

Gateway School District's

Annual Child Find Notice and Student Records Notice

The Family Educational Rights and Privacy Act (FERPA) is a federal law that affords parents the right to have access to their children's education records, the right to seek to have the records amended, and the right to have some control over the disclosure of personally identifiable information from the education records. When a student turns 18 years old, or enters a post-secondary institution at any age, the rights under FERPA transfer from the parents to the student ("eligible student"). The FERPA statute is found at 20 U.S.C. § 1232g and the FERPA regulations are found at 34 CFR Part 99.

It is the intent of this Annual Notice and policy to inform both the parent(s)/guardian(s) and eligible children (i.e. students 18 and older) of their rights relevant to their privacy rights in the collection, maintenance, release and destruction of these records as required by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. '1232g, 34 C.F.R. part 99 and the No Child Left Behind Act of 2001. Annual notice of this policy is provided on the District's website.

The different categories of information maintained by the school district are as follows; educational and health records, personally identifiable information and directory information. Information known as directory information can be released without consent. Parents may opt out of this by requesting in writing to the school principal that some or all directory information not be released. In addition, photographs and/or videos may be used in newspaper articles highlighting various school activities or television coverage of school events. If you do not wish your child to be photographed or videotaped for these purposes, you must inform the district in writing.

Educational Records include records directly related to a student that are maintained by the Gateway School District. The Educational Records of the District may include all of the following (this list may include but are not limited to): grades, standardized test results, student evaluation reports, samples of student work, records transferred from sending schools, discipline records, medical records and any other records maintained solely by the creator for their personal use, not shared with others. Personal observation of students is not considered to be an educational record. The contents of a student's educational file shall be determined by the District unless a specific parental request is made or a complaint is made, consistent with this Notice.

The District shall permit the parent/guardian(s) of a student or an eligible special education student, who is or has been in attendance in the District, to inspect and review the education records of the student upon written request. The District will comply with a written request to review records within a reasonable period of time (never to exceed 45 calendar days from the date of written request) after the request has been made. When there are special cases and where necessary, a parental request to review records will be granted and arranged as soon as possible. Visits to review a student's records shall be arranged and facilitated by the building principal or designee, or any party selected by the District, for the purposes of security and assistance in explaining or interpreting the data.

The right to inspect and review education records includes:

1. The right to a response from the District to reasonable requests, made in writing, for explanation and interpretations of the record; and
2. The right to obtain copies of records from the District where failure of the District to provide the copies would effectively prevent a parent or eligible student from exercising the right to inspect and review the educational records (e.g. where the parent lives too far to come review the records personally). The District may charge a fee for copies of records that are made for parents/guardians so long as the fee does not effectively prevent parents/guardians from exercising their right to inspect and review those records. The District shall not charge a fee to search for or to retrieve information in response to a parental request.
3. Have a representative inspect and review the records.

If an educational record includes information on more than one (1) student, the parents/guardians shall have access only to the information relating to their child or shall be informed of the information in the record.

In accordance with FERPA, the District will not produce or compile documentation that does not already exist. It is presumed by the District that both natural parent/guardian(s) of a student has authority to inspect and review the education records of the student at the school in the child's attendance area (main office) by appointment unless there is evidence that there is a legally binding instrument, or a State law or court order governing such matters as divorce, separation or custody, which provides to the contrary. A District designee will sit with the parent when the parent reviews the records in a private conference area of the main office.

Under federal law, parental consent is not required for the release of Directory information, which is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

The District designates the following as Directory Information means: information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

a) Directory information includes, but is not limited to, the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status (*e.g.*, undergraduate or graduate, full-time or part-time); dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors and awards received; and the most recent educational agency or institution attended.

b) Directory information **does not include** a student's:

1) Social security number; or

2) Student identification (ID) number, except as provided in paragraph (c) of this section.

c) Directory information includes a student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating 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 personal identification number (PIN), password, or other factor known or possessed only by the authorized user.

A written record of this information, or microfilm copy of the same, including grade level completed and year completed, may be maintained until the student reaches the age of 27. A parent/guardian or eligible student may notify the District in writing of their refusal to allow the District to release directory information without prior consent. Such written refusal for consent must be sent to Office of Special Education, 9000 Gateway Campus Boulevard Monroeville, PA 15146.

