

39. PARENTAL NOTIFICATIONS

39.1 Family Educational Rights and Privacy Act (FERPA) Annual Notice of Student Education Record Privacy

FERPA affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. These rights are:

The right to inspect and review, within 45 days of a request, the education records of a student who is your child, or in the case of a student who is eighteen (18) or older, your own education records. Parents or eligible students should submit to the Superintendent a written request identifying the record(s) they wish to inspect. The Superintendent or designee will make arrangements for access and provide notice of such arrangements.

The right to request the amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights. To request the school district to amend a record, parents or eligible students should write the school principal, specify the part of the record they want changed, and specify why it is inaccurate, misleading, or otherwise in violation of the student’s privacy or other rights. If the district decides not to amend the record, it will notify the parents or eligible students of the decision and inform them of their right to a hearing. Additional information regarding the hearing procedure will be provided with the notification of the right to a hearing.

The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA and its implementing regulations authorize disclosure without consent. One exception that permits disclosure without consent is to school officials with legitimate educational interest. A school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member (including school nurses and school resource officers); a member of the school board; a person or company with whom the district has contracted to perform a specific task (such as attorney, auditor, medical consultant or therapist); a contractor consultant, volunteer, or other party to whom the school district has outsourced services; or a parent or student serving on an official committee (such as a disciplinary or grievance committee) or assisting another school official in performing his/her tasks.

A school official has a legitimate educational interest if the official needs to review an educational record in order to fulfill his/her professional responsibility.

Upon request, the district discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student’s enrollment or transfer.

FERPA requires the school district, with certain exceptions, to obtain written consent prior to the disclosure of personally identifiable information from the student’s education records. However, the district may disclose appropriate designated “directory information” without written consent, unless the parent or eligible student has advised the district to the contrary in accordance with district procedures. The primary purpose of directory information is to allow the school to include this type of information from the student’s education records in certain school publications, such as the annual yearbook, graduation or sports activity programs, and honor roll or other recognition lists.

Union County School System has designated the following information as directory information:

- Student's name, address and home telephone number;
- Student's date of birth and place of birth;
- Grade level;
- Student's participation in official school activities and sports;
- Weight and height of members of an athletic team;
- Dates of attendance at schools within the district¹;
- Honors and awards received during the time enrolled in Union County schools;
- Photograph;
- Video, Audio, or Film Images, or Recordings.

¹a) Dates of Attendance means the period of time during which a student attends or attended an educational agency or institution.

Examples of dates of attendance include an academic year, a spring semester, or a first quarter.

b) The term does not include specific daily records of a student's attendance at an educational agency or institution.

Unless you, as a parent/guardian or eligible student, request otherwise, this information may be disclosed to the public upon request. In addition, two federal laws require school systems receiving federal financial assistance to provide military recruiters, upon request, with students' names, addresses, and telephone numbers unless parents have advised the school system that they do not want their student's information disclosed without their prior written consent. You have the right to refuse to allow all or any part of the above information to be designated as directory information and to refuse to allow it to be disclosed to the public upon request without your prior written consent. If you wish to exercise this right, you must notify the principal of the school at which the student is enrolled in writing within 10 days after officially enrolling in school or within 10 days of the first day of school; the date of the release of this notices.

You are also notified that from time to time students may be photographed, video taped, or interviewed by the news media at school or some school activity or event; unless you, as a parent/guardian object in writing to the principal to your student being photographed, video taped or interviewed. You must notify the principal of your objection by the date specified above. The principal will take reasonable steps to control the media's access to students. However, your submission of a written objection does not constitute a guarantee that your student will not be interviewed in circumstances which are not within the knowledge or control of the principal.

You have the right to file with the United States Department of Education a complaint concerning alleged failures by the school district to comply with the requirements of FERPA or the regulations promulgated there under. The name and address of the Office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-8520.

39.2 Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)

PPRA affords parents and eligible students (18 or older or emancipated minors) certain rights regarding the 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 if the survey is funded in whole or in part by a program of the U.S. Department of Education.
 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,
 3. 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
 4. 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 and eligible students will be notified at the beginning of the school year if the school system has identified the specific or approximate dates during the school year when any of the activities listed above are expected to be scheduled. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys and be provided an opportunity to opt their child out of such activities and surveys. The Union County Board of Education has developed and adopted policies, in conjunction 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 system will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. The system will also directly notify 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 system is required by federal law to give this notice to parents. However, the system does not have scheduled any such activities as are described above. If any such activities are initiated during the school year, parents will be notified accordingly and will be afforded all the rights described herein.

