

Kenai Peninsula Borough School District

Policy Review Committee

April 4, 2011
1:00 – 2:00 PM

Conference Room C
Borough Building

AGENDA

Approval of notes from Policy Meeting of March 7, 2011

Review of Policies for Updating from AASB

BP 0410 NON DISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES

A cross-reference was added to new policy BP 0411, Service Animals. The cross-references have been relocated within the policy.

BP 0411 SERVICE ANIMALS * NEW POLICY*****

This policy was developed due to regulatory changes to the Americans with Disabilities Act. Federal regulations now expressly require that schools permit the use of service animals by individuals with disabilities. Individuals must be allowed to be accompanied by service animals in all areas of school grounds and facilities where the public, students and staff are allowed to go. The regulation's require that public entities modify existing policies and procedures to permit the use of service animals. The regulations take effect March 15, 2011.

The policy explains that service animals will be permitted; the responsibilities of the owner/handler to supervise and control the animal; circumstances when the animal may be removed; what qualifies as a service animal; and a prohibition on interfering with a service animal or its user. The policy also contains explanatory notes to assist districts in proper implementation.

This policy will require formal Board adoption.

BP 1260 VISITS TO THE SCHOOLS

A cross-reference was added to new policy BP 0411, Service Animals.

BP 3315 RELATIONS WITH VENDORS

This policy has been revised to include a new section entitled "Universal Service Program/E-rate Vendors. This language should be adopted by those districts receiving E-rate discounts. The FCC has amended its E-rate program rules to adopt specific gift restrictions for schools and districts participating in E-rate. The receipt of gifts by applicants from service providers and potential providers is a competitive bidding violation.

The policy addition explains that the gift prohibitions are always applicable, not just during the bidding process. Relevant school district personnel may not solicit or receive any gift or other thing of value from a service provider participating in or seeking to participate in the E-rate program. The policy also explains the limited exceptions that are permissible.

These policy revisions will require formal Board adoption.

BP 4030 NONDISCRIMINATION IN EMPLOYMENT

A cross-reference was added to new policy BP 0411, Service Animals, and certain conditions were added at the suggestion of AASB.

BP/AR/E 5125 STUDENT RECORDS

The policy itself has been updated in the Legal Reference section only. Added are references to new state statutes and regulations governing the Alaska Merit/Performance Scholarship Program and transmittal of records to the Alaska Challenge Youth Academy.

The AR has been revised to incorporate school district obligations under the two new laws. The Annual Notice section has been reorganized for ease of use. It has been updated to explain that the Annual Notice must notify parents of disclosure of student information for purposes of the Alaska scholarship programs and the Alaska Challenge Youth Academy.

The Exhibit, Model Notification of Rights under FERPA, is provided to districts for use as the Annual Notice. It has been reorganized and revised to include notice regarding the Alaska Performance Scholarship Program and the Alaska Challenge Youth Academy. The language regarding transmittal of records to other districts has been revised to include transmittal to institutions of post-secondary education.

Because substantive changes occurred in the AR and Exhibit only, formal Board adoption is not required.

BP 6145 EXTRACURRICULAR AND COCURRICULAR ACTIVITIES

A new provision has been added incorporating the requirement for flexibility in eligibility requirements for children of military families, as required by the Interstate Compact on Educational Opportunity for Military Children. The Legal Reference section has been updated, as well as adding a cross-reference to new policy BP 5119, Children of Military Families.

BP/AR 6159 INDIVIDUALIZED EDUCATION PROGRAM – NEW for KPBSD

This BP/AR is being added to comply with new parental consent requirements as set forth in 2009 amendments to both IDEA regulations, 34 C.F.R. § 300.300, and DEED regulations, 4 AAC 52.200. Those amendments specify the requirement for reasonable efforts by a district to obtain informed parental consent for evaluations, special education services, and reevaluations, and explain that those activities cannot occur without parental consent. Additionally, the law specifies that a due process hearing is not available to a school district when a parent refuses to consent to special education services, but is available for a district to pursue evaluation and reevaluation of a student.

BP/AR/E 6161.4 ACCEPTABLE USE POLICY/INTERNET SAFETY POLICY

Although AASB has just amended their internet policy, the KPBSD revised our Internet policy last August and our AR in Nov 2009. We have reviewed the current AASB policy and determined our policy reflects all the current AASB needs plus additional useful information.

However, we realized that our numbering sequence is not in line with AASB on this policy, therefore we are changing the number from 6162.7 to 6161.4. Additionally, we have changed the references recommended by AASB.

BP 6164.4 CHILD FIND

The "Referral" section of the policy has been revised to reflect the requirement for informed consent for special education evaluations and placements, and to identify the district's right to a due process hearing only in cases of evaluation, as opposed to evaluation and placement. A Note has been added explaining the new requirements for parental consent as set forth in 2009 amendments to the IDEA regulations, 34 C.F.R. § 300.300.

BP 6174 BILINGUAL-BICULTURAL EDUCATION/LIMITED ENGLISH PROFICIENCY

The U.S. Secretary of Education developed Final Interpretations, effective November 2008, for several provisions of Title III of NCLB. Specifically, the Interpretations address the annual administration of English language proficiency (ELP) assessments to limited English proficient (LEP) students and explain that LEP students may not be exempted from any portion of annual ELP assessments. A Note has been updated to provide this clarification. No changes were required to the text of the policy other than changing the title.

