



# **Annual Notifications**

**2024-2025**

# Nondiscrimination

The District's notice of nondiscrimination shall read as followings:

The Board of Education of the Heritage Southwest Intermediate School District does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment.

Inquiries about Title IX may be referred to the District's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights ("OCR"), or both.

The District's Title IX Coordinator[s] are:

Josh Townsley  
Director of Instructional Leadership and School Improvement  
Heritage Southwest Intermediate School District  
61682 Dailey Road  
Cassopolis, MI 49031  
(269) 445-6223  
josh.townsley@hsisd.org

Mikki Spagnoli  
Heritage Southwest Intermediate School District  
Director of CTE & Post Secondary Options  
61682 Dailey Road  
Cassopolis, MI 49031  
(269) 445-6224  
mikki.spagnoli@hsisd.org

The Board designates the Director of Instructional Leadership and School Improvement as the coordinator who is ultimately responsible for oversight over the Board's compliance with its responsibilities under Title IX.

The Board's nondiscrimination policy and grievance procedures can be located at Policy 2260.  
<https://go.boarddocs.com/mi/lcisd/Board.nsf/goto?open&id=C3ZQXN60CC91>

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to the Nondiscrimination page on our website.  
<https://www.hsisd.org/resources/nondiscrimination>

Contact information for OCR is available here: <https://ocrcas.ed.gov/contact-ocr>

If necessary, due to the format or size of any publication, the District may use the following statement of nondiscrimination:

The Board of Education of the Heritage Southwest Intermediate School District prohibits sex discrimination in any education program or activity that it operates. Individuals may report concerns or questions to the Title IX Coordinator. The full notice of nondiscrimination is located at <https://www.hsisd.org/>

## Section 504/ADA Procedural Information and Rights

WHAT IS SECTION 504?

Section 504 of the Rehabilitation Act of 1973, as amended by the ADA Amendments Act of 2008 (hereinafter "Section 504"), is Congress' directive to schools receiving any Federal funding to eliminate discrimination based on disability from all aspects of their school operations. It states: "No otherwise qualified individual with a disability shall solely by reason of his/her disability, be excluded from the participation in, be denied the benefits of, or be subjected to

discrimination under any program or activity receiving Federal financial assistance." Since the School District is a recipient of Federal dollars, its administrators and staff are required to provide eligible disabled students with equal access (both physical and academic) to services, programs, and activities offered by its schools. Section 504 is a civil rights statute and not a special education statute.

#### HOW CAN I REFER MY CHILD TO DETERMINE 504 ELIGIBILITY?

If you suspect that your child is "disabled" under Section 504/ADA, contact your child's teacher, school counselor, or building principal. You will be asked to complete a referral form and grant consent for a 504 evaluation. After the evaluation is complete, a meeting will be scheduled to determine if your child has a "disability." You have the right to meaningfully participate in the process and provide input, even if you cannot attend the meeting in person.

#### WHAT CRITERIA ARE USED TO DETERMINE 504 ELIGIBILITY?

A student qualifies for Section 504 protection if s/he is determined to be an individual with a disability as defined by the statute. Specifically, the student must have a physical or mental impairment that substantially limits one or more major life activities, or have a record of such an impairment, or be regarded as having such an impairment. Only those students with an actual impairment, however, are entitled to accommodations/modifications/interventions pursuant to Section 504. Those students with a record of an impairment or who are regarded as having an impairment are entitled to protection from discrimination based upon disability.

Major life activities include, but are not limited to, functions such as (a) caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, learning, and (b) the operation of major bodily functions including the functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

#### WHAT IS THE DIFFERENCE BETWEEN SECTION 504 AND THE IDEIA?

Section 504 prohibits discrimination against students with disabilities and requires school districts to provide students with disabilities regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of nondisabled students are met. Any necessary accommodations/modifications/interventions must be delineated in a Section 504 Plan.

IDEIA requires districts to provide disabled students (ages 3 through 21) with special education and related services and supplementary aids and services designed to meet their unique needs and prepare them for further education, employment, and independent living. The special education and related services must be delineated in an Individualized Education Program (IEP).

#### PROCEDURAL INFORMATION AND RIGHTS

Below is a description of the rights granted by Federal law to individuals with disabilities. It is the intent of the District, pursuant to Section 504, to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of those decisions.