Parents who believe their rights have been violated may file a complaint with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-8520.

39.3 Right to Request Professional Qualifications (No Child Left Behind) “Right to Know”

Union County School System receives Federal Title I (Improving The Academic Achievement Of The Disadvantaged) and Title II (Teacher Quality) funds. Beginning with the 2012-2013 school years, the GA Department of Education transitioned from AYP (Adequate Yearly Progress) reports to Reward, Priority, Focus and Alert Schools distinctions based on the Elementary and Secondary Education Act Flexibility. We are very pleased to inform you that none of the Union County schools have been identified as an Alert, Priority, or Focus school. In fact, Union County Primary School, Union County Elementary School, and Woody Gap School have all been named Reward Schools (formerly a Title I Distinguished School.)

At Union County Schools, we are very proud of our teachers and feel they are ready for the coming school year and are prepared to give your child a high-quality education. As a participant in Title I and Title II federal programs we must meet federal regulations related to teacher qualifications as defined in the Elementary and Secondary Education Act. These regulations allow you to learn more about your child’s teachers’ training and credentials. We are happy to provide this information to you.

At any time, you may ask:

- Whether the teacher met state qualifications and certification requirements for the grade level and subject he/she is teaching,
- Whether the teacher received an emergency or conditional certificate through which state qualifications were waived, and
- What undergraduate or graduate degrees the teacher holds, including graduate certificates and additional degrees, and major(s) or area(s) of concentration.

You may also ask whether your child receives help from a paraprofessional. If your child receives this assistance, we can provide you with information about the paraprofessional’s qualifications.

Our staff is committed to helping your child develop the academic knowledge and critical thinking he/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 have any questions about your child’s assignment to a teacher or paraprofessional, please contact the principal of your child’s school, or you may e-mail me at jwilliams@ucschools.org or call me at 706-745-2322. Each principal’s contact information is listed below.

Sincerely,
Dr. Jeremy Williams
Associate Superintendent
Federal Programs Director

Principals’ Contact Information

School	Principal	Address	Telephone	E-mail
Primary	Millie Owenby	592 School Circle Blairsville, GA 30512	706-745-5450	mowenby@ucschools.org
Elementary	Patricia Cook	165 Elementary Way Blairsville, GA 30512	706-745-9615	pcook@ucschools.org
Middle	Gwen Stafford	367 Wellborn Street Blairsville, GA 30512	706-745-2483	gstafford@ucschools.org
High & Alternative	John Hill	153 Panther Circle Blairsville, GA 30512	706-745-2216	jhill@ucschools.org
Woody Gap	Sheila Collins Carol Knight	2331 State Hwy. 60 Suches, GA 30572	706-747-2401	scollins@ucschools.org cknight@ucschools.org

39.4 Homeless Children and Youth

The McKinney-Vento Education for Homeless Children and Youth Act ensures the educational rights and protections for children and youth experiencing homelessness. This law identified any student who lacks a fixed, regular, and adequate nighttime residence as homeless. It provides legal protections for children and youth in homeless situations to immediately enroll in, attend, and succeed in school and qualifying public preschool programs. It further provides provisions for student records maintenance and transfer, school of origin transportation, and appropriate dispute resolutions for homeless students. In accordance with this law, Union County School System affords homeless children and youth equal access to the same free, appropriate public education, including comparable services, such as Title I support, special education, gifted, English Language Learners (ELL), vocational/technical, and public preschool education, as provided to other non-homeless students. Homeless children and youth will have access to needed services to support their academic achievement as they work to meet the same challenging standards to which all students are held. Please contact the School Social Worker at 706-745-2232 for further information.

39.5 Union County Child Find Procedures

One in ten of Georgia's children have a sensory, emotional, physical, intellectual, or language disability that may inhibit learning. Many of these disabilities are so subtle that they go unnoticed. As a result, children may have trouble in school, at home, and with other children. The earlier these disabilities are discovered and identified, the more effectively they can be managed, giving the child every chance to be successful in life.

The Union County School System has a mission, mandated by the Individuals with Disabilities Education Act (IDEA), to locate, identify, and evaluate each child from birth through 21 years of age with a suspected disability, and to provide appropriate educational services to these children throughout our county. This is for all children, whether in public, private, or home school, incarcerated, homeless, migrant, etc., as long as they reside in Union County. We need your assistance to find these children so they can receive the help they need to enjoy a more successful life experience.