BP 6175 MIGRANT CHILDREN PROGRAM – NEW for KPBSD

An explanatory Note has been added explaining generally the purposes of the final regulations adopted by USDOE, which became effective August 28, 2008. Those regulations establish requirements to strengthen the processes used by school districts to document the eligibility of migratory children and clarify procedures to be used to develop comprehensive state-wide needs assessment and service delivery plans.

Board Policy Review Committee Meeting Notes

Borough Building, Assembly Chambers

Meeting Notes

Date/Time: March 7, 2011, 2 PM

Members: Liz Downing– Absent
John O’Brien – Present
Sunni Hilts - Present
Dave Jones – Present
Sammy Crawford – Present
Laurie Olson –Present

Guests:
Tim Navarre - Present
Sean Dusek – Present
Liz Hayes - Present
Mari Auxier – Secretary – Present

Approval of Minutes: The minutes from 11/1/11 were approved.

Review of Policies

- *AR 0420 School-based Management/Site Councils*

People who are on stipends only have been interpreted as being an employee of the school district and have been deemed ineligible for membership on School Councils. This minor edit will allow their membership.

- *BP 3470 Fund Balance*

GASB 54 is a pronouncement by the Governmental Accounting Standards Board (GASB). The District previously made changes to the Equipment Fund policy because of GASB 54 that dealt with interest as a significant revenue source for the Equipment Fund. Continuing to implement changes brought about by GASB 54, we must now make changes to the categories of Fund Balance: nonspendable fund balance, restricted fund balance, committed fund balance, assigned fund balance and unassigned fund balance. Changes are required by June 30, 2011 to remain compliant with Generally Accepted Accounting Procedures (GAAP). The old Reserved, Unreserved, Designated and Undesignated categories will no longer be accepted in reference to fund balance.

Also, although it is not required to make a commitment, if the board should decide to commit a certain portion of the Fund Balance, that commitment must be made by the Board prior to June 30. This commitment can be made as a range.

Because of the change in Fund Balance categories, the State of Alaska’s requirements regarding 10% of expenditures as the maximum allowed for Unreserved Fund Balance is not GAAP compliant, therefore, the District will need to do one statement according to GASB54 for the financial statement and another statement which is not GAAP compliant for the State.

Concerns about meeting the June 30 deadline for commitment were raised due to the June Board Meeting being scheduled for June 6. Dave expressed that a range of the anticipated dollar or percentage of the fund balance to be committed was acceptable.

A worksession is planned with the full Board on this prior to the April 4th and possibly May 2nd meetings.

Synopsis of changes:

- Definition and purpose of fund balance is the same.
- Classifications have changed
 - New classifications:
 - Nonspendable
 - Restricted
 - Committed
 - Assigned
 - Unassigned
 - Old (replaced) classifications
 - Reserved
 - Unreserved
 - Designated
 - Undesignated
- Policy
 - Auditors are OK with change from Unreserved Undesignated to Unassigned
 - The most restrictive classification should be used first so that the end of the year monies will be the least restricted.

Meeting Adjourned: 2:40 pm

NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES

Note: District policies must assure equal opportunities and nondiscrimination as required by federal and state law. Discrimination in education programs and activities is prohibited by Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Vocational Rehabilitation Act of 1973, the Individuals with Disabilities Education Act and the Americans with Disabilities Act. The Office for Civil Rights of the U.S. Department of Education has authority to enforce these laws in all programs and activities that receive federal funds. AS 14.18.010-.100 prohibit discrimination on the basis of gender and race. AS 14.18.090 provides that the State Board shall withhold state funds from districts determined to be out of compliance with state nondiscrimination laws and measures ordered to remedy the situation have been ineffective.

The School Board is committed to equal opportunity for all individuals in education. District programs and activities shall be free from discrimination based on gender, race, color, religion, national origin, ethnic group, marital or parental status, physical or mental disability or any other unlawful consideration. The Board shall promote programs which eliminate discriminatory practices.

(cf. 4030 - Nondiscrimination in Employment)

(cf. 5145.3 - Nondiscrimination)

District programs and facilities, viewed in their entirety, shall be readily accessible to individuals with disabilities. The Superintendent shall make available to interested persons, including individuals with disabilities, information about the programs, facilities and activities available.

(cf. 0411 - Service Animals)

(cf. 6164.2 - Guidance and Counseling Services)

Note: Federal regulations (45 CFR, Section 86.9) require federal aid recipients to take "continuing steps" to notify applicants for admission, students and parents that, in compliance with Title IX, they do not discriminate on the basis of gender in their educational programs or activities. Title VI mandates that prior to the beginning of each school year, recipients of federal funds advise students, parents and the general public that all vocational opportunities will be offered without regard to race, color, national origin, gender or disability. Pursuant to Title VI, if the district serves a community of limited-English speaking persons, the notification must also be published in the language of that community and include a statement that lack of English skills will not be a barrier to participation in vocational education programs.

The Superintendent shall annually notify students and parents of the District's policy on nondiscrimination and related complaint procedures.

