

Mandated communications according to NC DPI

Family Educational Rights and Privacy Act (FERPA)

Annual Notice for Directory Information

The *Family Educational Rights and Privacy Act* (FERPA), a Federal law, requires that Haliwa-Saponi Tribal School, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, Haliwa-Saponi Tribal School may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow the Haliwa-Saponi Tribal School to include this type of information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, 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 prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the *Elementary and Secondary Education Act of 1965* (ESEA) to provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.¹

If you do not want Haliwa-Saponi Tribal School to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing by September 1st. Haliwa-Saponi Tribal School has designated the following information as directory information:

¹ These laws are: Section 9528 of the Elementary and Secondary Education Act (20 U.S.C. § 7908) and 10 U.S.C. § 503(c).

-Student's name	-Participation in officially
-Address	recognized activities and sports
-Telephone listing	-Weight and height of members of
-Electronic mail address	athletic teams
-Photograph	-Degrees, honors, and awards
-Date and place of birth	received
-Major field of study	-The most recent educational agency
or	
-Dates of attendance	institution attended
-Grade level	-Student ID number, user ID, or other
	unique personal identifier used to
	communicate in electronic systems
	that cannot be used to access
	education records without a PIN,
	password, etc. (A student's SSN, in
	whole or in part, cannot be used for
	this purpose.)

The school will honor a request to review a student's records by a parent/guardian within a reasonable time period, not to exceed 45 days. If a parent/guardian believes the information is inaccurate or misleading, he/she may request in writing an amendment. If the school agrees with the amendment, the school will amend the record. If the school disagrees, the parent is allowed a hearing. The parent may also place a letter of disagreement in the file. Access privileges accorded to parents are transferred to the student upon reaching 18 years of age or upon entering post-secondary school.

Privacy Act: The Privacy Act of 1974 forbids the dissemination of personal information of individuals without their authorized permission or, in the case of a minor, the parent or guardian's written permission, except internally where the information is necessary to effectively conduct school business. In accordance with the Privacy Act, no individual member of the community, whether or not he/she is affiliated with Haliwa-Saponi Tribal School, has the right to receive personal information concerning any individual associated with the school, whether it is a student, staff member, or board member, except in cases where the information is critical to the job requirements of the individual and is approved by the Headmaster. Personal information includes, but is not limited to, the individual's health, academic, or discipline records, religion, marital status, political

party affiliation, and grades. This does not restrict individuals from discussing their own private information freely, nor does it interfere with any other form of free speech.

Model Notification of Rights under FERPA for Elementary and Secondary Schools

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") 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 after the day the Haliwa-Saponi Tribal School receives a request for access.

Parents or eligible students should submit to the school principal a written request that identifies the records 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, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the Haliwa-Saponi Tribal School to amend a record should write the school principal, clearly identify the part of the record they want changed, and specify why it should be changed. 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 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 provide written consent before the school discloses personally identifiable information (PII) from 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) or a person serving on the school board. A school official also may include a volunteer or contractor outside of the school who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from

education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer 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 school 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 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.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] 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 Avenue, SW

Washington, DC 20202

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, §99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1))
- 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 §99.34. (§99.31(a)(2))

- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency in the parent or eligible student’s State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§99.31(a)(3) and 99.35)
- 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. (§99.31(a)(4))
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system’s ability to effectively serve, prior to adjudication, the student whose records were released, subject to §99.38. (§99.31(a)(5))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))

Information the school has designated as “directory information” under §99.37. (§99.31(a)(11))

Mandated student health information

In order to comply with the General Assembly of North Carolina General Statute below, the following information is provided to all parents of students at the beginning of each school year.

§ 115C-375.4. Meningococcal Meningitis and Influenza and Their Vaccines.

Local boards of education shall ensure that schools provide parents and guardians with information about meningococcal meningitis and influenza and their vaccines at the beginning of every school year. This information shall include the causes, symptoms, and how meningococcal meningitis and influenza are spread and the places where parents and guardians may obtain additional information and

vaccinations for their children. (2005-22, s. 4(a), (b).)

Influenza, commonly known as the flu, is a contagious respiratory viral infection of the nose, throat and lungs. Possible symptoms are fever, chills, cough, sore throat, runny/stuffy nose, muscle/body aches, fatigue, nausea, vomiting and headache. Influenza is spread when those infected cough, sneeze or talk and the droplets produced enter into others through their nose, mouth or by touching contaminated surfaces.

The Flu Vaccine is available to help prevent its spread. Vaccinations are recommended annually starting in September through May. There are 3 types of the flu vaccine shot: 1st for people 6 months and older that is healthy, chronically ill persons or pregnant; 2nd a high dose vaccine for people 65 years old or older; and 3rd Intradermal for people ages 18-64. A nasal spray flu vaccine is a live vaccine available for healthy people ages 2-49 years old, but is not for those who are pregnant.