Pursuant to Section 9528 of The No Child Left Behind Act the District is required to release student directory information (access to names, addresses, and phone numbers of high school juniors and seniors) to **military recruiters and college admissions officers.** The No Child Left Behind law requires high schools to release information to colleges or other higher learning institutions upon request. The No Child Left Behind Act of 2001, the National Defense Authorization Act for Fiscal Year 2002, and Pennsylvania Act 10 (The Armed Forces Recruiting Act) collectively require superintendents to provide military recruiters the same access to secondary school students as they provide to postsecondary institutions or to prospective employers. Any parent/guardian or student who has reached age eighteen may notify the District in writing of their refusal for this information to be released. Letters seeking the withholding of information to military recruiters should be sent to: the Assistant Superintendent or designee.

Per federal guidance, student medical records, maintained by the nurses' office, are considered educational records and will be shared with staff who the district determines have a legitimate educational interest in the information and a need to know medical information to protect the safety and health of the student. Once provided to the District, specific parental consent will not be sought to share information on a need to know basis. Parental requests to maintain the confidentiality of specific medical information must be made in writing to the nurse's office. Requests for complete confidentiality of medical information will be granted at the discretion of the nurse. These requests will be granted unless dangerous to the student.

If the agency reported a crime committed by a student with a disability the district will ensure that copies of the special education records and disciplinary records of the student will be transmitted properly and only to the extent possible that the transmission is permitted by the Family Educational Rights and Privacy Act.

The District shall obtain the written consent of the parent(s)/guardian(s) of a student age eighteen before disclosing personally identifiable information, other than directory information, from the education records of a student to a third party. Consent is not required where the disclosure is to the parent/guardian(s) of a student who is not an eligible student or the student himself or herself.

Personally Identifiable Information

The term includes, but is not limited to:

- (a) The student's name;
- (b) The name of the student's parent or other family members;
- (c) The address of the student or student's family;
- (d) A personal identifier, such as the student's social security number, student number, or biometric record;
- (e) Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
- (f) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify student with reasonable certainty; or
- (g) Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

Uses of Personally Identifiable Information:

The district may disclose personally identifiable information from the education records of a student without written consent of the parent/guardian(s) or the student or the eligible student in several situations. See 34 C.F.R. Part 99.

Some important examples of when no consent to release information include (list not exhaustive):

1. To other school officials, including teachers, guidance counselors, nurses, and Intermediate Units (I.U.) personnel within the District who have been determined by the District to have legitimate educational interests or are providing instruction or services to students. The District has determined that all school employees involved in the direct supervision of a student (academic or non-academic) (including support staff) have a legitimate education interest in academic and health related student information if the information is necessary to ensure appropriate fulfillment of their professional duties and to ensure the health and safety of the student.
2. To officials of another school or school system or post-secondary schools in which the student seeks or intends to enroll, subject to the requirements set forth in 99.34. Parents may request a copy of the record sent.
3. To appropriate parties in a health or safety emergency, subject to the conditions set and 99.36, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

4. 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 requirement 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 agencies that are designated by them as their authorized representatives to conduct any audit, evaluation or enforcement or compliance activity on their behalf.

5. Information designated by the District as Directory Information.

6. Generally, schools must have written permission from the parent/guardian or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- Specified officials for audit and evaluation purposes
- Appropriate parties in connection with financial aid to a student
- Organizations conducting studies for or on behalf of the school
- Accrediting organizations
- To comply with a judicial order or lawfully issued subpoena
- State and local authorities, within the juvenile justice system, pursuant to specific state law
- Contracted, consultant, volunteer, or other party to whom an agency or institution has outsourced institutional services or functions may be considered a school official under this paragraph---

- (1) Performs an institutional service or function for which the agency or institution would otherwise use employees;
- (2) Is under the direct control of the agency or institution with respect to the use and maintenance of education records; and
- (3) Is subject to the requirements of §99.33 (a) governing the use and re-disclosure of personally identifiable information from education records.

(ii) An educational agency or institution must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. An educational agency or institution that does not use physical or technological access controls must ensure that its administrative policy for controlling access to education records is effective and that it remains in compliance with the legitimate educational interest requirement.

When providing records to authorized third parties, the District will make a reasonable attempt to notify the parent/guardian(s) of the student or the eligible student of the transfer of the records at the last known address of the parent(s)/guardian(s) or eligible student. Per state law, the District will not provide any notice of transfer of records of a student to a school in which a student seeks or intends to enroll.