(cf. 1312.3- Public Complaints Concerning Discrimination)

~~*(cf. 4030 - Nondiscrimination in Employment)*~~

~~*(cf. 5145.3 - Nondiscrimination)*~~

~~*(cf. 6164.2 - Guidance and Counseling Services)*~~

NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES (continued)

Legal Reference:

ALASKA STATUTES

14.18.010 - 14.18.100 *Prohibition Against Sex and Race Discrimination*

ALASKA ADMINISTRATIVE CODE

4 AAC 06.500 - 4 AAC 06.600 *Prohibition of Gender or Race Discrimination*

4 AAC 51.270 *Equal opportunity*

TITLE VI, CIVIL RIGHTS ACT OF 1964

TITLE IX, EDUCATION AMENDMENTS OF 1972

VOCATIONAL REHABILITATION ACT OF 1973, SECTIONS 503 AND 504

INDIVIDUALS WITH DISABILITIES EDUCATION ACT

AMERICANS WITH DISABILITIES ACT

AGE DISCRIMINATION IN EMPLOYMENT ACT

KENAI PENINSULA BOROUGH SCHOOL DISTRICT

Adoption Date: 7/1/96 _____

NEW POLICY

Philosophy-Goals-Objectives and Comprehensive Plans BP 0411(a)

SERVICE ANIMALS

Note: Federal regulations implementing Title II of the Americans with Disabilities Act were amended in 2010 to broaden the right of individuals with disabilities to be accompanied by their service animals on school property. The new regulations, which take effect March 15, 2011, include a clear requirement that individuals with disabilities be permitted to be accompanied by their service animals in all areas of a public entity's facilities where the public and school participants are allowed. Additionally, public entities are to modify existing policies, practices, and procedures to permit the use of service animals.

The following language was adapted from the Service Animal policy of the Anchorage School District.

The Board is committed to providing quality education to all students and ensuring full access to district programs, services and facilities by individuals with disabilities, including those requiring the use of a service animal. The district will comply with all applicable laws concerning the use of service animals on district property, in classrooms, at school functions, and in connection with district services.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1312.3 - Public Complaints Concerning Discrimination)
(cf. 4030 - Nondiscrimination in Employment)

Individuals with disabilities may be accompanied by a working service animal individually trained to do work or perform tasks for the benefit of the individual. The Superintendent or designee shall develop guidelines to implement this policy, including procedures for individuals to request the use of a service animal, proof of animal vaccination, and procedures for accommodating the use of the service animal when a student or staff member has a known allergy.

(cf. 1260 - Visits to the Schools)

It is the responsibility of the handler or the individual assisted by a service animal to ensure that the animal is identified as a service animal and to properly control and supervise the animal at all times while on district property. The district is not responsible for the care or supervision of a service animal, including walking the animal or responding to the animal's need to relieve itself. The care and supervision of service animals for young children unable to care for or supervise the animal should be addressed on a case-by-case basis in the discretion of the building administrator.

SERVICE ANIMALS (continued)

Owners of service animals are liable for any harm or physical injury caused by the animal to other students, staff, or visitors. Owners of service animals may be required to pay for property damage caused by the animal to the same extent any individual would be charged for such damage.

(cf. 3515.4 – Recovery for Property Loss or Damage)
(cf. 6161.2 – Damaged or Lost Instructional Materials)

A school administrator may ask that an individual with a disability remove a service animal from a school building or school function if the animal is out of control and the animal's handler does not take effective action to control the animal, or if the animal is not housebroken. If the animal is properly excluded, the individual with a disability must still be permitted to participate in the service, program, or activity without the service animal.

No individual shall intentionally interfere with the use or assistance of a service animal by harassing or obstructing the service animal or its user.

Note: Under the ADA regulations, a service animal must be a dog or, in specific circumstances, a miniature horse. No other species of animal, whether wild or domestic, is required to be permitted in schools as a "service animal."

"Service animal" includes those animals as identified in applicable state and federal laws and regulations. Service animal does not include an animal whose primary work or task is to provide emotional support, well-being, comfort, or companionship.

Note: District personnel should not make prohibited inquiries regarding the use of a service animal. Specifically, individuals should not be asked about the nature or extent of the disability and, as a general rule, documentation that the animal has been certified, trained, or licensed as a service animal, cannot be required. To determine whether an animal qualifies as a service animal, the person may be asked if the animal is required because of a disability and what work or task the animal has been trained to perform. If it is clearly observable that the animal is trained to do work or perform tasks for the person (such as a dog observed to be guiding a person with sight impairment or a dog pulling a wheelchair), then no further inquiry should be made regarding whether or not the animal qualifies as a service animal.

SERVICE ANIMALS (continued)

Legal Reference:

UNITED STATES CODE

42 U.S.C. 12101, et seq., Americans with Disabilities Act

29 U.S.C. 794, Section 504 of the Rehabilitation Act

CODE OF FEDERAL REGULATIONS

28 C.F.R. Part 35, Nondiscrimination on the Basis of Disability in State and Local Government

Services

28 C.F.R. Part 41, Nondiscrimination on the Basis of Handicap in Federally Assisted

Programs

29 C.F.R. Part 1630, Implementing the Equal Employment Provisions of the Americans with Disabilities Act

ALASKA STATUTES

Title 18, Chapter 80, Discriminatory Practices Prohibited

AS 11.76.130, Interference With Rights of Physically or Mentally Challenged Person

Kenai Peninsula Borough School District
ADOPTION DATE: _____

VISITS TO THE SCHOOLS

The School Board encourages parents/guardians and interested members of the community to visit the schools and, in compliance with established procedures, view the educational program. The Superintendent shall invite parents/guardians and the community to open house activities and other special events.

