



Forward Thinking, High Achieving.

## MCPS 2018-2019 Annual Notices To Parents/Guardians of Gr. K-8 Students

### NOTICE OF NON-DISCRIMINATION

Missoula County Public Schools does not discriminate on the basis of race, color, national origin, sex, religion, creed, physical or mental disability, age, economic or social conditions, sexual orientation, gender identity, gender nonconformity, or actual or potential marital or parental status in **all** its programs and activities. Additionally, the District provides equal access to the Boy Scouts of America and other designated youth groups. The following person has been designated to handle inquiries regarding the non-discrimination policies: David Rott, MCPS Executive Director of Human Resources and Labor Relations, 215 South Sixth West, Missoula, Montana 59801; phone 406-728-2400, ext. 1038. For further information on notice of non-discrimination, contact the Seattle Office for Civil Rights (which serves the State of Montana) at the US Department of Education, 915 Second Avenue, Room 3310, Seattle, Washington, 98174-1099; call 206-607-1600 or 1-(800)-421-3481.

### DIRECTORY INFORMATION

The **Family Educational Rights and Privacy Act (FERPA)**, a Federal law, requires that Missoula County Public Schools District No. 1, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records.

However, Missoula County Public Schools 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 Missoula County Public Schools 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 three directory information categories – 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 Missoula County Public Schools to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing by **September 7, 2018 (opt out form provided in school handbooks)**. Missoula County Public Schools has designated the following information as directory information:

Student's name

Address  
Telephone listing  
Electronic mail address (if available)  
Photograph  
Date of birth  
Dates of attendance  
Grade level  
Participation in officially recognized activities and sports  
Weight and height of members of athletic teams  
Awards and honors received

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Footnotes:

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

**NOTIFICATION OF RIGHTS UNDER  
FAMILY EDUCATION RIGHTS AND PRIVACY ACT**

The **Family Educational Rights and Privacy Act** (FERPA) affords parents and students over 18 years of age ("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 of the day the School receives a request for access. Parents or eligible students should submit to the School principal a written request that identifies the record(s) they wish to inspect. The School official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

(2) The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. Parents or eligible students may ask the School to amend a record that they believe is inaccurate, misleading, or otherwise in violation of the student's rights under FERPA. They 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 advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

(3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

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

Upon request, the School discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

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

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901

Listed below are disclosures that Schools may make without consent:

FERPA permits the disclosure of personally identifiable information from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in 34 C.F.R. 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 personally identifiable information 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 caseworkers or other Child Protective Services representatives when DPHHS/CPS is legally responsible for the care and protection of the student. 20 U.S.C. § 1232g(b)(1)(L).
- 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))

### **PROTECTION OF PUPIL RIGHTS (PPRA)**

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

Consent before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)-

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

Receive notice and an opportunity to opt a student out of:

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Inspect, upon request and before administration or use –

1. Protected information surveys of students;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and

### 3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

Missoula County Public Schools District No. 1 has adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. Missoula County Public Schools will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. Missoula County Public Schools will also directly notify, such as through U.S. mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. Missoula County Public Schools will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. The following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

*Parents who believe their rights have been violated may file a complaint with:*

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-5901

### **IDEA/SECTION 504**

Missoula County Public Schools offers evaluations, programs and services to individuals who are identified as having, or who are suspected of having, a disability as defined in either the Individuals with Disabilities Act (IDEA), or Section 504 of the Rehabilitation Act of 1973. Referrals are accepted from parents, staff members, community agencies and/or other interested parties. For more information, call Karen Allen at 728-2400, ext. 1074.

Once a year, Missoula County Public Schools sponsors a free early childhood screening for children ages 3-5 called *Child Find*. Children are screened for problems with hearing, speech, language, fine motor skills and other developmental issues. To learn more about this screening, please call 728-2400, ext. 1090.

### **LIMITED ENGLISH PROFICIENT (LEP) STUDENTS**

Missoula County Public Schools has the responsibility under federal law to serve students who are limited English proficient and need English instructional services. Title III funds are intended to help students who have limited English proficiency to attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging academic content and student academic achievement standards as all other children in the District are expected to meet. The District will ensure opportunities are provided for parents to meet with building principals and teachers, provide information how parents can be involved in their child's education, and how parents can help their child attain English proficiency and succeed in school. The District works hard to provide information to parents in a format and language that they can understand.

Each year, the District will notify parents of a student identified as limited English proficient of the reasons their child has so been identified, the child's level of English proficiency and how it was assessed, the methods of instruction used in its programs and others, how its program will help their child, and when the child is expected to gain English proficiency.

The District will provide notice to parents of limited English proficient students when the child fails to make progress on annual achievement objectives within 30 days of learning of such status.