You have the right to:

- A. have your child take part in, and receive benefits from public education programs without discrimination because of his/her disability;
- B. have the School District advise you of your rights under Federal law;
- C. receive written notice of any decision regarding the identification, evaluation, or educational placement of your child;
- D. have your child receive a free appropriate public education (FAPE); This includes the right to be educated with students who are not disabled to the maximum extent appropriate (i.e. the student's education will be provided in the regular education classroom unless it is demonstrated that education in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily) and to receive regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of nondisabled students are met.
- E. have your child educated in facilities and receive services comparable to those provided students without disabilities;

- F. have evaluation and educational placement decisions made based upon a variety of information sources, and by persons who know your child and are knowledgeable about the evaluation data and placement options;
- G. have your child transported in a non-discriminatory manner; If the District refer a student for aids, benefits or services outside the District, adequate transportation will be provided at no greater cost to you than if the aids, benefits, or services were provided within the District.
- H. place your child in a private school or alternative educational program; However, if the District makes a FAPE available to your child and nevertheless you choose to place your child elsewhere, the District is not required to pay for your child's education at the private school or alternative educational program, including any costs associated with related transportation.
- I. have your child be given an equal opportunity to participate in nonacademic and extra-curricular activities offered by the District;
- J. examine all relevant education records, including, but not limited to, those documents related to decisions regarding your child's identification, evaluation, educational program, and placement;
- K. obtain, at your own expense, an independent educational evaluation of your child;
- L. obtain copies of education records as a reasonable cost unless the fee would effectively deny you access to the records;
- M. a response from the School District to reasonable requests for explanations and interpretations of your child's education records;
- N. periodic re-evaluations and an evaluation before any significant change in program/service modifications;
- O. request amendment for your child's education records if there is reasonable cause to believe that information contained in the record(s) is inaccurate, misleading or otherwise in violation of the privacy rights of your child; If the School District refuses to amend the record(s), you have the right to request a hearing and/or to attach to the record(s) a statement of why you disagree with the information it contains.
- P. request mediation or an impartial due-process hearing related to decisions or actions concerning your child's identification, evaluation, and/or educational program or placement; You and your child may take part in the hearing and have an attorney represent you. Hearing requests must be made to the District Compliance Officer.
- Q. receive all information in your native language and mode of communication;
- R. file an internal complaint;
- S. file a complaint with the U.S. Department of Education's Office for Civil Rights;
- T. be represented at any point in the process by an attorney;
- U. recover reasonable attorney fees as authorized by law (i.e. if you are successful on your due process claim);
- V. be notified of your Section 504 rights (1) when evaluations are conducted, (2) when consent for an evaluation is withheld, (3) when eligibility is determined, (4) when a Section 504 Plan is developed, and (5) before there is significant change in the Plan.

Complaints, including complaints of disability-based harassment and requests for due process hearings, must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint or requests for a hearing, and offer possible solutions to the dispute. Complaints must be filed with the District Section 504/ADA Compliance Officer. The Board of Education has designated the Director of Instructional Leadership and School Improvement, and/or the Director of CTE and Post Secondary Options as the District Section 504/ADA Compliance Officer(s). The District Compliance Officer(s) can be reached at the following address/phone number/e-mail:

Director of Instructional Leadership and School Improvement  
 Heritage Southwest Intermediate School District  
 61682 Dailey Road  
 Cassopolis, MI 49031  
 (269) 445-6223  
 josh.townsley@hsisd.org

Director of CTE & Post Secondary Options

61682 Dailey Road  
Cassopolis, MI 49031  
(269) 445-6224  
mikki.spagnoli@hsisd.org

The Office for Civil Rights of the United States Department of Education enforces the requirements of Section 504 of the Rehabilitation Act of 1973. The address of the Ohio office is:

Office for Civil Rights, Cleveland Office  
U.S. Department of Education  
600 Superior Avenue East, Suite 750  
Cleveland, OH 44114-2611  
Telephone: (216) 522-4970  
Facsimile: (216) 522-2573  
TDD: (216) 522-4944

## **Notice of Asbestos in School Buildings**

Our school district has conducted an extensive asbestos survey of all of our buildings. Based on the findings of this inspection, a comprehensive management plan was developed. This plan details the response actions that the district will be taking regarding asbestos containing materials found in our buildings.

This plan is available for inspection without cost or restriction during normal business hours by contacting the Director of Operations and Transportation at 269-445-6255, Heritage Southwest Intermediate School District, 61682 Dailey Road, Cassopolis, MI 49031.

