

## NOTICE OF NON-DISCRIMINATION

The De Smet School District #38-2 does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups.<sup>1</sup> The following person has been designated to handle inquiries regarding the non-discrimination policies:

Supt. Abi Van Regenmorter  
De Smet School District #38-2  
405 Third Street SW  
P.O. Box 157  
De Smet SD 57231  
605-854-3070

For further information on notice of non-discrimination, please contact the Office for Civil Rights:

Office for Civil Rights  
U.S. Department of Education  
One Petticoat Lane  
1010 Walnut Street, Suite 320  
Kansas City, MO 64106  
Telephone: (816) 268-0550  
Facsimile: (816) 268-0559  
Email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)

## CHILD FIND

The De Smet School District #38-2, in order to fulfill the obligations of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act is required to inform and provide full educational opportunities to all individuals with disabilities ages birth through twenty-one.

Abi Van Regenmorter, Superintendent of the De Smet School District needs your assistance to identify, locate, and evaluate all children with disabilities. This public awareness notice is to inform parents and other individuals/agencies of the availability of educational services and related services to all individuals who reside within the jurisdiction of the De Smet School District and who are between the ages of birth through twenty-one, regardless of the severity of their disability. This includes individuals in all public and private agencies and institutions and highly mobile children with disabilities, such as migrant and homeless children, who reside within the legal boundaries of the district.

Anyone aware of an individual who may benefit from educational services and related services is encouraged to call the De Smet School District, at 605-854-3070.

## PUBLIC INFORMATION

The De Smet School District has the following documents available for review by parents of children with disabilities and to the general public:

1. Comprehensive Plan for Special Education.
2. IDEA Federal Applications for Funds.
3. Special Education Accountability/Monitoring Final Report.
4. Applications, evaluations, periodic program plan or reports relating to federal programs including auditor's reports, statements of assurance, budget, and grant materials.

## **Family Educational Rights and Privacy Act (FERPA)**

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 De Smet School District receives a request for access.

Parents or eligible students should submit to the school superintendent 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 De Smet School District to amend a record should write the school superintendent, 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.

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

## **FEDERAL PROGRAMS COMPLAINT PROCEDURE**

Complaints against Titles I, II, IV, or V programs and expenditures may be received at the local, state, and national level. The expeditious and reasonable handling of these complaints is necessary for the effective conduct of the program as well as to promote community understanding and involvement. Complaints shall be translated into constructive suggestions and recommendations for improvement of Titles I, II, IV and V programs.

The following procedures are outlined for use at De Smet School District #38-2:

**Record Initiated** – A written record containing information pertinent to both the source and nature of the complaint should be initiated.

**Complaint Hearing** – Within fifteen (15) days following receipt of complaint, a hearing concerning the complaint shall be held by a hearing committee. Recommendations of the committee shall address answering the complaint. The committee shall be appointed by the Superintendent. No less than two persons shall be assigned to the committee, preferably the local coordinator and a parent.

**Hearing Minutes** – Minutes of a complaint hearing shall be taken and maintained at the local education agency. A copy of such minutes along with committee recommendations and administrative action shall be filed with the South Dakota Department of Education.

**State Follow-Up** – The South Dakota Department of Education shall maintain a record of all complaint hearings. The designated State Coordinator shall review the records of the complaint hearing and make contacts with the local education agency regarding a follow-up and possible remedial action.

If the complaint is not resolved to mutual consent of both parties, then either party can appeal through the state level procedures.

### **Parent’s Right to Know Policy**

What do I know about my child’s teacher? The federal education law put in place by President Bush called “No Child Left Behind” requires that all parents in a Title I school be notified and given the opportunity to request information about the professional qualifications of classroom teachers instructing their child. If you are interested in this information, you may send your request to the building principal who will provide a response.