

Frederick Area School District Public Notices

A. Annual Non-Discrimination Statement

The Frederick Area School District advises students, parents, employees, and the general public that it does not discriminate in its education programs, CTE programs, activities, employment opportunities, and practices on the basis of gender, race, color, national origin, age, or disability. The Frederick Area School District's Department of Career and Technical Education (CTE) offers a variety of career and technical programs to all students in junior high and high school levels. The program areas include Business and Information Technology and Family and Consumer Sciences. For more information about this policy and practices please contact:

Shauna Severson, Title IX Coordinator
202 E. Main St.
Frederick, SD 57441
(605)329-2145
Fax: (605) 329-2722
Janel.Wagner@k12.sd.us

Jessica Ringgenberg, 504 Coordinator
202 E. Main St.
Frederick, SD 57441
(605)329-2145
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Regional Director, US Dept. of Education
Office of Civil Rights
One Petticoat Lane
1010 Walnut St., 3rd Floor, Ste. 320

Kansas City, MO 64106
(816)268-0550
(800)877-8339
Fax: (816)268-0599
Email: OCR.KansasCity@ed.gov

B. South Dakota Department of Health

From time to time during the year, screenings or education may be provided through a contract with the SD Dept. of Health (DOH), who is subject to the rules and regulations of the Health Insurance Portability and Accountability Act (HIPAA). HIPAA requires that the DOH provide access to our Notice of Privacy Practices. You may view the DOH notice on their website at www.state.sd.us/doh or request a printed copy by contacting us at 1-800-305-3064.

C. FAMILY EDUCATIONAL RIGHTS & PRIVACY ACT (FERPA) #93-380

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:

Parent Rights:

1. The right to inspect and review the student's education records within 45 days after the day the Frederick Area School receives a request for access. Parents or eligible students who wish to inspect their child's or their education records should submit to the school principal [or appropriate school official] 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 Frederick Area School to amend their child's or their education record should write the school principal [or appropriate school official], 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. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest must be set forth in the school's or school district's annual notification for FERPA rights. A school official typically includes a person employed by the school or school district 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, contractor, or consultant who, while not employed by the school, 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, 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 typically 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 school discloses education records without consent to officials of another school or school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. [NOTE: FERPA requires a school or school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request or the disclosure is initiated by the parent or eligible student.]

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

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See the list below of the disclosures that elementary and secondary schools may make without consent.

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, § 99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency (SEA) in the parent or eligible student's State. Disclosures under this provision may be made, subject to the requirements of § 99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met. (§§ 99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to § 99.38. (§ 99.31(a)(5))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction, if applicable requirements are met. (§ 99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena if applicable requirements are met. (§ 99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
- Information the school has designated as "directory information" if applicable requirements under § 99.37 are met. (§ 99.31(a)(11))
- To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student's case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement. (20 U.S.C. § 1232g(b)(1)(L))
- To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions. (20 U.S.C. § 1232g(b)(1)(K))

Family Educational Rights and Privacy Act (FERPA) Model Notice for Directory Information

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

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If you do not want Frederick Area 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 Frederick Area School District in writing by September 1. Frederick Area 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.

D. CTE Programming

The Frederick Area School's Department of Career and Technical Education (CTE) offers a variety of career and technical programming to all students at the junior high and high school levels. The program areas include:

- Business and Information Technology
- Family and Consumer Sciences
- Trade and Industrial Education (in partnership with the Aberdeen School District)

For more information about Career and Technical Education, call Jeff Kosters at 605-329-2145.

The Frederick Area School District's Department of Career and Technical Education does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programming and activities. The Frederick Area School District will make modifications to its programs, facilities, employment practices, and activities to accommodate all qualified individuals with a disability. The district will assure that all educational services be provided and offered to all students including disabled/disadvantaged. The district assures that all students will receive an equal opportunity to achieve educational benefits including vocational technical programs. The following person has been designated to handle inquiries regarding the non-discrimination policies:

Shauna Severson, Title IX Coordinator/Business Manager
202 E. Main St.
Frederick, SD 57441
(605)329-2145.

E. Surveys and 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 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 students' 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.

Board Approved 07/11/2022

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F. Highly Qualified Status

According to "ESEA" parents may request information regarding a teacher's or paraprofessionals qualifications. If you wish to receive that information, please contact the building principal. Parents will be notified if their child is taught for four or more weeks by a teacher who is not highly qualified.