The District maintains student records in a locked storage room located at the administration building. This storage room contains special education student records, gifted education student records, student health records, 504 Student Service Plan records, etc. Current original special education records with psychological records are maintained in the special education department office. All district records of students (K-12) who were evaluated by the school psychologist(s) and found not to be non-exceptional are kept and are secured in the school(s)'offices and special education department office. All records are kept in a secure location and access to files is limited.

PLEASE NOTE: BOARD POLICY 113.4 PROVIDES RESIDENT STUDENTS AND THEIR PARENTS WITH NOTICE THAT THE DISTRICT MAY DESTROY RECORDS UNDER THE FOLLOWING CIRCUMSTANCES AND TIMELINES:

- a) Records that include a student's name, address, grades, attendance records, classes attended, grade level completed and year completed may be destroyed once the student reaches 27 years of age.
- b) Special Education records, Section 504 records and health records may be destroyed once 6 years have passed from the date a student has graduated or reached graduation age (if exiting the district before graduation) as long as there is no outstanding request to inspect and review the records and the records are no longer deemed useful to the school district.
- c) Notice of destruction of these records is provided annually via this publication. Educational records of a student are no longer needed by the District to provide educational services at the end of one year following a student's graduation from the District. A parent/guardian may submit a written request for the destruction of all education records at that time.
- d) Destruction will proceed where parents or eligible students have not requested copies by November 1 of the year the records may be destroyed as per paragraphs A & B above. Parents or students over eighteen have the right to request a copy of their record before destruction.

Parents are reminded that copies of the records might be needed for the acquisition of Social Security benefits or for other purposes.

Amendment of Education Records

A Parent/guardian or eligible student has the right to request amendment of a student's educational file if it is believed that any information is inaccurate, or in violation of a student's rights. The educational agency shall decide within a reasonable time whether to amend the record. If the school district decides not to amend the educational record it shall notify the parent/student of the right to and arrange an informal hearing. The hearing will be conducted by an official of the District without an interest in the outcome, who will be either the Assistant Superintendent or their designee. The parent may present relevant evidence. The District will issue a written decision based on the hearing. Informal inquiries may be sent to: ferpa@ed.gov or ppra@ed.gov. The website address is: www.ed.gov/policy/gen/guide/fpcd

Complaints regarding violation of rights accorded parent(s)/guardian(s) and eligible students with respect to student records are to be submitted to Assistant Superintendent or designee in writing. All Complaints will be investigated and responded to in writing within a reasonable period of time. If complaints cannot be satisfactorily resolved by the District, complaints can be filed with the following:

Family Policy Compliance Office U.S. Department of Education, 400 Maryland Avenue, SW
Washington, D.C. 20202-4605.

Questions regarding the above information or requests for a copy of the records policy may be referred to:
the Assistant Superintendent or designee, Gateway School District, 9000 Gateway Campus Blvd.
Monroeville, PA 15146.

Screening and Evaluation

The Gateway School District employs the following procedures for locating, identifying and evaluating the needs of school age students who may require special education programs and/or services. These procedures, as required by state regulation, are as follows:

As prescribed by Section 1402 of the Pennsylvania school code, the district routinely conducts health screenings for kindergarten (K) through 12th grade students and new students without history of recent exams: Vision (Gr. K-12); Hearing (Gr. K, 1, 2, 3, 7 and 11 and any student with a known history of hearing loss); Mandated Physical Exams (Gr. K, 6, and 11); Dental Screenings (Gr. K, 1, 3, and 7).

Speech and language skills are screened in kindergarten and on a referral basis by speech clinicians.

Gross-motor and fine-motor skills, academic and social-emotional skills are assessed by the teachers and support staff. A review of group-based data such as cumulative enrollment and health records, report cards and academic achievement is reviewed monthly, or more often if needed, at the Student Support team meetings. Identified needs are assessed and research based intervention are implemented. Parents are notified of the additional supports being offered.

Gateway School District utilizes a Multi-Tiered System of Supports (MTSS) as a pre-referral intervention system to support elementary students (K – 6) who are struggling academically, socially, or behaviorally. The team consists of principals, school counselors, regular and/or special education teachers, and school psychologist. Research-based intervention strategies are implemented for a period of time in the regular classroom setting to assist the student in an attempt to foster academic success.