Once a child's disability is identified and evaluated, an Individualized Education Program (IEP) can be created to meet that child's specific and unique educational needs. For more information and assistance with free educational services that are available for children with disabilities, call the Union County Schools' Special Education Department at 706-745-2322.

Babies Can't Wait (BCW) is Georgia's statewide interagency service delivery system for infants and toddlers with developmental delays or disabilities and their families. BCW is established by Part C of the Individuals with Disabilities Education Act (IDEA), which guarantees all eligible children, regardless of their disability, access to services that will enhance their development. This program serves children from birth to age 3. For more information visit www.bcw-bibs.com/.

Many children are born with or acquire physical and/or mental conditions, which handicap their normal growth and development. Fortunately, many of these conditions can be helped or completely corrected if parents and others recognize the problem early and seek help. You can prevent an unnecessary life-long disability by recognizing and dealing with a child's problem as early as possible. Anyone can help us identify children with special needs, including parents, foster parents, grandparents, teachers, doctors, nurses, counselors, social workers, day care providers, and community members. If you know of a child in Union County from birth through age 21 who has special needs, please let us know so we can get them the help they need to enjoy a brighter future. Contact the Union County School System's Special Education Department at 706-745-2322.

[Reference: SBOE Rule 160-4-7-.03 Child Find]

39.6 Notice of Rights of Students and Parents Under Section 504

Section 504 of the Rehabilitation Act of 1973, commonly referred to as "Section 504," is a nondiscrimination statute enacted by the United States Congress. The purpose of Section 504 is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

For more information regarding Section 504, or if you have questions or need additional assistance, please contact your local system's Section 504 Coordinator, Kim Terry, at the following address:

Union County Board of Education • 124 Hughes Street • Blairsville, GA 30512 • 706-745-2322

The implementing regulations for Section 504 as set out in 34 CFR Part 104 provide parents and/or students with the following rights:

- a. Your child has the right to an appropriate education designed to meet his or her individual educational needs as adequately as the needs of non-disabled students. 34 CFR 104.33.
- b. Your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties who provide services not operated by or provided by the recipient are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. 34 CFR 104.33.
- c. Your child has a right to participate in an educational setting (academic and nonacademic) with non-disabled students to the maximum extent appropriate to his or her needs. 34 CFR 104.34.
- d. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. 34 CFR 104.34.
- e. Your child has a right to an evaluation prior to a Section 504 determination of eligibility. 34 CFR 104.35.
- f. You have the right to not consent to the school system's request to evaluate your child. 34 CFR 104.35.
- g. You have the right to ensure that evaluation procedures, which may include testing, conform to the requirements of 34 CFR 104.35.
- h. You have the right to ensure that the school system will consider information from a variety of sources as appropriate, which may include aptitude and achievement tests, grades, teacher recommendations and observations, physical conditions, social or cultural background, medical records, and parental recommendations. 34 CFR 104.35.
- i. You have the right to ensure that placement decisions are made by a group of persons, including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. 34 CFR 104.35.
- j. If your child is eligible under Section 504, your child has a right to periodic reevaluations, including prior to any subsequent significant change of placement. 34 CFR 104.35.
- k. You have the right to notice prior to any actions by the school system regarding the identification, evaluation, or placement of your child. 34 CFR 104.36.
- l. You have the right to examine your child's educational records. 34 CFR 104.36.

- m. You have the right to an impartial hearing with respect to the school system's actions regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. 34 CFR 104.36.
- n. You have the right to receive a copy of this notice and a copy of the school system's impartial hearing procedure upon request. 34 CFR 104.36.
- o. If you disagree with the decision of the impartial hearing officer (school board members and other district employees are not considered impartial hearing officers), you have a right to a review of that decision according to the school system's impartial hearing procedure. 34 CFR 104.36.
- p. You have the right to, at any time, file a complaint with the U. S. Department of Education's Office for Civil Rights.

39.7 Section 504 Procedural Safeguards

1. *Overview:* Any student or parent or guardian (“grievant”) may request an impartial hearing due to the school system’s actions or inactions regarding your child's identification, evaluation, or educational placement under Section 504. Requests for an impartial hearing must be in writing to the school system’s Section 504 Coordinator; however, a grievant’s failure to request a hearing in writing does not alleviate the school system’s obligation to provide an impartial hearing if the grievant orally requests an impartial hearing through the school system’s Section 504 Coordinator. The school system’s Section 504 Coordinator will assist the grievant in completing the written Request for Hearing.
2. *Hearing Request:* The Request for the Hearing must include the following:
 1. The name of the student.
 2. The address of the residence of the student.
 3. The name of the school the student is attending.
 4. The decision that is the subject of the hearing.
 5. The requested reasons for review.
 6. The proposed remedy sought by the grievant.
 7. The name and contact information of the grievant.