Parents seeking more information about the District's identification of and programs for students with limited English proficiency should contact Shirley Lindburg, Gifted Education and English Language Learner Program Coordinator at [salindburg@mcps.k12.mt.us](mailto:salindburg@mcps.k12.mt.us) or (406) 728-2400 ext. 1057.

### **ELEMENTARY AND SECONDARY EDUCATION ACT**

The Elementary and Secondary Education Act (ESEA) as amended by No Child Left Behind and Every Student Succeeds Act (ESSA) requires schools to make available school "report cards," related to a wide variety of student and school performance metrics, accountability, per-pupil expenditures, and educator qualifications, as well as any other information that the Montana Office of Public Instruction or MCPS deems relevant. Information (for all schools in the state) for previous school years can be accessed from the Montana Office of Public Instruction's website at [www.opi.state.mt.us](http://www.opi.state.mt.us). Report cards relating to the 2018-2019 school year will be available on MCPS's website no later than December 31, 2019. Information regarding previous school years is also available at each school.

The act also guarantees that the any parent has the right to know:

- a) whether a teacher has met state qualification and licensing criteria for the grade levels and subjects areas in which the teacher provides instruction;
- b) whether a teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived;
- c) Baccalaureate degree major of a teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.
- d) In addition for schools that receive Federal Title I funds, whether their child is provided services by paraprofessional, and if so, the qualifications of that paraprofessional.

### **MCKINNEY-VENTO HOMELESS ASSISTANCE ACT**

Homeless students and families have the opportunity to receive additional tutoring, mentoring, advocacy and support through the McKinney-Vento Homeless Assistance Act. The District partners with family advocates in local agencies, as school liaisons, to assist homeless students and families with immediate school enrollment for eligible homeless and at-risk children and youth – regardless of missing immunization or academic records, arrange for busing or transportation assistance, and refer students for tutoring services for those in grades K-12. For more information, please contact the MCPS Families in Transition Liaison at call 728-2400, ext. 1080.

### **ASBESTOS MANAGEMENT PLAN**

In the past, asbestos was used extensively in building materials because of its insulating, sound absorbing, and fire retarding capabilities. Virtually any building constructed before the late 1970s contained some asbestos. Intact and undisturbed asbestos materials generally do not pose a health risk. Asbestos materials, however, can become hazardous when, due to damage or deterioration over time, they release fibers. If the fibers are inhaled, they can lead to health problems, since as cancer and asbestosis.

In 1986, Congress passed the Asbestos Hazard Emergency Response Act (AHERA) which requires schools to be inspected to identify any asbestos containing building materials. Suspected asbestos-containing building

materials were located, sampled (or assumed) and rated according to condition and potential hazard. Every three years, Missoula County Public Schools has conducted a reinspection to determine whether the condition of the known or assumed asbestos containing building materials (ACBM) has changed and to make recommendations on managing or removing the ACBM. At the last re-inspection conducted in 2013, all materials listed in the Management Plan as asbestos containing (or assumed to be asbestos-containing) were inspected and found to be in good condition.

The law further requires an asbestos management plan to be in place by July 1989. Missoula County Public Schools has developed a plan, as required, which has been continually updated. The plan has several ongoing requirements: publish a notification on management plan availability and the status of asbestos activities; educate and train its employees about asbestos and how to deal with it; notify short-term or temporary workers on the locations of the asbestos containing building materials; post warning labels in routine maintenance areas where asbestos was previously identified or assumed; follow set plans and procedures designed to minimize the disturbance of asbestos containing building materials; and survey the condition of these materials every six months to assure that they remain in good condition.

The following buildings contain no asbestos-containing building materials; therefore, no operations and maintenance programs or future inspections are required: Paxson Elementary and Chief Charlo Elementary. During the past year, asbestos containing building materials have been removed, encapsulated, or enclosed in the following buildings: Sentinel High School, Seeley Lake High School, Hellgate High School, Meadow Hill Middle School, Franklin Elementary, Cold Springs Elementary, Rattlesnake Elementary, Jefferson Center and Dickinson Lifelong Learning Center.

It is the intention of Missoula County Public Schools to comply with all federal and state regulations controlling asbestos and to take whatever steps are necessary to ensure students and employees a healthy and safe environment in which to learn and work. You are welcome to review a copy of the asbestos management plan in school district administrative office or administrative office of the school during regular business hours. Burley McWilliams, MCPS Operations and Maintenance Supervisor, is our designated asbestos program coordinator, and all inquiries regarding the asbestos plan and asbestos-related issues should be directed to him at 728-2400, ext. 3032.

*Notices Updated August 2018*