The MTSS process consists of:

- Gathering accurate and reliable data
- Interpreting data
- Using data to make meaningful instructional changes for students
- Establishing increasingly intensive tiers of support
- Evaluating effectiveness of supports

The Gateway Student Assistance Teams (SAP) provides additional support by working to identifying barriers to learnings. SAP teams are currently in place at all buildings (K – 12). SAP is a cooperative, proactive prevention/intervention program that attempts to provide intervention before school performance is seriously compromised. SAP teams consist of principals,

school counselors, regular and special education teachers, school psychologist, and nurses. A SAP referral may be made after receiving parent permission. SAP consists of interventions for students who may be experiencing academic difficulties, drug and alcohol, depression, and/or family issues. Mental Health screenings are conducted by the Allegheny County SAP Liaison. Referrals to appropriate agencies or treatment facilities, as well as aftercare for those returning from treatment, and crisis intervention may also be indicated and shared directly to parents.

Evaluating for Special Education

Following intensive, Tier III, interventions, if it is determined that a student is not making academic/behavioral progress, the student is referred for a multidisciplinary team (MDT) evaluation. This type of evaluation requires parental consent. A “Prior Written Notice for Initial Evaluation and Request for Consent Form” is provided to the parent, with a parent input form and Procedural Safeguards. Once the signed permission is received, the school district has 60 -calendar days to complete the evaluation process. The process consists of individual testing with the student, parent input, teacher input, classroom observations, and review of academic and/or behavioral records. An evaluation report is then written which concludes the determination of the child’s eligibility for special education services as well as specific recommendations necessary to meet the needs of the student.

The parent are then invited to a multi-disciplinary team (MDT) meeting to review the evaluation report and, if eligible, develop an Individual Education Program (IEP). In order for the student to begin receiving special education services, the final documents that is signed is the Notice of Recommended Educational Placement (NOREP. Parents are provided the opportunity to indicate their agreement or disagreement with the recommendation.

Parents of students who suspect that their child has a disability and is in need of special education may request a multidisciplinary team evaluation of their child through a written request to the building principal or Director of Pupil Services.

Services for Pre-School Age Children

Act 212, the Early Intervention Services System Act, entitles all preschool children with disabilities to appropriate early intervention services. Young children experiencing developmental delays or physical or mental disabilities are eligible for early intervention services including screening, evaluation, individualized education program planning and provision of appropriate programs and services.

The Pennsylvania Department of Public Welfare is responsible for providing services to infants and toddlers, defined as children from birth to three years of age.

The Pennsylvania Department of Education is responsible for providing services to preschool age children from ages three through five. Contact the Allegheny Intermediate Unit, Project DART, 425 East Waterfront Drive, Homestead, PA 15120, 412-394-5941.

Districts must ensure that all students transitioning from early intervention programs to kindergarten or first grade programs within the District are transitioned without disruption of

services. Parents of children entering school age programs are notified of the District's transition to kindergarten activities, which occur before kindergarten registration of each year. The District sends a "Prior Written Notice for a Reevaluation and Request for Consent Form", once received, conducts an evaluation, and, if eligible for special education services, develops an individualized Education Program (IEP) in accordance with the timelines required by state mandates.

Services for School Age Students with Disabilities or Mental Giftedness

The Gateway School District provides a free, appropriate public education to students with disabilities or mental giftedness according to state and federal rules. To be eligible, the child must:

- Be of school age.
- Have a disability or mental giftedness *and* be in need of specially designed instruction.
- Meet eligibility criteria for one or more of the following disabilities as set forth in the Pennsylvania State Standards: autism, deaf-blindness, blindness, visual impairment, emotional disturbance, specific learning disability, other health impairment, traumatic brain injury, and speech/language impairment, orthopedic impairment, hearing impairment, deafness, multiple disabilities or intellectual disabilities. Services designed to meet the needs of eligible disabled students include:
 - a) The annual development of an individualized education program (IEP or Gifted IEP).
 - b) A multidisciplinary re-evaluation every 3 years for students with disabilities (except for those students with intellectual disabilities where evaluation is conducted every 2 years).
 - c) A range of supports for students from itinerant level to supplemental level to full time level special education support within the school district or placement in a special education class outside of the school district.