(cf. 1112 - Media Relations)

The Superintendent shall establish procedures to facilitate visits during regular school days and register all visitors at the school office when entering school grounds.

(cf. 0411 – Service Animals)

The Board recognizes the staff time and commitment required by school visits and encourages the staff to accommodate as many requests for visits as possible. To ensure minimum interruption of the instructional program, visits during school hours should be first arranged with the teacher and principal. If a conference is desired, an appointment should be set with the teacher during noninstructional time.

(cf. 3515 – School Safety & Security)
(cf. 3515.2 - Intruders on Campus)

KENAI PENINSULA BOROUGH SCHOOL DISTRICT
Adoption Date: 7/14/08

RELATIONS WITH VENDORS

Note: The following optional policy should be revised as needed to reflect district philosophy and needs and is intended to avoid situations wherein a conflict of interest exists or appears to exist. A.S. 11.56.100-11.56.130 defines the felony offense of receiving a bribe and the misdemeanor offense of receiving unlawful gratuities. Receiving a bribe includes soliciting or receiving a benefit with the intention or understanding that a public servant's decisions or actions will be influenced. Receiving unlawful gratuities includes soliciting a benefit of any value or accepting any benefit having a value of \$50 or more for performing an official act not entitled to any special or additional compensation.

No District employee or Board member shall accept personal gifts, commissions or expense-paid trips from individuals or companies selling equipment, materials or services required in the operation of District programs. Gifts include any gift purchased specifically for an employee which is not generally offered to other buyers.

This policy does not prohibit employees from accepting promotional or advertising items such as calendars, desk pads, notebooks and other office gadgets which are offered by business concerns free to all as part of their public relations programs.

No District employee or Board member shall transact proprietary business with the District that directly or indirectly results in gain or profit to themselves unless approved in advance by the Superintendent.

District employees who work for or serve as consultants for potential vendors shall not participate in evaluating any equipment, materials or services of that vendor or its competitors.

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 9270 - Conflict of Interest)

This policy does not prohibit the Board from accepting materials and/or services which are of use and benefit to the District.

Universal Service Program/E-Rate Vendors

Note: The following language should be adopted by those districts receiving E-rate discounts. Effective 2011, the FCC amended its E-rate program rules and adopted gift restrictions for schools and districts participating in E-rate. The receipt of gifts by applicants from service providers and potential providers is a competitive bidding violation. The gift prohibitions are always applicable, not just during the bidding process. Relevant school district personnel may not solicit or receive any gift or other thing of value from a service provider participating in or seeking to participate in the E-rate program. There are limited exceptions, including when the value of the item is worth \$20 or less, so long as items do not exceed \$50 per year per employee from any one service provider.

RELATIONS WITH VENDORS (continued)

The District takes advantage of federal technology funding through the universal service program known as E-rate. E-rate participants may not, at any time, solicit or accept gifts or other things of value from an existing or potential E-rate service provider. Nominal gifts and refreshments may be allowed as authorized by the Superintendent.

E-rate gift prohibitions apply to the School Board and to employees, consultants or contractors involved in the District's E-rate Program who: prepare, approve, sign, or submit E-rate applications, technology plans or other E-rate forms; prepare bids, communicate, or work with E-rate service providers, E-rate consultants, or the Universal Service Administrative Company; and those responsible for monitoring compliance with the E-rate program.

Charitable donations by service providers in support of the schools are permitted. These contributions may not be directly or indirectly related to E-rate procurement activities or decisions.

The Superintendent shall develop guidelines to implement this policy in compliance with E-rate program rules.

(cf. 3290 – Gifts, Grants and Bequests)

Legal Reference:

ALASKA STATUTES

11.56.100-56.130: Bribery and related offenses

KENAI PENINSULA BOROUGH SCHOOL DISTRICT
Adoption Date: 5/3/2004 _____

NONDISCRIMINATION IN EMPLOYMENT

Note: Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), which became effective November 21, 2009, protects applicants and employees from employment discrimination based on genetic information employers are prohibited from discriminating in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

The District and its employees shall not unlawfully discriminate against or harass employees or job applicants on the basis of sex, race, color, religious creed, national origin, ancestry, age over 40, marital status, physical or mental disability, or Vietnam era veteran status, genetic information, or good faith reporting to the board on a matter of public concern.

(cf. 4119.11 - Sexual harassment)

Note: The Americans with Disabilities Act sets forth an employers' duty to reasonably accommodate persons with disabilities.

Equal opportunity shall be provided to all employees and applicants in every aspect of personnel policy and practice. The District shall not discriminate against physically or mentally disabled persons who, with reasonable accommodation, can perform the essential functions of the job in question.