Heritage Southwest Intermediate School District will conduct response actions and abatement actions when any asbestos material is expected to be disturbed. In accordance with AHERA regulations, Heritage Southwest Intermediate School District has been conducting six-month periodic inspections. The next three-year re-inspection of the total school system will be completed in 2027.

## **Pesticides**

Heritage Southwest Intermediate School District utilizes an Integrated Pest Management (IPM) approach to control pests. IPM is a pest management system that utilizes all suitable techniques in a total pest management system with the intent of preventing pests from reaching unacceptable levels or to reduce an existing population to an acceptable level. Pest management techniques emphasize pest exclusion and biological controls. However, as with most pest control programs, chemical controls may also be utilized.

You have the right to be informed prior to any application of an insecticide, fungicide or herbicide made to the school grounds or buildings during this school year. In certain emergencies, such as an infestation of stinging insects, pesticides may be applied without prior notice to prevent injury to students, but you will be notified following any such application. If you would like to be notified by mail please contact the Director of Operations and Transportation at 269-445-6255 Please give your name, mailing address and what school(s) your child or children attend and they will put your name on the advance notification by US Mail list.

# Family Educational Rights and Privacy Act (FERPA) and The Protection of Pupil Rights Amendment ("PPRA")

The Family Educational Rights and Privacy Act ("FERPA") affords parents and students over eighteen (18) years of age ("adult students" or "eligible students") certain rights with respect to the student's education records. On May 10, 2017, the Board of Education adopted a policy regarding the disclosure of education records and the rights of parents and students to access education records. Copies of this policy and related guidelines are located in all school buildings and individual copies are available from the District's Records Officer ("DRO"). The DRO is responsible for the supervision of student records in the school and his/her office is located at the building where the student resides or s/he can be reached by calling the main office.

Each student's records will be kept in a confidential file located at the student's school office. The information in a student's record file will be available for review only by the parents or legal guardian of a student, an adult student and those authorized by State and Federal law and Board policy/guidelines. State and Federal law permits access by school officials who have a legitimate educational purpose. School officials for purpose of the Board's policy include a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes), or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board; a person or company with whom the Board has contracted to perform a special task (such as an attorney, auditor, insurance carrier, medical consultant, or an online educational service provider/vendor); a contractor, consultant, volunteer or other party to whom the Board had outsourced a service otherwise performed by Board employees (e.g. a therapist, information technology (IT) staff); 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 (including volunteers). An individual will have a "legitimate educational purpose" if the record is necessary in order for the school official/employee to perform an administrative, supervisory, or instructional task, or to perform a service or benefit for the student or the student's family.

In addition to school officials with a legitimate educational purpose, the Board may disclose personally identifiable information from the education records of a student without obtaining prior written consent of the parents or the eligible student:

- A. 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 34 C.F.R. 99.34.
- B. 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 Michigan Department of Education. Disclosures under this provision may be made, subject to the requirements of 34 C.F.R. 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 personally identifiable information 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.
- C. 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.
- D. to organizations conducting studies for, or on behalf of, the school, in order to: (1) develop, validate, or administer predictive tests; (2) administer student aid programs; or (3) improve instruction.
- E. to accrediting organizations to carry out their accrediting functions.
- F. to parents of an eligible student if the student is a dependent for IRS tax purposes.
- G. to comply with a judicial order or lawfully issued subpoena.
- H. to State and local officials or authorities in the juvenile justice system as it pertains to the system's ability to effectively serve, prior to adjudication, the student whose records were released, upon certification that the information will not be unlawfully released to third parties.
- I. to appropriate officials in connection with a health or safety emergency.

- J. information the school has designated as "directory information," as defined below, and subject to the restrictions explained below.
- K. to an agency caseworker or other representative of a state or local child welfare agency, or tribal organization as defined in Federal law, who has the right to access a student's case plan as determined by the agency or organization, when such agency or organization is legally responsible for the care and protection of the student provided the education records and personally identifiable information will not be unlawfully released to third parties. The agency or organization may release the education records and personally identifiable information to an individual or entity engaged in addressing the student's education needs and authorized by the agency or organization to receive such disclosure and such disclosure is consistent with state or tribal laws applicable to protecting the confidentiality of a student's education records.
- L. to comply with a court order when a parent is a party to a court proceeding involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act) or dependency matters, and the order is issued in the context of that proceeding.

