Whitefish School District

Notification of Rights under FERPA for Elementary and Secondary Schools

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 school 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 school to amend a record should write the school principal, clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested 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 otherwise uses 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 [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

Listed below are 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 34 C.F.R. 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 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. (§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 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. (§§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 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. (§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. (§99.31(a)(9))

• To caseworkers or other Child Protective Services representatives when DPHHS/CPS is legally responsible for the care and protection of the student. 20 U.S.C. § 1232g(b)(1)(L).

• 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” under §99.37. (§99.31(a)(11))

Notice for Directory Information

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that schools, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child’s education records. However, the Whitefish School 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 Whitefish School 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;
• Student directories;
• 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 1955 (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.¹

If you do not want Whitefish School District to disclose directory information from your child’s education records without your prior written consent, you must notify the District in writing by September 8th. The Whitefish School District has designated the following information as directory information:

¹ These laws are: Section 9528 of the Elementary and Secondary Education Act (20 U.S.C. § 7908) and 10 U.S.C. § 503(c).
Student's name
Address
Telephone listing
Electronic mail address
Photograph
Date of birth
Dates of attendance
Grade level
Participation in officially recognized activities and sports
Weight and height of members of athletic teams
Honors and awards received
WSD AHERA Notice

Dear Parents, Teachers, Building Occupants, and Employee Organizations:

In the past, asbestos was used extensively in building materials because of its insulating, sound absorbing, and fire retarding capabilities. Virtually any building constructed before the late 1970s contained some asbestos. Intact and undisturbed asbestos materials generally do not pose a health risk. Asbestos materials, however, can become hazardous when, due to damage or deterioration over time, they release fibers. If the fibers are inhaled, they can lead to health problems, such as cancer and asbestosis.

In 1986, Congress passed the Asbestos Hazard Emergency Response Act (AHERA) which requires schools to be inspected to identify any asbestos containing building materials. Suspected asbestos-containing building materials were located, sampled (or assumed) and rated according to condition and potential hazard. Every three years, the Whitefish School District has conducted a re-inspection to determine whether the condition of the known or assumed asbestos containing building materials (ACBM) has changed and to make recommendations on managing or removing the ACBM. At the last inspection conducted on 7/31/2017, all materials listed in the Management Plan as asbestos containing (or assumed to be asbestos-containing) were inspected and found to be in good condition.

The law further requires an asbestos management plan to be in place by July 1989. The Whitefish School District has developed a plan, as required, which has been continually updated. The plan has several ongoing requirements: publish a notification on management plan availability and the status of asbestos activities; educate and train its employees about asbestos and how to deal with it; notify short-term or temporary workers on the locations of the asbestos containing building materials; post warning labels in routine maintenance areas where asbestos was previously identified or assumed; follow set plans and procedures designed to minimize the disturbance of asbestos containing building materials; and survey the condition of these materials every six months to assure that they remain in good condition.

During the past year, asbestos containing building materials have been removed, encapsulated, or enclosed in the following building: The Whitefish Middle School. During the next year, we plan to conduct the following asbestos related activities at the following school buildings: no activities are currently planned.

It is the intention of the Whitefish School District to comply with all federal and state regulations controlling asbestos and to take whatever steps are necessary to ensure students and employees a healthy and safe environment in which to learn and work. You are welcome to review a copy of the asbestos management plan in the Whitefish School District administrative office during regular business hours. Whitefish School District Maintenance Director Chad Smith is our designated asbestos program coordinator, and all inquiries regarding the asbestos plan and asbestos-related issues should be directed to him at (406) 862-8613.
Whitefish School District 44
Annual Parent Notice
Right to Request Teacher Qualifications

School: Whitefish School District
Date: 8/14/18

Our school receives federal funds for programs that are part of the Elementary and Secondary Education Act (ESEA), as amended (2015). Throughout the school year, we will continue to provide you with important information about this law and your child’s education. Based on current education law, teachers must have earned State certification and licensure. State certification and licensure is the training required to be a teacher.

We are very proud of our teachers and feel they are ready for the coming school year. We are prepared to give your child a high-quality education. You have the right to request information about the professional qualifications of your child’s teacher(s) or paraprofessional(s). A paraprofessional provides academic or other support for students under the direct supervision of a teacher. If you request this information, the district or school will provide you with the following as soon as possible:

a. if the teacher has met State certification and licensing requirements for the grade levels and subjects for which the teacher provides instruction;
b. if state certification and licensing requirements have been waived (is not being required at this time) for the teacher under emergency or other temporary status;
c. if the teacher is teaching in the field of discipline for which they are certified or licensed;
d. if the teacher has met State-approved or State-recognized certification, licensing, registration, or other comparable requirements. These requirements apply to the professional discipline in which the teacher is working and may include providing English language instruction to English learners, special education or related services to students with disabilities, or both; and
e. if your child is receiving Title I or Special Education services from paraprofessionals, his or her qualifications.

