

Jefferson County Board of Education Administrative Procedure Review June 27, 2023

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KDE Guidance Regarding FERPA for 18-Year-Old Non-Dependent Students

Notification of FERPA Rights

Notice of FERPA rights set forth in this procedure shall be distributed annually to parents and students in the Student Support and Behavior Intervention Handbook.

The Family Educational Rights and Privacy Act (FERPA) affords “parents” (parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian), and “eligible students” (students 18 years of age or older or students 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 record(s) may be inspected.

2. ***The right to inspect and review logs documenting disclosures of the student’s education records.***

Except for disclosure to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosure to the parent or eligible student, FERPA regulations require the District to record the disclosure.

3. ***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 him/her of the 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.

4. ***The right to provide written consent prior to disclosure of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.***

Exceptions that permit disclosure without consent include:

- a. 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 volunteer, or an outside 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/her tasks.

Notification of FERPA Rights

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

This may include contractors, consultants, volunteers, and other parties to whom the District has outsourced services or functions.

- b. Upon request, disclosure of education records without parent/eligible student notice or consent to officials of another school district or post-secondary institution in which a student seeks or intends to enroll or is already enrolled or to other entities authorized by law so long as the disclosure is for purposes related to the student's enrollment or transfer.
- c. Disclosure of information to those whose knowledge of such information is necessary to respond to an actual, impending, or imminent articulable and significant health/safety threat.
- d. Disclosure to state and local educational authorities and accrediting organizations, subject to requirements of FERPA regulations.

Designated Kentucky State agencies may be permitted access to student record information, which will depend on the authority granted to their particular agency.

5. ***The right to notify the District in writing to withhold information the Board has designated as directory information as listed in the annual directory information notice the District provides to parents/eligible students.***

To exercise this right, parents/eligible students shall notify the District by the deadline designated by the District.

6. ***The right to prohibit the disclosure of personally identifiable information concerning the student to recruiting representatives of the U. S. Armed Forces and its service academies, the Kentucky Air National Guard, the Kentucky Army National Guard and institutions of higher education.***

Unless the parent or student who has reached age 18 requests in writing that the District not release information, the student's name, address, and telephone number (if listed) shall be released to Armed Forces recruiters and institutions of higher education upon their request.

7. ***The right to prohibit the disclosure of personally identifiable information in education records concerning the student to the parents of an eligible student if the student has submitted a signed affidavit stating that they are not dependent as defined under Section 152 of the Internal Revenue Code and requesting to prohibit disclosure to their parents.***

8. ***The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA.*** The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605

House Bill 538

**AN ACT relating to discipline
of students.**

EXPLANATION: REVISIONS TO 704 KAR 19:002 REQUIRE THE DISTRICT TO DEVELOP PROCEDURES FOR MONITORING THE ALTERNATIVE EDUCATION PROGRAM.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

TEXT HIGHLIGHTED IN GREEN REFLECTS RECOMMENDED CHANGES FROM JCPS STAFF.

STUDENTS

09.4341 AP.11

Alternative Education

MONITORING

The District shall provide for:

1. Regular, periodic monitoring of the alternative education program; and
- ~~1.~~2. Selecting, implementing, and monitoring the impact of professional learning designed to meet the needs of the teachers and students served by the alternative education program.

Senate Bill 5

**AN ACT relating to education and
declaring an emergency.**

EXPLANATION: SB 5 CREATES A NEW SECTION OF KRS 158 TO REQUIRE THE BOARD TO ADOPT A COMPLAINT RESOLUTION POLICY FOR PARENTS OR GUARDIANS ALLEGING THAT MATERIAL, A PROGRAM, OR AN EVENT THAT IS "HARMFUL TO MINORS" HAS BEEN PROVIDED OR IS CURRENTLY AVAILABLE TO THEIR STUDENT ENROLLED IN THE DISTRICT.

FINANCIAL IMPLICATIONS: TIME SPENT INVESTIGATING, RESPONDING TO APPEALS, COST OF NEWSPAPER ADVERTISEMENT REGARDING FINAL OUTCOME

TEXT HIGHLIGHTED IN GREEN REFLECTS RECOMMENDED CHANGES FROM JCPS STAFF.

STUDENTS

08.23 AP.21

"Harmful to Minors" Complaint Resolution Process

This parent/guardian ~~parent or guardian~~ complaint must be submitted in writing to the Principal of the school where the student is enrolled alleging that material, a program, or an event that is "harmful to minors" has been provided or is currently available to the child of the parent or guardian.