The extent of special education services for students with a disability or mentally gifted students and the location for the delivery of such services are determined by the parents and the district staff at the IEP team meeting and are based on the student's identified needs and abilities, chronological age and the level of intensity of the specified intervention(s). The school district also provides related services, such as transportation, physical therapy, occupational therapy, speech and language therapy, and assistive technology if they are required to enable the student with disabilities to derive educational benefits.

Prior to initiation of services, parents of a student with disabilities are presented a "Notice of Recommended Educational Placement/Prior Written Notice" (NOREP) and parents of a mentally gifted student with a "Notice of Recommended Assignment" (NORA) with which they have the opportunity to agree or disagree. If parents agree to the program outlined by the multidisciplinary team and the parent signs either the NOREP or NORA, then the program is implemented for their child. If parents disagree with the program being recommended, they have the right to request IEP mediation and/or a due process hearing. Parents are issued their "Procedural Safeguards" which outlines in detail their legal rights as a parent of a child identified as having a disability or considered mental gifted.

Services for Protected Handicapped Students - PA Chapter 15 (Section 504)

The school district will provide to each protected handicapped student without discrimination or cost to the student or family those related aids, services or accommodations which are needed to provide equal opportunity to participate in and obtain the benefits of school programs and extracurricular activities to the extent appropriate to the student's abilities. To qualify as a protected handicapped student, the child must be of school age with a physical or mental handicap which substantially limits or prohibits participation in or access to an aspect of the school program.

Services for protected handicapped students are distinct from those applicable to disabled students enrolled in special education programs. Protected handicapped students fall under Pennsylvania's Chapter 15, sometimes known by its federal name, Section 504 (of the 1973 Rehabilitation Act). In contrast, students with disabilities who qualify for special education services are covered by regulations contained in Pennsylvania's Chapter 14. While both Chapter 14 and 15 provide services to students, there are technical differences between the two. Additional information about evaluation procedures and provision of services to protected handicapped students is available by contacting the building principal.

Information regarding Chapter 14: Special Education; Chapter 16: Gifted Education and Chapter 15: 504 Service Plan/Agreement procedures and services may be obtained by calling the Special Education Department of Gateway School District at 412-373-5724.

Services for Students in Nonpublic Schools

Public school education may be accessible to resident students attending nonpublic schools on a dual enrollment basis in a special education program operated in a public school. A multidisciplinary evaluation which determines the child's eligibility for services must be conducted and, if eligible, an individualized education program plan (IEP) is developed. Parents of nonpublic school students who suspect that their child has a disability and in need of special education may request a multidisciplinary evaluation of their child through a written request to the Director of Pupil Services.

Confidentiality of Student Records

The privacy rights of parents and students are mandated by federal legislation known as the Family Educational Rights and Privacy Act of 1974 (FERPA- C.P.R. Part 99), most recently amended in November 1996, state regulations (Chapter 14-Special Education Services and Programs, Chapter 12-Student Rights and Responsibilities) and district policy. Gateway School District Public Notice on Surrogate Parents For Students with Special Needs

Federal law establishes the right of a free and appropriate public education for all children with disabilities. To ensure that this right is realized for all such children, procedures are written into the laws to ensure that children with disabilities who:

1. Are wards of the state, or
2. Whose parents are unknown, unavailable, or have had their parental rights legally terminated,
3. Are unaccompanied, homeless youth have appropriate representation when educational programming decisions are made. This is provided through the recruitment, training and assignment of volunteer surrogate parents who represent the child during the educational

process. In Pennsylvania, Intermediate Units have been given the responsibility of recruiting, training and assigning parents to children meeting the qualifications listed. The Gateway School District works with the Allegheny Intermediate Unit #3 in providing this service.

English as a Second Language Services (ESL)

In accordance with federal law and state regulations, the Gateway School District must identify all students who have "limited English proficiency" (LEP). These students typically have a primary language other than English that is used in their homes. Students identified with a limited English proficiency are eligible for ESL instructional services to help them attain proficient skills in their use of the written and spoken English language.

All students must have a Home Language Survey completed by their parents prior to admission into the school district. This survey allows the Gateway School District to identify possible LEP students. A screening is conducted by the ESL teacher to determine if a student requires direct services based on their level of need.

Parents or guardians who feel that their child may have a limited English proficiency should contact Mr. Joseph DiLucente, ESL Coordinator at 412-373-5856 for more information.