Meningococcal Meningitis is caused by bacteria that is transmitted through exchange of throat and respiratory secretions of people who live in close quarters together or by kissing. Once transmitted, the bacteria infects the protective membranes covering the brain thus leading to sudden onset of fever, headache, sensitivity to light, confusion, nausea, vomiting and stiff neck. Healthy habits and administration of the meningococcal vaccine are methods for prevention.

Healthy habits include, but are not limited to, good overall hygiene, no sharing of personal items, hand washing and covering your cough/sneeze. The Center for Disease Control recommends the vaccine for adolescents age 11-12 with a follow up booster at age 16. They also recommend teens between the ages of 13-15 that have not received the vaccine prior should receive it then a booster between the ages of 16-18. If a person is 16 years old or older and has never received the vaccine, CDC still recommends the vaccine but with no need for a follow up booster dose. Ages 16-21 are the most susceptible ages. The Meningococcal vaccine is required for admittance for most college campuses.

More information can be obtained at your local health department or doctor's office, as well as at the Center for Disease Control website, <http://www.cdc.gov/vaccines/vpd-vac/default.htm> . Vaccine administration can be received at your local health department or doctor's office.

Here is more...

In order to comply with the General Assembly of North Carolina General Statute, the following information is provided to parents of students who are entering grades 5 – 12, at the beginning of each school year.

Human Papillomavirus (HPV) is a sexually transmitted infection. There are over 40

types of HPV and they are transmitted through sexual contact including genital-to-genital contact, oral and anal sex. Most people never develop symptoms or health problems and infect their partners unknowingly. Health problems caused by HPV are genital warts, cervical cancer, recurrent respiratory papillomatosis (warts grow on throat), genital cancer and oropharyngeal cancer. There is no cure for HPV though the health problems it causes can be treated.

Receiving the HPV vaccine can prevent both males and females from most HPV types and the health problems they can cause. Two vaccines are available to protect against HPV, Gardasil and Cervarix. All 11 to 12 year old girls are recommended, by the Center for Disease Control, to receive either Gardasil or Cervarix 3dose vaccine, with girls and young women between the ages of 13-26 to also receive the vaccine if they have not already done so or received the complete series. The Center for Disease Control also recommends boys age 11 to 12 and males 13-21 years old receive the Gardasil vaccine if they haven't not already done so or received the complete series. Both Gardasil and Cervarix dosage series are to give the 1st vaccine dose, then the 2nd vaccine dose is to be administered 1-2 months after the 1st dose and the final, 3rd dose is administered 6 months after the 1st dose. Abstinence and condoms are also highly encouraged for preventing HPV transmission.

More information can be obtained at your local health department or doctor's office, as well as at the Center for Disease Control website, <http://www.cdc.gov/vaccines/vpd-vac/default.htm> . Vaccine administration can be received at your local health department or doctor's office.

GRIEVANCE POLICY: OPTIONS FOR RESOLVING COMPLAINTS (GRIEVANCE POLICY)

The board strives to resolve concerns and complaints of students and parents whenever possible. To this end, the board has provided opportunities for students and parents to express their concerns through processes established in board policies. The policy on *Responding to Complaints* identifies these different processes, including a mechanism for resolving complaints in an informal manner.

While the board encourages resolutions of complaints through informal means, it recognizes that, at times, a formal process may be necessary for certain types of complaints or if the informal process did not produce satisfactory results. This policy provides a complaint procedure that may be used as described below.

Any parent or student who has questions about the options for proceeding with a complaint or concern may contact the principal or superintendent for further information and copies of all applicable board policies.

TIMELINESS OF PROCESS

The number of days indicated at each step of the grievance process should be considered a maximum, and every effort should be made to expedite the process.

Failure by the official at any step to communicate a decision within the specified time limit will permit the grievant to appeal the grievance to the next step unless the official has notified the grievant of the delay and the reason for the delay, such as the complexity of the investigation or report. The official shall make reasonable efforts to keep the grievant apprised of progress being made during any period of delay. Delays that interfere with the exercise of the grievant's legal rights are not permitted.

Failure by the grievant at any step of the process to appeal a grievance to the next step within the specified time limit will be considered acceptance of the decision at the current step, unless the grievant has notified the official of a delay and the reason for the delay and the official has consented in writing to the delay.

GENERAL REQUIREMENTS

1. No reprisals of any kind will be taken by the board or by an employee of the school system against any grievant or other student or employee because of his or her participation in a grievance filed and decided pursuant to this policy.
 2. All meetings and hearings conducted pursuant to this policy will be private.
 3. The board and school system officials will consider requests to hear grievances from a group of grievants, but the board and officials have the discretion to hear and respond to grievants individually.
1. The grievant may have a representative, including an attorney, at any stage of the grievance. However, if the grievant intends to be represented by legal counsel, he or she must notify the appropriate school official in advance so that school personnel also will have the opportunity to be represented by legal counsel.