"Harmful to minors" is defined in KRS 158.192 and Policy 08.23.

COMPLAINANT ~~(PARENT/GUARDIAN)~~ PARENT OR GUARDIAN

Complainant Name _____ Date _____

Home Address _____

Phone _____

Student Name(s) _____

Home Address _____

Phone _____

School _____ Grade Level _____

COMPLAINT(S)

A reasonably detailed description of the material, program, or event that is alleged to be "harmful to minors," and how the material, program, or event is believed to be "harmful to minors." (Use additional sheet if necessary.)

Complainant's Signature _____ Date _____

LEVEL ONE: SCHOOL PRINCIPAL NAME:

Within seven (7) business days of receiving a written complaint, the Principal shall review the complaint and take reasonable steps to investigate the allegations in the complaint, including but not limited to reviewing the material, program, or event that is alleged to be "harmful to minors;"

The principal may attempt to resolve the complaint to the satisfaction of a parent/guardian by offering to ensure that the student of the parent/guardian does not have access to the material, program, or event of concern. The school shall ensure that a student whose parent/guardian has

“Harmful to Minors” Complaint Resolution Process**COMPLAINT(S) (CONTINUED)**

agreed to such a resolution does not have access to the material or is not allowed to participate in the program or event of concern.

If the complaint is not resolved, per ~~Per~~ **KRS 158.192**, the Principal shall determine whether:

- The material, program, or event that is the subject of the complaint is “harmful to minors;”
- Student access to material that is the subject of the complaint shall remain, be restricted, or be removed;
- A program or event that is the subject of the complaint shall be eligible for future participation by students in the school.

Within ten (10) business days of receiving the complaint, unless another schedule is mutually agreed to by the ~~parent/guardian parent or guardian~~ and the Principal, the Principal shall confer with the ~~parent/guardian parent or guardian~~ and inform him/~~her/them or her~~ whether the material, program, or event that is the subject of the complaint was determined to be “harmful to minors” and what the resolution will be.

PRINCIPAL’S DETERMINATION (USE ADDITIONAL SHEET IF NECESSARY.)

Principal’s Signature _____

Date _____

A ~~parent/guardian parent or guardian~~ not having filed the appeal may request in writing access to the appealed materials, programs, or events for review and shall abide by the school’s and District’s policies and procedures when requesting and reviewing such information.

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LEVEL TWO: APPEAL OF THE PRINCIPAL’S DETERMINATION TO THE BOARD

Complainant Name: _____

Date appeal received at this level: _____

The parent or guardian shall make any appeal within ten (10) **business** days. The appeal shall:

- Be subject to full administrative and substantive review by Board and shall not be delegated;
- Include an opportunity for the ~~parent/guardian parent or guardian~~ to provide input during public comment at a Board meeting;
- Be **reviewed and** completed **by the Board** within thirty (30) calendar days of receiving the written appeal unless another time frame is mutually agreed upon by the ~~parent/guardian parent or guardian~~ and the Board; and

“Harmful to Minors” Complaint Resolution Process

- Be discussed and voted on during a meeting of the Board subject to the open records and open meeting requirements under KRS Chapter 61.

A parent/guardian may request in writing to the school, after final disposition is determined by the Board, that the school ensure his/her/their student does not have access to the material, program, or event that the parent/guardian believes to be harmful to minors but was allowed to remain or be eligible for future participation.

The school shall ensure that a student whose parent/guardian has made such a request does not have access to the material or is not allowed to participate in the program or event that the parent/guardian believes to be harmful to minors.

JCPS staff note: The paragraph above is language from SB 5, which was not included in the KSBA sample policy.

LEVEL TWO: APPEAL OF THE PRINCIPAL’S DETERMINATION TO THE BOARD (CONTINUED)
(USE ADDITIONAL SHEET IF NECESSARY.)

Complainant’s Signature _____

Date _____

The Board’s final disposition of the appeal shall be in writing **and shall be approved by a vote of the Board in an open meeting.** The final disposition ~~and~~ shall state whether the material, program, or event was determined to be “harmful to minors” and whether student access to the material will remain, be restricted, or be removed and whether the program or event shall be eligible for future participation by students in the school.

