be entitled to a free education.

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