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## Annual Notice

### Family Educational Rights and Privacy Act

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:

1. The right to inspect and review the student's education records within 45 days after the day the Wattsburg Area School District ("District") receives a request for access.

Parents or eligible students should submit to the school principal 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 District 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 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. 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 of 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 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 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.

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 are:

Family Policy Compliance Office

### **Disclosure of Student Education Records**

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)(2) are met.
- 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.
- 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 in the parent or eligible student's State (SEA). 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.
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary 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.
- 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.
- 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.
- To accrediting organizations to carry out their accrediting functions.
- To parents of an eligible student if the student is a dependent for IRS tax purposes.
- To comply with a judicial order or lawfully issued subpoena.
- To appropriate officials in connection with a health or safety emergency, subject to §99.36.
- Information the school has designated as "directory information" under §99.37.

### **Directory Information**

The *Family Educational Rights and Privacy Act* (FERPA), a Federal law, requires that the District with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the District may disclose appropriately designated "directory information" 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 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* (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.<sup>1</sup>

If you do not want the District to disclose directory information from your child’s education records without your prior written consent, you must notify the District in writing by October 1. The District has designated the following information as directory information:

- |                          |                                        |
|--------------------------|----------------------------------------|
| -Student’s name          | -Participation in officially           |
| -Address                 | recognized activities and sports       |
| -Telephone listing       | -Weight and height of members of       |
| -Electronic mail address | athletic teams                         |
| -Photograph              | -Degrees, honors, and awards           |
| -Date and place of birth | received                               |
| -Major Field of study    | -The most recent educational agency or |
| -Dates of attendance     | institution attended                   |
| -Grade level             |                                        |

-Student ID: number, user ID, or other unique personal identifier used to communicate in electronic systems that cannot be used to access education records without a PIN, password, etc.

### **Maintenance of Student Records**

Records will be maintained on a child until no longer necessary. Special Education Records must be retained for six years following graduation. Permanent records will be kept for 100 years beyond the date the student attains the age of twenty-one years. The permanent records may contain a record of a **student’s personally identifiable information** such as name, address, telephone number, grades, attendance records, classes attended, grade level completed, and year completed. Parents have certain rights with respect to their child’s records that are transferred to a student when he or she reaches the age of 18 or attends an institution of post-secondary education unless the student is dependent upon the parent, as defined in Section 152 of the Internal Revenue Code of 1954.

The Wattsburg Area School District Board of Directors defines “Special Education records” as follows: “Special Education, Gifted Education, and Chapter 15/Section 504 plan documents consistent with the definition of “educational records” in 34 C.F.R. part 99, which include in this context but are not limited to: Permission to Evaluate (Consent), Permission to Evaluate (Request), Permission to Re-Evaluate (Consent), Permission to Re-Evaluate (Request), Gifted Written Report, Evaluation Report, Re-Evaluation Report, Agreement to Waive Re-Evaluation, Individualized Education Program (IEP), Gifted Individualized Education Program (GIEP), Invitation to participate in the IEP team meeting, Invitation to participate in the GIEP team meeting, Notice of Recommended Educational Placement, Notice of Recommended Assignment, Chapter 15/Section 504 Service Agreement, Summary of Academic Achievement and Functional Performance, and other related documents and records which have been maintained by the District and were considered by the District and/or IEP team in making any FAPE decision, including but not limited to decisions regarding eligibility, evaluation, necessary services and accommodations, content of individualized education programs and/or Chapter 15/Section 504 service plans, placement, etc., of any eligible student.”

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<sup>1</sup> These laws are: Section 9528 of the Elementary and Secondary Education Act (20 U.S.C. § 7908) and 10 U.S.C. § 503(c).

The Wattsburg Area School District will destroy all Special Education, Gifted Education, and Chapter 15/Section 504 records, except for the personally identifiable information as listed above, for all students eligible under the Individual's with Disabilities Education Act and/or Section 504 of the Rehabilitation Act of 1973 **who were born before the year 1994. These records will be destroyed after August 31, 2021.** Those who want to claim their Special Education, Gifted Education, or Chapter 15/Section 504 records prior to the date of destruction must contact 814-824-3400 ext. 4513 to make an appointment to secure their personal records at the Wattsburg Area School District Student Support Services Office, Seneca High School, 10770 Wattsburg Rd, Erie, PA 16509.

### **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.

*Parents who believe their rights have been violated may file a complaint with:*

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5901

### **McKinney-Vento Homeless Assistance Act**

If a student is living under any of the following conditions, they may be eligible for certain rights and protections under the federal McKinney-Vento Act:

- In a shelter

- In a motel or campground due to the lack of an alternative adequate accommodation In a car, park, abandoned building, or bus or train station
- Doubled up with other people due to loss of housing or economic hardship

**Eligible students have the right to:**

- Receive a free, appropriate public education.
- Enroll in school immediately, even if lacking documents normally required for enrollment.
- Enroll in school and attend classes while the school gathers needed documents.
- Enroll in the local school; or continue attending their school of origin (the school they attended when permanently housed or the school in which they were last enrolled), if that is their preference.
  - Note: If the district believes that the school selected is not in his/her best interest, the district will provide the student with a written explanation of its position and inform the student of his/her right to appeal.
- Receive transportation to and from the school of origin, if requested.
- Receive educational services comparable to those provided to other students, according to the students' needs.