PROCESS FOR GRIEVANCE

1. Filing a Grievance
 - a. Whenever a student or parent or guardian believes that he or she has been adversely affected by a decision of a school employee, the student or parent or guardian may file a grievance as provided in this policy. (See Appendix C for form.)
 - b. A grievance must be filed as soon as possible but no later than 30 days after disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after the 30 day period that claims a violation, misapplication or misinterpretation of state or federal law, the superintendent or designee shall determine whether the grievance will be investigated after considering factors such as the reason for the delay; the extent of the delay; the effect of the delay on the ability of the school system to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal obligations. However, students, parents and guardians should recognize that delays in filing a grievance may significantly impair the ability of the school system to investigate and respond effectively to such complaints.
 - c. A student or parent or guardian who has a grievance must provide the following information in writing to the principal: (1) the name of the school employee or

other individual whose decision or action is at issue; (2) the specific decision(s) or action(s) at issue; (3) any board policy, state or federal law, state or federal regulation, or State Board of Education policy or procedure that the parent or guardian or student believes has been misapplied, misinterpreted or violated; and (4) the specific resolution desired. If there is not a specific decision or action at issue and no concern that state or federal law has been misapplied, misinterpreted or violated, then the procedure established in the policy entitled *Responding to Complaints* is appropriate, and the principal shall address the concern following that policy.

d. Even if the principal is the employee whose decision or action is at issue, the student must submit the grievance first to the principal in order for the principal to address the issue within the formal process. If, however, the grievance claims that a state or federal law has been misapplied, misinterpreted or violated, the student may submit the grievance directly to the superintendent or designee.

2. Investigation

a. The principal shall schedule and hold a meeting with the student and/or parent or guardian within five school days after the grievance has been filed with the principal. The student may be accompanied by a parent, legal guardian or other person who is in a position of *loco parentis* to the student.

b. The principal shall conduct any investigation of the facts necessary before rendering a decision.

3. Response by Principal

a. The principal shall provide a written response to the written grievance within 10 days of the meeting. The response will include the principal's decision regarding resolution of the grievance and the basis for the decision. In responding, the principal may not disclose information about other students or employees that is considered confidential by law.

b. A copy of the grievance and the principal's response will be filed.

5. Appeal to the Board

If the grievant has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board of education policy or procedure, the grievant will have the right to appeal a final administrative decision to the board of education (see subsection E.5.a, Mandatory Appeals, below). If a grievant has not alleged such specific violations, he or she may request a board hearing, which the board may grant at its discretion (see subsection E.5.b, Discretionary Appeals, below).

a. Mandatory Appeals

1) If the grievant is dissatisfied with the principal's response to his or her grievance and has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board

of education policy or procedure, the grievant may appeal the decision to the board within five days of receiving the superintendent's response.

2) A hearing will be conducted pursuant to policy entitled *Hearings Before the Board*.

3) The board will provide a final written decision within 30 days of receiving the appeal unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

b. Discretionary Appeals

1) If the grievant is dissatisfied with the principal's response to his or her grievance but has *not* alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board of education policy or procedure, then within five days of receiving the principal's response, the grievant may submit to the principal a written request for a hearing before the board of education.

2) If the full board will be meeting within two weeks of the request for a hearing, the board will decide at that time whether to grant a hearing. Otherwise, the board chairperson will appoint a three-person panel to review the request and determine whether to (1) deny the appeal; (2) review the principal's decision on the written record only; or (3) grant a hearing. The panel will report the decision to the board. The board may modify the decision of the panel upon majority vote at a board meeting.

3) If the board denies the appeal, the decision of the principal will be final and the grievant will be notified within five days of the board's decision.

4) If the board decides to grant a hearing, the hearing will be conducted pursuant to policy entitled *Hearings Before the Board*.

5) The board will provide a final written decision within 30 days of the decision to grant an appeal, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

F. NOTICE

The principal or designee is responsible for providing effective notice to students, parents and school system employees of the procedures for reporting and investigating grievances.

G. RECORDS

Appropriate records shall be maintained in accordance with state and federal law.

Parent & Student Grievance Form

Date of Incident or Facts Giving Rise to Grievance _____ (grievances should be filed as soon as possible, but no later than 30 days from this date).

Facts of Grievance:

(1) The name of the school employee or other individual whose decision or action is at issue

(2) the specific decision(s) or action(s) at issue;

(3) any board policy, state or federal law, state or federal regulation, or State Board of Education policy or procedure that the parent or guardian or student believes has been misapplied, misinterpreted or violated

(4) the specific resolution desired

Note: If there is not a specific decision or action at issue and no concern that state or federal law has been misapplied, misinterpreted or violated, then the procedure established in the policy entitled *Responding to Complaints* is appropriate, and the principal shall address the concern following that policy.

Revisions to this student/parent handbook have been modified from the Thomas Jefferson Classical Academy Website (July 31, 2014) to be in better compliance with the Charter School expectations.

Revisions have been approved by the HSTS Board of Education on July 17, 2015.