(cf. 0411 - Service Animals)

Note: Federal Regulations (45 CFR, Section 86.9) require federal aid recipients to take "continuing steps" to notify applicants for employment that, in compliance with Title IX, they do not discriminate on the basis of sex. Districts employing 15 or more persons also must give "continuing" notification about nondiscrimination on the basis of handicap. (Vocational Rehabilitation Act of 1973)

The Superintendent shall publicize this policy annually throughout the District and the community.

(cf. 1312.3 - Public Complaints Concerning Discrimination)

Legal Reference:

ALASKA STATUTES

14.18.010 *Discrimination based on sex and race prohibited*

14.18.020 *Discrimination in employment prohibited*

14.18.090 *Enforcement by state board of education and early development*

ALASKA ADMINISTRATIVE CODE

4 AAC 06.510 *Discrimination in hiring practices*

UNITED STATES CODE

29 U.S.C. 621-634 Age Discrimination In Employment Act

29 U.S.C. 791 et seq. Vocational Rehabilitation Act of 1973, Sections 503 and 504

38 U.S.C. 2011 et seq. Vietnam Era Veterans' Act

42 U.S.C. Ch. 21F Prohibiting Employment Discrimination on the Basis of Genetic Information

42 U.S.C. 2000d-2000d-7 Title VI of the Civil Rights Act

42 U.S.C. 2000e-2000e-17 The Equal Employment Opportunities Act

42 U.S.C. 12101-12213 Americans With Disabilities Act

20 U.S.C. 1683 et seq.

VOCATIONAL REHABILITATION ACT OF 1973, SECTIONS 503 AND 504

29 U.S.C. 791 et seq.

AGE DISCRIMINATION IN EMPLOYMENT ACT

29 U.S.C. 621 et seq.

VIETNAM ERA VETERANS' ACT

38 U.S.C. 2011 et seq.

AMERICANS WITH DISABILITIES ACT

42 U.S.C. 12101 et seq.

KENAI PENINSULA BOROUGH SCHOOL DISTRICT

Adoption Date: 2/07/2005

STUDENT RECORDS

Note: The Family Educational Rights and Privacy Act ("FERPA") is a federal law requiring districts to maintain policies and regulations for student records which meet the requirements of law. The complexity of federal and state laws makes it imperative for the district to carefully consider its actions with regard to student records and seek legal advice when deemed necessary. FERPA regulations have been amended, effective January 8, 2009.

The School Board recognizes the importance of keeping accurate, comprehensive student records. The confidentiality of student records shall be maintained in accordance with legal requirements. Information may be disclosed from student records when necessary to protect the health or safety of a student or others, as permitted by law.

The Superintendent shall establish regulations for Board approval governing the maintenance of student records. These regulations shall ensure parental rights to inspect student records; to seek amendment of student records which are believed to be inaccurate, misleading, or in violation of the student's privacy rights; to consent to disclosure of personally identifiable information except when disclosure is authorized without consent by law; and to file a complaint to challenge the District's compliance with applicable laws governing student records.

(cf. 3580 – District Records
 (cf. 5125.1 - Release of Directory Information)
 (cf. 5125.2 - Challenging Student Records)
 (cf. 5125.3 - Withholding Grades, Diploma or Transcripts)
 (cf. 6162.8 - Research)

*Legal Reference:*ALASKA STATUTES

40.25.120-40.25.220 Public Records Act
 14.03.110 Questionnaires and Surveys administered in public schools
 14.03.113 District Determination of scholarship eligibility
 14.03.115 Access to school records by parent, foster parent, or guardian
 14.03.350 Definitions, exceptional children
 14.30.700 Records of missing children
 14.30.710 Required records upon transfer
 14.30.720 Definitions
 14.30.745 Provision of student information to academy
 14.43.810-850 Alaska merit scholarship program
 14.43.930 Scholarship program information

ALASKA ADMINISTRATIVE CODE

4 AAC 07.060 Student records
 4 AAC 43.010-900 Alaska performance scholarship program
 4 AAC 52.510 Parental access to records
 4 AAC 52.847 Parental consent for release of records

UNITED STATES CODE, TITLE 20

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974, 20 U.S.C. 1232 g, as amended by USA PATRIOT ACT OF 2001, Public Law 107-56; 115 Stat. 272

34 CODE OF FEDERAL REGULATIONS
Part 99 as amended Jan. 2009
300.502 Opportunity to examine records
300.624 Destruction of information

KENAI PENINSULA BOROUGH SCHOOL DISTRICT
Adoption Date: 7/13/09

STUDENT RECORDS**Definitions**1. Education Records

"Education records" consists of all official records, files and data directly related to a student that are maintained by the District or by a party acting for the District. A student's education record encompasses all the material incorporated in the student's cumulative record folder and includes, but is not necessarily limited to, identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), daily attendance data, scores on standardized intelligence, aptitude and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings, and written observations, and discipline data, including suspensions or expulsions. Student records shall be the property of the District, with access by others as set forth in this regulation.

2. Exclusions From the Term "Education Records"

The following documents are not "education records":

- a. Aggregated data that does not contain "personally identifiable information about a specific student.
- b. Personal files notes, or records maintained by staff members or professional consultants, that are kept in their possession, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute. Such files or personal notes regarding students shall constitute the personal property of the person compiling the file.
- c. Records of the District's law enforcement unit.
- d. An employment record made and maintained in the normal course of business that relates exclusively to an individual in his or her capacity as an employee. However, records relating to a student who is employed as a result of his or her student's status are education records.