Contact the Assistant to the Superintendent for more information regarding eligibility: (814) 824-3400 ext. 4532

**Asbestos Hazard Emergency Response Act**

The Asbestos Hazard Emergency Response Act (AHERA) requires the District to inspect their buildings for asbestos-containing building materials, and develop, maintain, and update an asbestos management plan. For information regarding of the management plan and planned or in-progress inspections, re-inspections, response actions, and post-response actions, including periodic re-inspection and surveillance activities, contact the Plant Operations Supervisor: (814) 824-3400, ext. 4114

**Integrated Pest Management Notification**

The Wattsburg Area School District uses an Integrated Pest Management (IPM) approach for managing insects, rodents, and weeds. Our goal is to protect every student from pesticide exposure by using an IPM approach to pest management. Our IPM approach focuses on making the school buildings and grounds an unfavorable habitat for these pests by removing food and water sources and eliminating their hiding and breeding places. We accomplish this through routine cleaning and maintenance. We routinely monitor the school buildings and grounds to detect any pests that are present. The pest monitoring team consists of our building maintenance, housekeeping, office, and teaching staff and includes our students. Pest sightings are reported to our IPM coordinator who evaluates the “pest problem” and determines the appropriate pest management techniques to address the problem. The techniques can include increased sanitation, modifying storage practices, sealing entry points, physically removing pests, etc.

From time to time, it may be necessary to use chemicals to manage pest problem. Chemicals will only be used when necessary, and will not be routinely applied. When chemicals are used, the school will try to use the least toxic products when possible. Pesticide applications will be made at a time when only authorized persons have access to the areas being treated. Notices will be posted in these areas 72 hours prior to application and for two days following the application. Our regularly scheduled inspections and applications as necessary are scheduled after 11:00 p.m. on the first Friday of each month.

Parents or guardians of students enrolled in the schools may request prior notification of specific applications made at the school. To receive notification, you must be placed on the school’s notification registry. If you would like to be placed on this registry, please notify the district in writing. Please include your e-mail address if you would like to be notified electronically.

If chemical application must be made to control an emergency pest problem, notice will be provided by telephone to any parent or guardian who has requested such notification in writing, and whose name is placed on the notification requesting. Exemptions to this notification include disinfectants and antimicrobial products, self-contained baits placed in areas not accessible to students, and gel type baits placed in cracks, crevices or voids. Each year the district will prepare a new notification registry.

If you have any questions, please contact the Plant Operations Supervisor: (814) 824-3400, ext. 4114

### **Annual Child Find Notice**

The Wattsburg Area School District hereby notifies parents and guardians of children with disabilities age 3-21 of the availability of Special Education Services, under the requirements of Chapter 14 of the School Code, to meet these children's unique educational needs. Every school has a screening and evaluation process to identify students who may require Special Education Services. If parents or guardians think their child might need Special Education Services or that the child may have a developmental delay, they can refer their child by contacting the supervisor of special education, school principal, or the Northwest Tri-County Intermediate Unit. Screenings and evaluations occur throughout the year and during registration for Kindergarten. For information, contact:

Special Education Supervisor	Northwest Tri-County Intermediate Unit
10770 Wattsburg Road	252 Waterford St.
Erie, PA 16509	Edinboro, PA 16412
(814) 824-3400 Ext. 4513	(814) 734-5610

Available programs and services, at no costs to parents, include:

- Early Intervention – for children ages 3-5 with developmental delays and disabilities\*.
- Learning Support – for students with Learning Disabilities or mild Mental Retardation.
- Emotional Support – for students with emotional problems and or mental health disorders.
- Sensory Support – for students who are Deaf, Hard of Hearing, Blind, or Visually Impaired.
- Physical Support – for students with Cerebral Palsy, Muscular Dystrophy and other physical disabilities.
- Autistic Support – for students with Autism or Pervasive Developmental Disorder.
- Life Skills Support – for students with moderate Mental Retardation who require instruction in daily living skills.
- Speech and Language Support – for students with speech or language disorders.

\* IDEA 2004 states that early intervention services must be provided to infants and toddlers with developmental delays or established risk conditions the following is information related to Developmental Delay and potential risk areas:

Developmental delays are significant delays or atypical patterns of development that make children eligible for early intervention services. The following are potential risk areas:

Established risk conditions include a diagnosed physical or medical condition that usually result in developmental delay or disability. Examples of this category are, Down syndrome, Fragile-X syndrome, fetal alcohol syndrome, other conditions associated with mental retardation, brain or spinal cord damage, and sensory impairments.

