

LEGAL NOTICES

Notification of Rights under FERPA for Elementary and Secondary Schools

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students" see note below) 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 of the day the school receives a request for access.

Parents or eligible students should submit to the school principal [or appropriate school official] a written request that identifies the record(s) 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.

Parents or eligible students may ask the school to amend a record that they believe is inaccurate. They should write the school principal (or appropriate school official), clearly identify the part of the record they want changed and specify why it is inaccurate. 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 advise them 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 consent to disclosures of personally identifiable information contained in 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); a person serving on the school board; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant or therapist); 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 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 West Seneca Central School District discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the West Seneca Central School District 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 Ave., SW
Washington, D.C. 20202-5901

Notice for Directory Information

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

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to some outside organizations without a parent's prior written consent unless parents have advised the Local Educational Agencies that they do not want their student's information disclosed without their prior written consent.

If you do not want the District to disclose directory information from your child's education records without your prior written consent, you must notify the district in writing by Dec. 1, 2021.

West Seneca Central School District has designated the following information as directory information:

- Student's name and date of birth (if required for school-sponsored course, organization, activity or report)
- Student's address and phone number to law enforcement authorities for the purposes of complying with active investigations or the Department of Social Services
- Student's grade designation
- Student's extracurricular school activities and offices
- Student's school achievement, awards and honors
- Relevant statistics and personal data if a member of an athletic team or other school sponsored course, organization or activity
- Present and previous school(s) attended by the student
- Photograph and/or video image

Information Regarding Written Complaint and Appeal Procedures for Title I, Parts A, C and D

Title I complaints should be first sent to the Superintendent of the LEA. If the local LEA fails to resolve the complaint within 30 business days or fails to resolve the issue to the satisfaction of the complainant, the complaint should be sent to the Title I School and Community Services Office, Room 365, EBA, New York State Education Department, 89 Washington Ave., Albany, NY 12234.

What must a complaint contain? All complaints must:

- Be written;
- Be signed by the person or agency representative filing the complaint;
- Specify the requirement of law or regulation being violated and the related issue, problem and/or the concern;
- Contain information/evidence supporting the complaint; and
- State the nature of the corrective action desired.

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.

West Seneca Central School District will/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. West Seneca Central School District will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. West Seneca Central School 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. West Seneca Central 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 Ave., SW, Washington, D.C. 20202-5901

Information Regarding Teacher Qualifications

In accordance with the federal Every Students Succeeds Act (ESSA), parents have the right to request information regarding the professional qualifications of their child's classroom teachers. Specifically, they have the right to request the following information concerning the child's teachers:

- Whether the teacher has met New York State qualifications and licensing criteria for the grade levels and subject areas he or she teaches;
- Whether the teacher is teaching under emergency or other provisional status under which state qualification or licensing criteria have been waived;
- The teacher's college major; whether the teacher has any advanced degrees and, if so, the subject of those degrees;
- If your child receives services from any instructional assistants or similar paraprofessionals, the qualifications for those individuals.

Written requests to receive any of the aforementioned information may be directed to:

Dr. Jonathan Cervoni
Assistant Superintendent of Administrative Operations
1397 Orchard Park Road, West Seneca, NY 14224

Civil Rights Policy

The West Seneca Central School District is an Equal Opportunity Employer. District officers and employees shall not discriminate against any student, employee or applicant on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, veteran status or disability. It is the policy of the board of education to ensure compliance with the regulations listed in Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA). Any member of the West Seneca Central School District staff or any pupil or parent believing discrimination has occurred on the basis of race, color, creed, religion, national origin, political affiliation, gender, sexual orientation, age, marital status, veteran status or disability should address questions and complaints to a district compliance officer:

Address: 1397 Orchard Park Road, West Seneca, NY 14224

Dr. Jonathan Cervoni • 677-3106
Assistant Superintendent of Administrative Operations
Mrs. Carmelina Persico • 677-3103
Assistant Superintendent of Educational Operations
Mrs. Jacqueline Fowler • 677-3171
Assistant Superintendent of Exceptional Education
Dr. Sharon Loughran • 677-3156
Director of Pupil Personnel Services
Mr. Andrew Wnek • 677-3195
Director of Special Education