STUDENT RECORDS (continued)

- e. Records of a student age 18 or older that are made or maintained by a physician or mental health professional that are utilized for treatment of the student and are disclosed only to individuals providing treatment. "Treatment" for this provision does not include remedial educational activities that are part of the District's instructional program.
- f. Personal knowledge or observation of a school official. A school official is not prohibited from disclosing information about a student if the information is obtained through the school official's personal knowledge or observation and not from the student's education records.

3. Personally Identifiable Information

"Personally identifiable information" includes, but is not limited to: the name of a student, the student's parent, or other family member; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; indirect identifiers such as a student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student and that would allow a reasonable person in the school community who does not have personal knowledge of the relevant circumstances to identify the student with reasonable certainty; or information requested by a person who the District reasonably believes to know the identity of the student to whom the record relates.

"Biometric record" as used above means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. These include fingerprints, eye patterns, voiceprints, DNA, facial characteristics, and handwriting.

STUDENT RECORDS (continued)

4. Directory Information

"Directory information" means information contained in an education record that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, grade level, enrollment status, degrees and awards or honors received, scholarship eligibility and the most recent school attended by the student.

Directory information does not include a student's social security number or student identification number if the student identifier can be used to gain access to education records. A student identifier can be listed as directory information if the identifier must be used in conjunction with one or more factors that authenticate the student's identity, such as a PIN or password.

5. Parents

"Parents" means a natural parent, an adoptive parent, foster parent, legal guardian, or an individual acting as a parent in the absence of a parent or guardian, or in the case of a student receiving special education or related, a person acting as the parent of a child or a surrogate parent appointed in accordance with state regulations. Either or both parents have access to a student's records, even if a separation or divorce has occurred, unless the parental rights of a parent have been legally terminated through adoption or other legal process; or unless a decree of divorce, separation, or other court order specifically prohibits parental access to school information or records.

6. Eligible Student

"Eligible student" means a student who has attained eighteen years of age, is an emancipated minor, or is attending an institution of post-secondary education.

STUDENT RECORDS (continued)

7. School Official

A "school official" is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff); a person serving on the School Board; law enforcement unit personnel as defined in this regulation; a person or company with whom the District has contracted to perform a special task (such as attorney, auditor, medical consultant, or therapist); a contractor, consultant or other outside party to whom the District has outsourced services or functions that it would otherwise use employees to perform, provided that the outside party is under the direct control of the District with respect to use and maintenance of education records and subject to the same conditions governing use and disclosure of those records, 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.

8. Law Enforcement Unit Personnel

"Law enforcement unit personnel" are individuals employed, contracted, or permitted to monitor safety and security in and around the schools. Law enforcement unit personnel are responsible for referring potential or alleged violations of law to local law enforcement. The District's law enforcement unit includes the following individuals: [school resource officers; safety and security staff; principal; etc.].

Annual Notice

The Superintendent shall notify parents and eligible students of the rights accorded them under this policy. Annually, the Superintendent shall provide to parents and eligible students a notice which informs them of ~~their~~ the following rights:

- to inspect and review their student's education records, and the procedures for doing so;
- to seek amendment of student records which are believed to be inaccurate, misleading, or in violation of the student's privacy rights, and the procedures for doing so;
- to consent to disclosure of personally identifiable information except where law authorizes disclosure without consent; and
- to file a complaint in accordance with 34 CFR Section 99.63 and 99.64. (See Compliant Procedure at end of AR 5125.)

STUDENT RECORDS (continued)

The annual notice shall also provide the following information:

- ~~explain the policy of that the District disclosing~~ discloses student records without consent to school officials with a legitimate educational interest, and explanation of who constitutes a ~~shall identify these school officials, and describe what constitutes a legitimate educational interest;~~
- ~~The annual notice will also explain that the District forwards records to other school districts or~~ post-secondary institutions that have requested the records and where the student attends or is seeking to enroll; and
- the name and address of the official responsible for the records and the current fee for copies of records.

Finally, the annual notice will explain that the District discloses information about student eligibility for certain Alaska programs, unless the parent objects. The notice will identify the programs and explain how a parent or eligible student may opt out of the following disclosures:

- ~~The annual notice will include information concerning the University of Alaska scholarship programs; and the District's obligations under state law to provide the names of students who are eligible for these programs. The annual notice will provide the name and address of the official responsible for the records and the current fee for requested copies of records.~~
- the Alaska merit scholarship program; and
- the Alaska Challenge Youth Academy operated by the Department of Military and Veterans' Affairs.

In addition, the District will maintain for public inspection a list of the names and positions of those employees who routinely have access to student records specifically collected or maintained in conjunction with the provision of services to children with disabilities. Upon request, the District shall provide a parent of a student receiving special education or related services a list of the type and location of records collected, maintained and used by the District in conjunction with the provision of such services.

Custody and Protection of Student Records1. Place Records are Kept

Student records will generally be maintained in the cumulative record folders in the administrative offices of the District. With the consent of the Superintendent, a portion of student records may be kept in other places for reasons of effective school administration, such as data collected and maintained in physical education, vocational, health or special education locations.