Our staff are committed to helping your child develop the social, academic and critical thinking he or she needs to succeed in school and beyond. That commitment includes making sure that all of our teachers and paraprofessionals are highly skilled.

If you would like to request information about your child’s teacher(s) or paraprofessional(s), or if you have any questions about your child’s assignment to a teacher or paraprofessional, please contact the following person at your child’s school:

Name: Dave Means
Title: Director of Educational Services
Email: meansd@whitefishschools.org
Phone: 862-8655

Thank you for your interest and involvement in your child’s education.

Sincerely,

Dave Means
Director of Educational Services

The school district does not discriminate on the basis of race, color, national origin, sex, age, or disability in matters affecting employment or in providing access to programs and services. It provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries and complaints regarding non-discrimination policies and to coordinate compliance efforts:

Name: Dave Means
Title: Director of Educational Services
Address: 600 East 2nd Street
Telephone: 862-8655
Email: meansd@whitefishschools.org

Inquiries or complaints may also be directed to the Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue S.W., Washington D.C. 20202, or by calling (800) 421-3481 or (877) 521-2172 (TTY).
Whitefish School District Annual Notices

Notice of Non-Discrimination

The Whitefish 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 people have been designated to handle inquiries regarding the non-discrimination policies:

Dave Means
Director of Educational Services
862-8655

Jackie Fuller
WMS Assistant Principal
8628600

For further information on notice of nondiscrimination, visit
http://wdcrohcolp01.ed.gov/CFAPPS/OCR/contactus.cfm for the address and phone number of the office that serves your area, or call 1-800-421-3481.

LIMITED ENGLISH PROFICIENT (LEP) STUDENTS

The Whitefish School District has the responsibility under federal law to serve students who are limited English proficient and need English instructional services. The District will ensure opportunities are provided for parents to meet with building principals and teachers, provide information how parents can be involved in their child's education, and how parents can help their child attain English proficiency and succeed in school. The District works hard to provide information to parents in a format and language that they can understand.

Each year, within 30 days of the start of the school year or the student's enrollment if after the start, the District will notify parents of a student identified as limited English proficient of the reasons their child has so been identified, the child's level of English proficiency and how it was assessed, the methods of instruction used in its programs and others, how its program will help their child, and when the child is expected to gain English proficiency.

The District will provide notice to parents of limited English proficient students when the child fails to make progress on annual achievement objectives within 30 days of learning of such status.

Parents seeking more information about the District's identification of and programs for students with limited English proficiency should contact Ryder Delaloye at 862-8640.
IF YOU LIVE IN ANY OF THE FOLLOWING SITUATIONS:

- 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

You may qualify for certain rights and protections under the federal McKinney-Vento Act.

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.
  * If the school district believes that the school selected is not in his/her best interest, then the district must provide the student with a written explanation of its position and inform the student of his/her right to appeal its decision.
- 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.

If you believe you may be eligible, contact the local liaison to find out what services and supports may be available.

Director of Educational Services
Dave Means
406-862-8855

State Coordinator
Heather Denny
406-444-2036

1-800-308-2145  homelessness@serve.org  http://nche.org
Whitefish School District
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.

The Whitefish School District has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The Whitefish School District will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. The district will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. The school district will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided
reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales, or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

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
Whitefish School District

Notice and Consent/Opt-Out for Specific Activities

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h, requires the Whitefish School District to notify you and obtain consent or allow you to opt your child out of participating in certain school activities. These activities include a student survey, analysis, or evaluation that concerns one or more of the following eight areas ("protected information surveys"):  

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.

This requirement also applies to the collection, disclosure or use of student information for marketing purposes ("marketing surveys"), and certain physical exams and screenings.

Following is a schedule of activities requiring parental notice and consent or opt-out for the upcoming school year. This list is not exhaustive and, for surveys and activities scheduled after the school year starts, the Whitefish School District will provide parents, within a reasonable period of time prior to the administration of the surveys and activities, notification of the surveys and activities and be provided an opportunity to opt their child out, as well as an opportunity to review the surveys. (Please note that this notice and consent/opt-out transfers from parents to any student who is 18 years old or an emancipated minor under State law.)

There are no scheduled "protected information surveys" at this time.