A parent or adult student has the right to:

- A. inspect and review the student's education records within forty-five (45) days after the School receives a request for access or within such shorter period as may be applicable to students with disabilities. The School has a form that can be used to submit such a request. The Custodian of Records ("COR") (building principal) will notify the parent or adult student of the time and place where the records can be inspected. Parents and adult students are not permitted to inspect and review the education records of other students. If there is a valid reason why a parent or adult student cannot personally inspect and review a student's education records, or if the parent or adult student specifically requests copies of education records, the COR may arrange for copies of the requested records to be delivered to the parent or adult student directly. The Board may charge a reasonable fee for the copying of records, which may be waived under circumstances of unusual hardship.
- B. request the amendment of the student's education records if the parent or adult student believes the record is inaccurate, misleading, or otherwise in violation of the student's privacy rights. Parents or adult students who believe that a change is necessary should ask the COR to correct the record. Such a request should be made in writing and should identify the part of the record they want changed, and specify why it should be changed. If the record is not changed to the parent's or adult student's satisfaction or if the COR informs the parent or adult student that the record does not appear to be misleading, inaccurate, or in violation of any privacy right, the parent or adult student will be informed of his/her right to request a hearing. The parent or adult student may submit a written request for a hearing. The hearing will be conducted by a hearing officer who will submit his/her findings to the Superintendent. The Superintendent will make the final decision concerning whether to change the record. A parent or student who remains dissatisfied with the final decision of the Superintendent may request that an explanatory statement be placed in the student's file explaining the basis for the disagreement. The school has a form that may be used to identify which information in the record the parent or adult student believes is inaccurate, misleading, or a violation of the student's privacy rights, and to specify why it is inappropriate.
- C. consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that Federal and/or State law authorizes disclosure without consent (e.g. disclosure to school officials with legitimate educational interests). The school's AG 8330 describes those exceptions and is available upon request. Upon request, the School discloses education records without consent to officials of another school district in which a student seeks or intends to enroll. (NOTE: FERPA requires a school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request.)
- D. challenge the Board's noncompliance with a parent's request to amend the records through a hearing. If the Custodian of Records decides not to amend the record, the parent or adult student will be so notified and provided the opportunity for a hearing. Additional information concerning the hearing will be provided when the individual is notified of the opportunity for a hearing. (See Paragraph B above).
- E. challenge the Board's noncompliance with a parent's request to amend the records through a hearing. If the Custodian of Records decides not to amend the record, the parent or adult student will be so notified and

provided the opportunity for a hearing. Additional information concerning the hearing will be provided when the individual is notified of the opportunity for a hearing. (See Paragraph B above).

Both FERPA and M.C.L.A. 380.1135, require that the Board, with certain exceptions, obtain a parent or adult student's written consent prior to the disclosure of personally identifiable information about a student. However, the Board may disclose appropriately designated "directory information" without written consent, unless the parent or adult student advises the Board to the contrary in accordance with District procedures for opting-out of such disclosures. See, Form 8330 F17. The primary purpose of directory information is to allow the Board to include this type of information in certain school publications. Examples include: a playbill, showing a student's role in a drama/musical production; the annual yearbook; honor roll or other recognition lists; graduation programs and sports activity sheets (e.g. 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 or adult student's prior written consent. In addition, two (2) Federal laws require the District to provide military recruiters, upon request, with three (3) directory information categories, names, addresses, and telephone listings – unless parents or adult students have advised the District that they do not want their student's information disclosed without their prior written consent.

The District has designated the following information about each student as "directory information":

Each year the District will provide public notice to students and their parents of its intent to make available, upon request, certain information known as "directory information". The Board designates as student "directory information" a student's name; address (except for students participating in the address confidentiality program act); telephone number; date and place of birth; major field of study; participation in officially recognized activities and sports; height and weight, if a member of an athletic team; dates of attendance; date of graduation; and awards received.

The Board will make the above information available upon a legitimate request unless a parent, guardian, or adult student has opted-out of provision of this information in some or all circumstances by filling out, signing and returning the Opt-Out Form, Form 8330 F17 or notifies the School in writing within 7 days from the date of this notification that s/he will not permit distribution of any or all such information. Directory information and other personally identifiable information that is part of a student's education records will not be sold or provided to any organization for any profit-making purpose, except as otherwise permitted in Policy 8330.

Parents or eligible students who choose to prohibit the Board from disclosing any or all such directory information may not prevent the Board from requiring a student to wear, publicly display, or disclose a student ID card or badge that exhibits directory information. Students enrolled in online courses or programs sponsored or conducted by the Board must disclose or permit the disclosure of the student's name, identifier, or school email address in a class in which the student is enrolled.