STUDENT RECORDS (continued)

2. Custodian of Records

Student records in each place where they are maintained shall be under the control of a custodian appointed by the Superintendent. The custodian shall be responsible for carrying out this regulation with respect to the records under his/her control. The custodian shall use reasonable physical, technological, or procedural controls to ensure that school officials obtain access to only those education records in which they have legitimate educational interests.

3. Record of Access to Student Records

Each individual student cumulative record folder, and each student record maintained separately from the folder, shall contain as a part thereof a written form indicating of each request for, and each disclosure of, personally identifiable information. The record of access shall include

- a. the identity of the person reviewing the record and the person's official capacity;
- b. the specific record examined or requested;
- c. the legitimate interest that the person had in requesting or obtaining the information;
- d. the date of examination or request;
- e. if the District discloses personally identifiable information from a student record with the understanding that the information will be redisclosed on behalf of the District, then the names of the additional parties to which the receiving party may disclose the information and the legitimate interest which each additional party has in requesting or obtaining the information;
- f. if the District discloses personally identifiable information from education records to state or federal authorities for purposes of audit or evaluation, then the identity of the party and the fact that redisclosures may be made. The state or federal educational authorities must record any further disclosures made, in lieu of the District recording those disclosures. The District will obtain the records of redisclosure from the state or federal authority upon request of a parent or eligible student; and

STUDENT RECORDS (continued)

- g. if disclosure is pursuant to a health or safety emergency, then the identity of individual requesting or receiving the information and a description of the articulable and significant threat to the safety of the student or others.

A record of access does not have to be kept for requests by, or disclosure to, the following individuals:

- a. parents of the student or an eligible student; or
- b. school officials and employees with a legitimate educational interest; or
- c. those authorized to obtain disclosure by written consent of a parent or eligible student, unless the disclosure pertains to records of a student receiving special education or related services;
- d. those who request directory information, unless the disclosure pertains to records of a student receiving special education or related services; or
- e. the Attorney General of the United States, or designee, when disclosure is pursuant to an ex parte order in connection with the investigation or prosecution of terrorism crimes.

Destruction of Records

1. The District is not precluded from destroying any records, if not otherwise precluded by law, except that access shall be granted prior to the destruction of the education records where the parent or eligible student has requested such access.
2. In the case of records pertaining to students receiving special education or related services that are no longer needed by the District to comply with state or federal law or regulations, the District shall make reasonable efforts to notify the parent and offer the parent a copy of the record. Such records shall be destroyed upon request of the parent.

STUDENT RECORDS (continued)

3. Records pertaining to the name, address, telephone number, grades, attendance, classes attended, grade level completed, and year completed of a student who has received special education or related services must be maintained indefinitely.

Access by Parents or Eligible Students

A parent of a student who is under the age of eighteen (18) years and who has attended or is currently enrolled in the District, has a right to inspect and review his or her student's records or any part thereof. This right of access does not apply to the child's address if the Superintendent determines that release of the address poses a threat to the health or safety of the child.

An eligible student has a right to inspect and review his or her student record or any part thereof. Parents' rights under this policy transfer to the eligible student, the District may disclose records of the student to the parent without the student's consent in the following instances:

1. If the student is a dependent of either parent for federal income tax purposes; or
2. In connection with a health or safety emergency.

The right of access specified in this section shall include:

1. The right to inspect and review the content of student records;
2. The right to obtain copies of those records, which shall be at the expense of the parent or the eligible student (but not to exceed the actual cost to the District of producing such copies);
3. The right to a response from the District to reasonable requests for explanations and interpretations of those records; and
4. The right to an opportunity for a hearing to challenge the content of those records.

Parents or eligible students desiring to review student records shall present a written request to the office of the Superintendent. The request shall specify the specific records which the person wishes to inspect. In the event the District cannot determine the exact records to which access is sought, the District shall immediately contact the requesting person by letter or otherwise to determine the desired scope of records to be inspected.

STUDENT RECORDS (continued)

Such inspection shall be made during reasonable business hours determined by mutual agreement between the District and the requesting person, but in no event shall access be withheld more than forty-five (45) days after the written request has been made. However, the District must respond to requests by a parent of a student receiving special education or related services within ten (10) days of the request and, in any case, before any meeting or hearing in which the parent may participate relating to the identification, placement, or program of the student.

Where the records requested include information concerning more than one student, the parent or eligible student shall be permitted to review only that part of the record pertaining to his child or his record, or where this cannot reasonably be done, the parent or eligible student shall be informed of the contents of that part of the record pertaining to his child.

Access Without Parental Consent

The District shall not permit access to or the release of student records or the personally identifiable information contained therein without the consent of a parent or eligible student, except that access without consent to student records, other than records containing personally identifiable information specifically collected or maintained in conjunction with the provision of special education or related services to, shall be permitted to those persons or under those circumstances listed below:

1. School officials within the District who have a legitimate educational interest in having access to the records. 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.
2. Officials of other districts, schools, state operated correspondence programs or post-secondary institutions in which the student seeks to enroll, or is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer. It is the policy of the District to forward student records to the entities or programs listed in this subsection without notifying the parent or eligible student. The District shall forward these records within 10 days after receiving a request. Notification of this practice will be provided to parents and students in the annual notification.