Within fifteen (15) business days from the date of a final disposition, the title of the material or a description of the program or event submitted for appeal, whether the material, program, or event was determined to be “harmful to minors,” whether student access to the material will remain, be restricted, or be removed or whether the program or event shall be eligible for future participation by students in the school, and the vote cast by each individual Board member shall:

- Be published on the website of the Board where it shall remain available for review; and
- Be published in the newspaper with the largest circulation in the county.

BOARD’S FINAL DISPOSITION (USE ADDITIONAL SHEET IF NECESSARY.)

“Harmful to Minors” Complaint Resolution Process

Board Member Name: _____ Vote: _____

Board Member Name: _____ Vote: _____

Board Member Name: _____ Vote: _____

Board Member Name: _____ Vote: _____

Board Member Name: _____ Vote: _____

Board Member Name: _____ Vote: _____

Board Member Name: _____ Vote: _____

Board Chair's Signature _____ Date _____

Culture & Climate and Transportation

Conduct on Bus

RULES OF CONDUCT

Specific rules of conduct on school buses can be found in the Student Support and Behavior Intervention Handbook ~~and in the brochure entitled “Regulations for Students Riding School Buses” provided to the parents/guardian of all District students.~~

ENFORCEMENT

~~A bus driver shall~~ ~~Bus drivers will~~ assist the Principal and Central Office personnel in enforcing the rules of conduct on a school ~~bus~~~~buses~~. If any pupil persists in violating these rules, the driver shall complete a Bus Disciplinary Referral Form ~~and submit it to provide~~ to the Principal. ~~The Principal may withhold bus riding privileges (consistent with Board Policy 06.34) if the pupil continues to disobey the rules. If withholding of bus riding privileges becomes necessary, the Principal shall notify the parents and inform the appropriate Central Office personnel.~~

SUSPENSION OF BUS-RIDING PRIVILEGES

A Principal is authorized to suspend bus-riding privileges of a student up to a maximum of five (5) school days per incident for threatening or violent behavior. A particular behavior event may warrant a longer suspension of bus-riding privileges based on an assessment of the safety risk to both students and staff. In lieu of district- provided transportation, all efforts should be made by the school to seek alternative transportation options for the student.

EXTENDED SUSPENSION OF BUS-RIDING PRIVILEGES

In an instance of terroristic threatening, assault of a student or staff member, or weapons possession or use on a bus, a principal may request for permission, as provided below, to suspend the bus-riding privileges of a student beyond five (5) days per incident. The request must include a completed threat assessment and a recommended length of the bus suspension. A request for approval of an extended bus suspension should only be made in response to one (1) incident. A request is not needed for a student who receives multiple short-term bus suspensions totaling more than five (5) days.

1. Six (6) to Ten (10) Day Bus Suspensions - The principal shall submit a request to the appropriate Zone Assistant Superintendent, who will review relevant information, including the threat assessment, and provide final approval for bus suspension length.
2. Eleven (11) to Twenty (20) Day Bus Suspensions -The principal shall submit a request to the appropriate Zone Assistant Superintendent, who will consult with the Executive Administrator of Transportation, the Assistant Superintendent of Culture and Climate, and General Counsel/Designee. This committee will collectively make a decision regarding the requested extended suspension.
3. Bus Suspensions Beyond Twenty (20) Days - In extreme circumstances, the committee may approve a bus suspension beyond twenty (20) days).

PRINCIPAL RESPONSIBILITY AFTER A SUSPENSION OF BUS-RIDING PRIVILEGES

Once the decision is made regarding a suspension of bus-riding privileges, the principal is responsible for: documenting the suspension of bus-riding privileges in Infinite Campus; ensuring that due process protocols are followed; and communication with the parent/guardian.

Conduct on Bus

APPEAL OF A BUS SUSPENSION OF ELEVEN (11) OR MORE DAYS

An appeal of a bus suspension of eleven (11) or more days shall be made in writing by the parent/guardian to General Counsel/Designee within five (5) business days of the communication of the suspension to the parent/guardian.

IDEA AND SECTION 504 REQUIREMENTS FOR A STUDENT WITH A DISABILITY

A student with special needs who exhibits inappropriate conduct on a bus shall be managed in accordance with his/her/their Individualized Education Plan (IEP) or 504 Plan; the Individuals with Disabilities Education Act (IDEA); state and federal special education regulations; and Board policies and District administrative procedures relating to Exceptional Child Education.

REFERENCES

20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA)
JCPS Exceptional Child Education Procedures
KRS 157.195 to 157.290
707 KAR Chapter 1

Review/Revised:1/14/2020