Biological risk conditions include pediatric histories or current biological conditions that result in a greater-than usual probability of developmental delay or disability. Examples of this category are: low birth weight and significant premature birth.

Environmental risk conditions include factors such as extreme poverty, parental substance abuse, homeless, abuse or neglect, and parental intellectual impairment, which are associated with higher than normal probability with of developmental delay.

Parents are also advised that in Pennsylvania, children with disabilities, who do not require special education, are protected by the regulations of Chapter 15 of the School Code. Parents who feel their child may be a child with a "protected handicapped" should contact the principal or supervisor of special education.

## **Gifted Education**

The Wattsburg Area School District has established these procedures regarding identification of gifted children. The focus of the law, called Chapter 16, is to ensure that students are not identified as mentally gifted based on a single test score.

The district conducts ongoing screening activities to nominate potential candidates. Children may be referred by parents or teachers. Parents who feel strongly that their child may be gifted should contact the school guidance counselor to initiate gifted screening on behalf of their son or daughter. The gifted screening process will include a review of the student's record, past test scores, report card grades, and input from those familiar with the student's learning strengths and needs. Identification of a student eligible for gifted services is based on:

Full scale or composite IQ score of 130 or higher on an individually administered IQ test or any combination of the following criteria:

- A year or more above grade achievement level for the normal age group in one or more subjects as measured by nationally normed and validated achievements tests able to assess gifted performance. Subject results shall yield academic instruction levels in all academic subject areas.
- As observed or measured rate of acquisition/retention of new academic content or skills that reflect gifted ability.
- Early and measured use of high level thinking skills, academic creativity, leadership skills, intense academic interest areas, communication skills, foreign language aptitude or technology expertise.
- Documented, observed, validated or assessed evidence that intervening factors such as English as a Second Language, disabilities defined in 34 CFR 300.8 (relating to child with a disability), gender or race bias, or socio/cultural deprivation are not masking gifted abilities.

The District offers a variety of programs to meet the needs of students who are identified as gifted. Gifted programming at Wattsburg Area Elementary Center and Middle School includes enrichment activities within and outside of the regular education classroom and a Discovery program coordinated by the gifted teacher. Gifted programming at Seneca High School includes the opportunity for students to enroll in advanced placement courses, cyber courses, and to earn college credits through participation in the Regional Choice Initiative (dual enrollment program).

Wattsburg Area School District does provide the Pennsylvania Department of Education (PDE) with all required gifted information and/or reports related to students, personnel, and program elements.

Parents are further advised that in Pennsylvania, children who are mentally gifted are protected by the regulations of Chapter 16 of the School Code. Parents who feel their child may be gifted should contact the principal of the school their child attends for more information.

## **Notice of Non-discrimination**

The Wattsburg Area School District does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries regarding the non-discrimination policies:

Assistant to the Superintendent  
10782 Wattsburg Road  
Erie, PA 16509  
(814) 824-3400 ext. 4532

## **Board Policy**

The District hereby provides notice of the following board policies, which are available on the district's website <http://www.wattsburg.org>:

- 006. Meetings
- 103. Nondiscrimination in School and Classroom Practices
  - 103.1. Nondiscrimination – Qualified Students with Disabilities
- 104. Nondiscrimination in Employment Practices
- 105.1. Review of Instructional Materials by Parents/Guardians and Students
- 113. Special Education
- 114. Gifted Education
- 123. Interscholastic Athletics
  - 123.1. Concussion Management
- 138. Language Instruction Educational Program for English Learners
- 142. Migrant Students
- 143. Standards for Persistently Dangerous Schools
- 144. Standards for Victims of Violent Crimes
- 146. Student Services
- 200. Enrollment in District
- 203. Immunizations and Communicable Diseases
- 204. Attendance
- 209. Health Examinations/Screenings
  - 209.2. Diabetes Management
- 210. Medications
  - 210.1. Possession/Administration of Asthma Inhalers/Epinephrine Auto-Injectors
- 216. Student Records
- 218. Student Discipline
  - 218.1. Weapons
- 222. and 323. Tobacco – Students and Employees
- 226. Searches
- 235. Student Rights and Responsibilities
  - 235.1. Surveys
- 237. Electronic Devices
- 246. School Wellness
- 247. Anti-Hazing
- 249. Bullying/Cyberbullying
- 250. Student Recruitment
- 312. Evaluation of Superintendent
- 604. Budget Adoption
- 619. District Audit
- 621. Local Taxpayer Bill of Rights
- 705. Safety
- 707. Use of School Facilities
- 716. Integrated Pest Management
- 806. Child Abuse
- 808. Food Services
- 810.2. Transportation – Video/Audio Recording
- 824. Maintaining Professional Adult/Student Boundaries
- 904. Public Attendance at School Events
- 906. Public Complaint Procedures
- 918. Title I Parent and Family Engagement