G. Complaint Policy/ Grievance Procedure

A parent, student, employee, or district stakeholder who has a complaint regarding the use of federal funds or discrimination, and is unable to solve the issue through confidential conversation, may address the complaint in writing to the district's superintendent.

- The superintendent will investigate the circumstances of the complaint within one week of receipt.
- The superintendent will render a decision one week after the investigation, or within two weeks after the receipt of the complaint.
- The superintendent will notify the complainant of the decision within two weeks of receipt of the complaint.
- The complainant will be allowed one week to react to the decision before it becomes final.
- The complainant will either accept or disagree with the decision and will provide such acknowledgement in writing, addressed to the district superintendent.
- If the issue is not resolved with the superintendent, the complaint will be forwarded to the district's Board of Education for further review. The complaint will be reviewed by the School Board within one week, with a decision and notification being made within the second week of the board's receipt.
- Unresolved complaints may be forwarded by the stake holder to the South Dakota Department of Education for review.

Disputes addressing the enrollment, transportation (including inter-district disputes), and other barriers to the education of children and youth experiencing homelessness are also addressed under this procedure. Parents, guardians, and unaccompanied youth may initiate the grievance process directly at the school they choose, as well as at the district or district's homeless liaison's office. The parent or guardian or unaccompanied youth shall be provided with a written explanation of the school's decision including the rights of the parent, guardian, or youth to appeal the decision. Students should be provided with all services for which they are eligible while disputes are resolved. This policy was adopted by the Frederick Area School District School Board on August 13, 2007.

H. Student Due Process Rights

All students are entitled to due process when they are subjected to disciplinary actions, such as suspension or expulsion. The board and school officials have the legal authority to deal with disruptive students and student misconduct. Due process, in the context of the administrative proceedings carried out by school authorities, refers to the hearing procedures established by the State Board of Education.

Due process procedures will conform to the following basic practices:

1. They must be fair.
2. They must apply equally to all
3. They must be enforced in a fair manner, which involves:
 - *Adequate and timely notice and an opportunity to prepare a defense.
 - *An opportunity to be heard at a reasonable time and in a meaningful manner.
 - *The right to a speedy and impartial hearing on the merits of the case. Legal Refs: SDCL 13-32-4ARSD 24:07:01 et seq

Note: Articles 24:07 of the Administrative Rules of South Dakota provide two sets of procedures: one is for short-term suspensions, and one for long-term suspensions or expulsions. The short-term procedure applies to suspensions or expulsions of students from school or class for ten (10) days or less; the long-term procedure applies for more than ten (10) days when suspended by the school principal; or more than ninety (90) days when suspended by the superintendent of school.

I. Compliance with GEPA 472

It is the policy of the Frederick Area School District that no barriers may exist which prohibits any stakeholder from taking advantage of any technological service, equipment, curriculum or program administered by the school. Students, teachers and the community at large shall not be restricted or prohibited from participation because of gender, race, national origin, color, disability, or age; and shall be protected under all applicable state statute and federal laws(e.g. Equal Employment Opportunity, Civil Rights, Disabilities, Acts, NCLB, etc.) Furthermore, steps are taken to ensure that all users have equal access and/or assistive technology when and where required. The NWA is an equal opportunity employer.

J. Frederick Area School District Americans with Disabilities Act (A.D.A.) Compliance Provisions

It shall be the practice of the Frederick Area School District to guarantee non-discrimination in hiring in the selection of candidates to include candidates with mental or physical disability does not impair their ability to perform the essential function of the position.

- No employee will be terminated in employment based upon mental or physical disability except in the case of impairment to perform the essential function of their position.
- The district also recognizes its obligation to make reasonable accommodations for applicants and present employees of the district, to include possible structural changes or schedule changes to accommodate the individual with the disability.
- If the district would face undue hardship in terms of cost administrations, or in changes to the school program, the accommodations would not be required. If the disability would pose risk of harm to themselves or others and modification would not reduce said risk the district is not obligated to modify. Discrimination is prohibited in all employment practices including job application, hiring, firing, advancement, compensation, training and terms and conditions of employment.
- The Frederick Area School District will not discriminate against a person with disabilities in participation in services, programs or activities. Programs and services will be integrated to insure equal opportunity.
- Requirements that tend to screen out individuals with disability will be prohibited.
- The district will make reasonable modifications in policy, practices and procedures to insure equal access to individuals with disabilities unless fundamental alterations in programs will result.
- The Frederick Area School District will remove physical barriers where reasonably feasible. Where undue hardship would result, the district will make the program accessible.
- New construction will conform to all A.D.A and U.F.A.S. students.
- Private parties may bring lawsuits against the district to enforce their rights. All must comply with A.D.A. Title II.