Comprehensive Student Attendance Policy

Statement of Overall Objectives:

School attendance is both a right and a responsibility. The West Seneca Central School District is an active partner with students and parents in the task of ensuring that all students meet or exceed the New York State Learning Standards. The West Seneca Central School District recognizes that the consistent school attendance, academic success and school completion have a positive correlation. The Comprehensive Student Attendance Policy will assist to meet the following objectives:

- a. To increase school completion for all students;
- b. To raise student achievement and close gaps in student performance;
- c. To identify attendance patterns in order to design attendance improvement efforts;
- d. To know the whereabouts of every student for safety and other reason;
- e. To verify that individual students are complying with education laws relating to compulsory attendance;
- f. To determine the district's average daily attendance for state aid purposes.

Description of Strategies to Meet Objectives:

The West Seneca Central School District will:

- a. Create and maintain a positive school building culture by fostering a positive physical and psychological environment where the presence of strong adult role models encourages respectful and nurturing interactions between adults and students. This positive school culture is aimed at encouraging a high level of student bonding to the school, which in turn should lead to increased attendance.
- b. Develop a Comprehensive Student Attendance Policy based upon the recommendations of a multifaceted District Policy Development Team that includes representation from the board of education, administrators, teachers, students, pupil services staff, parents and the community. The district will hold at least one public hearing prior to the adoption of this collaboratively developed Comprehensive Student Attendance Policy.
- c. Maintain accurate record keeping via a register of attendance to record attendance, absence, tardiness or early departure of each student.
- d. Utilize data analysis systems for tracking individual student attendance and individual and group trends in student attendance problems.
- e. Develop early intervention strategies to improve school attendance for all students.

Community Awareness:

The board of education shall promote necessary community awareness of the district's Comprehensive Student Attendance Policy by:

- a. Providing a plain language summary of the policy to parents or persons in parental relation to students at the beginning of each school year and promoting the understanding of such a policy to students and their parents/persons in parental relation;
- b. Providing each teacher, at the beginning of the school year or upon employment, with a copy of the policy;
- c. Providing copies of the policy to any other member of the community upon request.

The policy consists of a comprehensive explanation of the following items:

- Determination of excused and unexcused absences, tardiness and early departures
- Student attendance record keeping/data collection
- Student attendance/course credit
- Notice of minimum attendance standard/intervention strategies
- Notice of students who are absent, tardy or depart early without proper excuse
- Attendance strategies and programs
- Disciplinary consequences
- Intervention strategy process
- Appeal process
- Building review of attendance records
- Annual review by the board of education

For a copy of the Comprehensive Attendance Policy, please contact:

Matthew J. Bystrak
Superintendent of Schools
1397 Orchard Park Road • West Seneca, NY 14224

Please Note:

All rights and protections given parents/person in parental relationship under the FERPA and this policy transfer to the student when he or she reaches age 18 or attends a post-secondary school. The student then becomes an "eligible student."

Pesticide Notification

New York State Education Law and the Commissioner of the State Education Department have adopted a pesticide notification requirement in schools effective July 1, 2001. The law requires all public and private schools to provide written notification to all persons who wish to receive 48 hour written notification of certain pesticide applications.

If an emergency application is necessary to protect against an imminent threat to human health, a good faith effort will be made to supply written notification to those on the notification list. To receive 48 hour notification, you must register with the school district by contacting the superintendent of buildings and grounds, who serves as the school district's pesticide representative.

West Seneca's Central School District's representative for this notice is Joseph Farr who may be reached at 677 3684 or by fax at 674 0152.

Asbestos Notification

In accordance with the requirements of the federal regulation known as AHERA (Asbestos Hazard Emergency Response Act), the West Seneca Central School District has conducted inspections and developed management plans for each of the district's schools. These management plans are available for your review during regular business hours at the individual schools. Included in these management plans is information regarding AHERA inspections, operations and maintenance, period surveillance and response action activities.

It is the intention of the West Seneca Central School District to comply with all federal and state regulations controlling asbestos and to take the appropriate steps necessary to ensure students and employees have a healthy and safe environment in which to learn and work. For information contact Joseph Farr who may be reached at 677 3684 or by fax at 674 0152.