**SPECIFIC EVENTS/ACTIVITIES** The Protection of Pupil Rights Amendment ("PPRA") requires the Board to notify parents and eligible students and obtain consent to allow parents or eligible students to opt the student out of participating in certain school activities. These activities include a student survey, analysis, or evaluation that concerns one (1) or more of the following eight (8) area ("protected information surveys"):

1. political affiliations or beliefs of the student or the student's parent;
2. mental or psychological problems of the student or the student's family;
3. sex behavior or attitudes;
4. illegal, anti-social, self-incriminating, or demeaning behavior;
5. critical appraisals of other with whom respondents have close family relationship;
6. legally recognized privileged relationships, such as those of lawyers, physicians, and ministers;
7. religious practices, affiliations, or beliefs of the student or the student's parent; and/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") that may be allowed consistent with the prohibition against selling or otherwise providing personally identifiable information to for-profit business entities, 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 Board will provide parents, within a reasonable period 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 adult students or an emancipated minor under State law.) The District has no surveys scheduled prior to the start of school.

Parents have the right to inspect upon request a survey created by a third party before the survey is administered or distributed by the school to its students. See Board Policy 2416 concerning the procedures for making such a request.

Parents have the right to inspect upon request any instrument used in the collection of personal information from students for the purpose of marketing or selling that information (or otherwise providing that information to others for that purpose) that may be allowed consistent with the prohibition against selling or otherwise providing personally identifiable information to for-profit business entities before the instrument is administered or distributed to the students. See Board Policy 2416 concerning the procedures for making such a request.

Parents may opt their child out of participation in any activity described above.

Parents have the right to inspect upon request any instructional material used as a part of the educational curriculum for their student. See Board Policy 2416 for the procedures for making such a request.

Any parent or student who believes that the School District has failed to comply with the Family Education Rights and Privacy Act ("FERPA") or the Protection of Pupil Rights Amendment ("PPRA"), may file a complaint directly with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-8520.

This Notice will be transmitted to disabled parents and students or to non-English speaking parents and students in a format designed to accommodate their disability or in their native language. Call the Office of the Superintendent at (269) 445-6204 for assistance and information.

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

If you live temporarily in a shelter, motel, vehicle, campground, on the street, in abandoned buildings, a temporary foster care placement or doubled up with relatives or friends, you are considered eligible for services under the McKinney-Vento Act. These students have the right to:

- Continue in their "school of origin" (the school they last attended when permanently housed or the school they last attended), if that is your choice and it is feasible, or attend the neighborhood school where you are currently living.
- Receive transportation to the school of origin if requested.
- Immediately enroll and attend classes without providing a permanent address, past school or immunization records, proof of guardianship, etc. You still must fill out enrollment packets.
- Receive free lunch.
- Receive equal access to education and support services and if eligible, participate in before- and after-school activities.

Heritage Southwest ISD is a member of the McKinney-Vento Grant consortium in partnership with Berrien RESA. Each local school district in Cass County has a designated liaison to coordinate services for students that lack an adequate, regular, or fixed residence.

For students enrolled in the Great Start Readiness Programs (GSRP) and Heritage Southwest ISD center-based, special education programs (at Brookside Learning Center and North Pointe Center), please contact our McKinney-Vento Liaison below:

Josh Townsley  
Heritage Southwest Intermediate School District  
61682 Dailey Rd.  
Cassopolis, MI 49031  
josh.townsley@hsisd.org  
(269) 445-6223

## **Parental Inspection of Instructional Materials**

Building Supervisors are responsible for coordinating inspections of instructional materials at the school. The office(s) are located at Brookside Learning Center, 61661 Dailey Rd, Cassopolis, MI 49031 and North Pointe Center, 704 Orchard St, Dowagiac, MI 49047 or s/he can be reached by calling Brookside Learning Center (269) 445-6250 and North Pointe Center (269) 390-5060. Parents have the right to inspect any instructional materials used as part of the educational curriculum for their student. Instructional materials means instructional content, regardless of format, that is provided to the student, including printed or representational materials, audio-visual materials, and materials available in electronic or digital formats (such as materials accessible through the Internet). Instructional material does not include academic tests or academic assessments.

## **Michigan Constitutional Postings**

Consistent with MCL 380.10a, the required excerpts of text from the Michigan Constitution are posted in locations where the Board of Education meets, as well as school offices and the Superintendent's office.