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- Complaints may also be filed with U.S. Dept. of Justice or any agency that provide federal funds to the district.
- All appeals by an individual must be directed to the designated person for A.D.A in the district. The appeal shall be handled in accordance with A.D.A. standards and guidelines.
- The general provisions of the A.D.A. plan will be published annually in the teacher's handbook and in the student's handbooks.
- Annually a statement of non-discrimination will be published in the districts official newspaper.

K. TOBACCO-FREE SCHOOL

The Frederick Area School District recognizes its duty to promote the health and safety of students, staff and citizens on district property and during school-sponsored activities. In accordance with this responsibility, it is the intent of the School Board to establish a tobacco-free school environment that demonstrates a commitment to helping students resist tobacco use and emphasizes the importance of adult role modeling.

The use, possession, or promotion of tobacco on school property or during school-sponsored activities is prohibited. This policy shall be in effect at all times and shall apply to all students, employees and visitors.

For the purposes of the policy:

1. "Tobacco" means any substance or item, in any form, containing tobacco;
2. "School property" means all district-owned, rented or leased buildings, grounds and vehicles;
3. "School-sponsored activity" means any planned, organized endorsed, or supervised activity involving district students or staff that occurs either before, during or after regular school hours;
4. "Promotion" means the use or display of tobacco-related clothing, bags, lighters, or other material that is designed to encourage the acceptance or use of tobacco

L. Sexual Harassment Policy

Because sexual harassment is a form of sexual discrimination and compromises the attainment of education and work excellence, the Frederick Area School District strictly prohibits sexual harassment of its employees or students. Such behavior may occur between members of the same or opposite sex and may be cause for disciplinary action up to and including expulsion for students and termination for employees and termination of services for others. This policy applies to employees and students attending any events on Frederick Area property and at any event or location when the behavior involved Frederick Area employees or students.

M. Child Find

Frederick Area School District Conducts Special Education Child Find. The Frederick Area School District is required to provide appropriate educational opportunities for all children, regardless of their special educational needs. In light of this, Superintendent Jeff Kusters of the Frederick Area School District announced that the district is conducting an annual Special Services and Section 504 "Child Find" search to identify and evaluate all district children under 21 who may not be receiving appropriate educational opportunities. Jeff Kusters of Frederick Area School has been named Child Find coordinator. Persons who know of a child in the district with inappropriate or unserved educational needs may give the child's name to Jessica Ringgenberg, the district's Special Services and Section 504 coordinator at 329-2145. After obtaining parental consent, the district will conduct an evaluation of the child's needs, and a placement meeting will be held with the child's parents or guardian. Superintendent Kusters stresses that parents are not expected to be able to diagnose a child's difficulty before they ask for help.

N. Asbestos Inspection

August 2021,

Dear Parents, Teachers and Employees of Frederick Area School District,

The Frederick Area School District #6-2 has on file a Management Plan for dealing with asbestos containing building materials within the school district's buildings. This plan is available to view at the main office when requested.

The EPA requires us to perform re-inspections of the ACBM every three years and six month surveillances each year for any change in condition of the ACBM. An accredited management planner reviewed the results of the re-inspections and recommended actions we should take to safely manage the ACBM in our buildings. The ACBM in this school is in good condition and we will continue to manage then in place as recommended by the accredited management planner. We plan on taking whatever steps are necessary to ensure your children and our employees have a healthy and safe environment to learn and work in. The results of this most recent inspect performed July of 2021 are on file in the school administration office. The Asbestos Designated Person, Dan Duenwald, is available to answer any questions as requested.

Sincerely,

Jeff Kusters

O. Notice to Married and/or Pregnant Students

The Frederick Area School District shall not discriminate against any married or pregnant student or be excluded from any program or activity, including any class or any extracurricular activity. Parents or married students may volunteer to participate in a separate educational program offered by the school; the instructional portion of the program must be equivalent to that offered to non-pregnant or non-married students.

A physician's certification of fitness to continue in the regular education programs may be required of pregnant students only if such certification is required of other students with conditions requiring a physician's care. Pregnancy must be treated as a justification for a student's leave of absence for whatever time period that student's physician finds medically necessary. A student must be reinstated to the same status, which she held prior to her leave of absence.

This statement is provided by the Office for Civil Rights, United States Department of Education, Title 34, Section 106-40.

Board Approved 07/11/2022