Within 10 business days from receiving the grievant’s Request for Hearing, the Section 504 Coordinator will acknowledge the Request for Hearing in writing and schedule a time and place for a hearing. If the written Request for Hearing does not contain the necessary information noted above, the Section 504 Coordinator will inform the grievant of the specific information needed to complete the request. All timelines and processes will be stayed until the Request for Hearing contains the necessary information noted above.

3. *Mediation:* The school system may offer mediation to resolve the issues detailed by the grievant in his or her Request for Hearing. Mediation is voluntary and both the grievant and school system must agree to participate. The grievant may terminate the mediation at any time. If the mediation is terminated without an agreement, the school system will follow the procedures for conducting an impartial hearing without an additional Request for Hearing.
4. *Hearing Procedures:*
 - a. The Section 504 Coordinator will obtain an impartial review official who will conduct a hearing within 45 calendar days from the receipt of the grievant’s Request for Hearing unless agreed to otherwise by the grievant or a continuance is granted by the impartial review official.
 - b. Upon a showing of good cause by the grievant or school system, the impartial review official, at his or her discretion, may grant a continuance and set a new hearing date. The request for a continuance must be in writing and copied to the other party.
 - c. The grievant will have an opportunity to examine the child’s educational records prior to the hearing.
 - d. The grievant will have the opportunity to be represented by legal counsel at his or her own expense at the hearing and participate, speak, examine witnesses, and present information at the hearing. If the grievant is to be represented by legal counsel at the hearing, he or she must inform the Section 504 Coordinator of that fact in writing at least 10 calendar days prior to the hearing. Failure to notify the Section 504 Coordinator in writing of representation by legal counsel shall constitute good cause for continuance of the hearing.

- e. The grievant will have the burden of proving any claims he or she may assert. When warranted by circumstances or law, the impartial hearing officer may require the recipient to defend its position/decision regarding the claims (i.e. A recipient shall place a disabled student in the regular educational environment operated by the recipient unless it is demonstrated by the recipient that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. 34 C.F.R. §104.34). One or more representatives of the school system, who may be an attorney, will attend the hearing to present the evidence and witnesses, respond to the grievant testimony and answer questions posed by the review official.
 - f. The impartial review official shall not have the power to subpoena witnesses, and the strict rules of evidence shall not apply to hearings. The impartial review official shall have the authority to issue pre-hearing instructions, which may include requiring the parties to exchange documents and names of witnesses to be present.
 - g. The impartial review official shall determine the weight to be given any evidence based on its reliability and probative value.
 - h. The hearing shall be closed to the public.
 - i. The issues of the hearing will be limited to those raised in the written or oral request for the hearing.
 - j. Witnesses will be questioned directly by the party who calls them. Cross-examination of witnesses will be allowed. The impartial review official, at his or her discretion, may allow further examination of witnesses or ask questions of the witnesses.
 - k. Testimony shall be recorded by court reporting or audio recording at the expense of the recipient. All documentation related to the hearing shall be retained by the recipient.
 - l. Unless otherwise required by law, the impartial review official shall uphold the action of school system unless the grievant can prove that a preponderance of the evidence supports his or her claim.
 - m. Failure of the grievant to appear at a scheduled hearing unless prior notification of absence was provided and approved by the impartial review official or just cause is shown shall constitute a waiver of the right to a personal appearance before the impartial review official.
5. *Decision:* The impartial review official shall issue a written determination within 20 calendar days of the date the hearing concluded. The determination of the impartial review official shall not include any monetary damages or the award of any attorney's fees.
 6. *Review:* If not satisfied with the decision of the impartial review official, any party may pursue any right of review, appeal, cause of action or claim available to them under the law or existing state or federal rules or regulations.

39.8 Georgia Special Needs Scholarship Program

Parents/guardians of students who receive special education services have the option to exercise public and private school choice. Under a State law passed by the Georgia State Legislature in 2007, parents of students who receive special education may choose to transfer their child to another public school or private school in Georgia. Parents/guardians must be current residents of Georgia and have been residents for one year.

