

## **Notification of FERPA Rights and Child find for Children with Disabilities in Need of Special Education Services**

The Family Educational Rights and Privacy ACT (FERPA) affords parents and "eligible students" (students over 18 years of age or who are attending a postsecondary institution) certain rights with respect to the student's education records. They are:

***1) The right to inspect and review the student's education records within forty-five (45) days of the day the District receives a request for access.***

Parents or eligible students should submit to the school principal/designee a written request that identifies the record(s) they wish to inspect. The Principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

***2) The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or in violation of the student's privacy or other rights.***

Parents or eligible students may ask the District to amend a record that they believe is inaccurate, misleading or in violation of privacy or other rights. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate, misleading, or in violation of their privacy or other rights. If the District decides not to amend the record as requested by the parent or eligible student, the District 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 disclosures 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 District 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 district 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 District shall disclose education records without consent to officials of another school district in which a student seeks or intends to enroll or to other entities authorized by law.

## **Directory Information**

"Directory Information" is information contained in an educational record which would not generally be considered harmful or an invasion of privacy if disclosed. This information may be released to news media, athletic organizations, scholarship or college entrance committees, or official organizations whose need for data is connected with student help activities. "Directory Information" includes, but is not limited to the student's name, address, telephone listing, date and place of birth, major field of study, participation on officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended. The parent, guardian, or eligible student currently enrolled, may request all or part of the directory information be withheld. The request must be in writing to the Principal of your child's school, within 30 calendar days after this notification has been distributed. The written request must specifically state what information may not be classified as directory information.

In accordance with federal regulation concerning the release or transfer of educational records, it is the policy of this school district to forward education records on request to a school in which a student seeks or intends to enroll. Parents may obtain upon request a copy of the records transferred.

Any parent or guardian of a student, or any eligible student, may challenge the content or accuracy of any material or entries in the student's educational records on the grounds that it is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. Requests to amend the records are submitted to the principal of your child's school.

For students who have been determined eligible for programs for children and youth with disabilities, educational records will be destroyed at the request of the parent when they are no longer needed to provide educational programs and services. The MCSD will destroy the educational records of a child or youth without a parent's request after the records have been maintained for a minimum period of three years and are no longer needed to provide educational programs and services. Parents are advised that data contained in the records may be later needed for Social Security purposes. The MCSD retains for an indefinite period of time, a record of the student's name, address, telephone number, grades, attendance record, classes attended, grades completed, and year completed.

## **Child Find for Children with Disabilities in Need of Special Education or 504 Services**

### **Child Find**

The Menifee County School District keeps educational records in a secure location in each school and Board office.

The Menifee County School District obtains written consent from a parent or eligible student (age 18 or who is attending a postsecondary institution), before disclosing personally identifiable information to an entity or individual not authorized to receive it under FERPA.

For students who have been determined eligible for Special Education, educational records will be destroyed at the request of the parents when they are no longer needed to provide educational programs or services. The Menifee County School District may destroy the educational records of a child without parent request three (3) years after they are no longer needed to provide educational programs or services. Parents are advised that data contained in the records may later be needed for Social Security benefits or other purposes. The Menifee County School District may retain, for an indefinite period of time, a record of the student's name, address, telephone number, grades, attendance records, classes attended, grade level completed, and year completed.

Children eligible for Special Education include those children with disabilities who have autism, deaf-blindness, developmental delay, emotional-behavior disability, hearing impairment, mental disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, or visual impairment and who because of such an impairment need Special Education services.

Children eligible for 504 services include those children in a public elementary and secondary education program who have a current physical or mental impairment that currently substantially limits some major life activity which causes the student's ability to access the school environment or school activities to be substantially limited.

Children eligible for the State-Funded Preschool program include three- and four-year old children identified with disabilities and four-year-old children who are at-risk, as defined by federal poverty levels up to 160%. Preschool children eligible for special education must have an Individual Education Plan (IEP) instead of a 504 plan to receive State-Funded Preschool program services.

The Menifee County School District has an ongoing "*Child Find*" system, which is designed to locate, identify and evaluate any child residing in a home, facility, or residence within its geographical boundaries, age three (3) to twenty-one (21) years, who may have a disability and be in need of Special Education or 504 services. This includes children who are not in school; those who are in Head Start/Preschool; those who are in public, private, or home school; those who are highly mobile such as children who are migrant or homeless; and those who are advancing from grade to grade, who may need but are not receiving Special Education or 504 services.

The district's "*Child Find*" system includes children with disabilities attending private or home schools within the school district boundaries who may need special education services.

The Menifee County School District will make sure any child enrolled in its district who qualifies for Special Education or 504 services, regardless of how severe the disability, is provided appropriate Special Education or 504 services at no cost to the parents of the child.

Parents, relatives, public and private agency employees, and concerned citizens are urged to help the Menifee County School District find any child who may have a disability and need Special Education or 504 services. The District needs to know the name and age, or date of birth of the child; the name, address, and phone number(s) of the parents or guardian; the possible disability; and other information to determine if Special Education or 504 services are needed.

Letters, e-mail messages and phone calls are some of the ways the Menifee County School District collects the information needed. The information the school District collects will be used to contact the parents of the child and find out if the child needs to be evaluated or referred for Special Education or 504 services.

If you know of a child who lives within the boundaries of the Menifee County School District, who may have a disability, and may need but is not receiving Special Education or 504 services, please call 606-768-8002 or send the information to:

**Joshua Kincaid**  
**Director Special Education**  
**Section 504 Coordinator**  
**Menifee County Schools**  
**P.O. Box 110**  
**Frenchburg, KY 40322**  
**Phone (606) 768-8005**

If you know of a child who attends a private or home school within the boundaries of the Menifee County School District, who may have a disability, and may need but is not receiving Special Education services, please call 606-768-8005 or send the information to:

**Joshua Kincaid**  
**Director of Special Education**  
**Menifee County Schools**  
**P.O. Box 110**  
**Frenchburg, KY 40322**  
**Phone (606) 768-8005**

**Tonya Means**  
**Director of Pupil Personnel**  
**Menifee County Schools**  
**P.O. Box 110**  
**Frenchburg, KY 40322**  
**Phone (606) 768-8025**

*"Child Find"* activities will continue throughout the school year. As part of these efforts the Menifee County School District will use screening information, student records, and basic assessment information it collects on all children in the District to help locate those children who have a disability and need Special Education or 504 services. Any information the District collects through *"Child Find"* is maintained confidentially.

Written *Policies and Procedures* have been developed which describe the District's requirements regarding the confidentiality of personally identifiable information and *"Child Find"* activities. There are copies in the Principal's office of each school, and in the Board of Education office. Copies of these *Policies and Procedures* may be obtained by contacting:

**Rebecca Spencer**  
**Secretary to the Superintendent**  
**Menifee County Schools**  
**P.O. Box 110**  
**Frenchburg, KY 40322**  
**Phone (606) 768-8002**

The District office is open Monday through Friday, from 8:00 a.m. to 4:00 p.m.

The Menifee County School District provides a public notice in the native language or other mode of communication of the various populations in the geographical boundaries of the District to the extent feasible.

If you know of someone who may need this notice translated to another language, given orally, or delivered in some other manner or mode of communication, please contact the Director of Pupil Personnel, the Director of Special Education or the Section 504 Coordinator at the address or phone number listed above for the Menifee County Schools.