Public School Choice Options

- A parent/guardian can request a transfer to another public school within their school system as long as there is available space at that school and the school has a program with the services agreed to in the student's existing individualized education program (Grades 1-12). If the parent chooses this option, then the parent shall be responsible for transportation to the school.
- The parent/guardian may request a transfer to a school in another school system if there is available space and the system and school has a program with the services agreed to in the student's existing individualized education program. However, a school system must agree to accept the student. If the parent chooses this option and the school system accepts the child, then the parent shall be responsible for transportation to a school in that system.
- The parent/guardian may also request a transfer to one of the State schools for the deaf and/or blind operated by the State Board of Education. Acceptance into a state school will depend if that setting is appropriate for the student's needs. If the parent chooses this option, then the parent shall be responsible for transportation to the State school. Please visit the Georgia Department of Education's website for more information about transferring to a State school.

Private School Choice Option

1. Parents/guardians interested in transferring your child to a private school in Georgia, you may be able to take advantage of a Georgia Special Needs Scholarship. These scholarships provide funding that can be used to offset tuition costs at participating private schools in the state of Georgia. For more information on the Georgia Special Needs Scholarship and the parent application process, please visit the Georgia Department of Education's web site for more information.

Parents are now able to apply for the GSNS throughout the year. More information is available for this process at: [http://www.gadoe.org-Programs & Initiatives-Special Needs Scholarships \(GSNS\)](http://www.gadoe.org-Programs%20&%20Initiatives-Special%20Needs%20Scholarships%20(GSNS)).

Parents are now to be informed of the special needs scholarship at the time of an initial placement for SPED services. The state indicates, "The resident school system shall provide specific written notice of the options available under this article to the parent at the initial Individualized Education Program (IEP) meeting in which a disability of the parent's child is identified." Be sure your written notice includes all the options available in the law – the options are listed above and on the GaDOE website at:

<http://www.gadoe.org/External-Affairs-and-Policy/Policy/Pages/Special-Needs-Scholarship-Program.aspx>

"If a student meets the eligibility criteria for the (GA Special Needs Scholarship) GSNS Program; a parent/guardian has the right to request a transfer from a student's current public school to: Another public school within their district of residence; or Another public school district outside their district of residence; or One of the three state schools for the blind or deaf; or A private school authorized to participate in the GSNS Program. Funds received through the GSNS Program can only be used to pay for tuition and fees at a private school authorized by the State Board of Education to participate in the program.

39.9 Destruction of Special Education Records

Union County School System maintains students' special education records until a student's 24th birthday. The collected information that pertains to the special education of a student will be destroyed once a child reaches their 24th birthday when it is no longer needed for educational planning purposes. The destruction of these records is in compliance with federal, state, and local policies and procedures. The student/parent/guardian has the right to receive copies of all the information. The student or parent may need these records for Social Security or other reasons. If you, as a former special education student or a parent of a former special education student, wish to obtain these records prior to destruction, you should contact the Special Education Department located at the Union County Board of Education at 124 Hughes Street, Blairsville, GA 30512 (706-745-2322). Positive identification will be required before the records can be released to the individual.

The school system will retain the permanent record of the student's name, address and telephone number, his/her grades, attendance record, classes attended, grade level completed and year completed. This information will be maintained without time limitation.

39.10 Asbestos Management Plan

The Union County School System's AHERA Management Plan is available for public inspection upon request at the Union County Board of Education • 124 Hughes Street • Blairsville, GA 30512. This notification is provided to fulfill the requirement of section 763.93 (4) of the Asbestos Hazard Emergency Response Act, 40 CFR Part 763, October 30, 1987. All interested parents, teachers, employees, or other persons are invited to review the plan, which includes the following items:

1. Location, amounts and types of asbestos-contained materials in all schools and support buildings.
2. Response actions to the asbestos-contained materials selected by the Union County School System.
3. Plans for re-inspection, periodic surveillance, and operation and maintenance programs.
4. Public Notification procedures.

Anyone interested in reviewing this plan should contact the Board of Education office at 706-745-2322.

39.11 Notice of Chemical Use

Union County School Systems' building facilities are sprayed on a regular monthly basis with chemical pesticides to control pests.

Union County Schools will treat the school buildings weekly on Friday afternoons after 3:30 PM. The Facilities Director maintains a list of the chemical pesticides used. For further information you may contact Keith Ledford, Facilities Director • 706-745-2322.