Missing Children: As required by state law, the District shall flag the school records of a child who is missing. Upon receipt of a request from another school or district for a record that has been flagged, the District shall immediately notify the Department of Public Safety. Unless directed to do so by the Department, the District may not forward a copy of flagged records.

STUDENT RECORDS (continued)

3. Upon their request, military recruiters and institutions of higher learning shall have access to secondary students' names, addresses, and telephone listings, unless an objection is made by the student's parent or guardian. Parents/guardians shall be notified of their right to make this objection.
4. Authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the Department of Health, Education and Welfare, or the Department of Education of the State of Alaska; if the information is protected in a manner that does not permit personal identification of individuals by anyone except the authorized representatives just identified.
5. In compliance with a judicial order or pursuant to any lawfully issued subpoena. However, the District shall make a reasonable effort to give the parent or eligible student notice of all such orders or subpoenas as soon as reasonably possible after they are received, and in advance of production of the records, so that the parents or eligible student may seek protective action. Prior notice will not be given in cases of a federal grand jury subpoena or order where the court has ordered that the existence or contents of the subpoena not be disclosed. In addition, prior notice will not be given if a court or other issuing agency issues a subpoena for a law enforcement purpose and orders the school not to disclose the existence or contents of the subpoena.
6. Where the disclosure is in connection with financial aid conditioned on the student's attendance at an educational institution. Such disclosure will be made provided that the student has actually applied for or received the aid and the information disclosed is necessary to (a) determine eligibility for the aid, (b) determine the amount of the aid, (c) determine the conditions for the aid or (d) enforce the terms and conditions of the aid.

STUDENT RECORDS (continued)

7. The disclosure is to organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of (a) developing, validating or administering predictive tests, (b) administering student aid programs, or (c) improving instruction. Information may not be disclosed under this subsection unless the District has entered into a written agreement with the organization: 1) specifying the purpose, scope, and duration of the study and the information to be disclosed; 2) restricting the use of personally identifiable information only to purposes of the study as defined in the agreement; 3) assuring that the study will be conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information; and (4) providing that the information will be destroyed or returned to the District when no longer for the study, and specifying the time period for destruction or return. Nothing in this section requires the District to initiate a study, or agree with or endorse the conclusions or results of the study.
8. The disclosure is to accrediting organizations carrying out their accrediting functions.
9. Information may be disclosed in connection with a health and safety emergency subject to the conditions described below.
10. Directory information may be released subject to the conditions described in BP 5125.1.

(cf. 5125.1 - Release of Directory Information)

Transfer of Information to Third Parties

1. The District shall not release personal information concerning a student except on the condition that the party to which the information is being transferred will not permit any other party to have access to such information without the prior written consent of the parent or eligible student. The District shall include with any information released to a party a written statement which informs the party of this requirement.
2. The District may disclose personally identifiable information with the understanding that the party receiving the information may make further disclosures on behalf of the district without the consent of the parent or eligible student if (a) these further disclosures meet the requirements for access without consent; and (b) the District maintains a record of third parties granted access and the legitimate interest of such parties.

STUDENT RECORDS (continued)

Cooperation with Juvenile Justice System

The School District will cooperate with the juvenile justice system in sharing information contained in permanent student records regarding students who have become involved with the juvenile justice system. The School District will enter into an interagency agreement with the juvenile justice agency ("agencies") involved.

The purpose of the agreement is to allow for the sharing of information prior to a student's adjudication in order to promote and collaborate between the District and the agencies to improve school safety, reduce alcohol and illegal drug use, reduce truancy, and reduce in-school and out-of-school suspensions. This cooperation will enhance alternatives such as structured and well supervised educational programs, supplemented by coordinated and appropriate services, designed to correct behaviors that lead to truancy, suspension, and expulsions and to support students in successfully completing their education.

The School District may share any information with the agencies contained in a student's permanent record, which is directly related to the juvenile justice system's ability to effectively serve the student. Prior to adjudication, information contained in the permanent record may be disclosed by the School District to parties without parental consent or court order. Information shared pursuant to the agreement is used solely for determining the programs and services appropriate to the needs to the student or student's family or coordinating the delivery of programs and services to the student or student's family.

Information shared under the agreement is not admissible in any court proceedings which take place prior to a disposition hearing, unless written consent is obtained from a student's parent, guardian, or custodian.

Confidential information shared between the School District and the agencies will remain confidential and will not be shared with any other person, unless otherwise provided by law.

Records Pertaining to Children with Disabilities

Personally identifiable information in those student records specifically collected or maintained in conjunction with the provision of special education or related services may not be released without the written consent of a parent unless the disclosure is to:

1. A school official as defined above.

STUDENT RECORDS (continued)

2. An official of a school or school system in which the student intends to enroll, provided, however, that a parent must be notified of any such disclosure, offered a copy of the record, and notified of his or her right to request amendment of the record.
3. A representative of the Federal Comptroller General, U.S. Department of Education, or Alaska Department of Education and Early Development.

Access with Consent

The contents of a student's record may be furnished to any person with the written consent of one of the student's parents. The written consent should specify the records to be released, the reasons for the release, and to whom the records will be released. Where the consent of a parent is required for the release of student records, a copy of the records to be released shall be provided on request to the student's parents or the eligible student, and to the student who is not an eligible student if so requested by the student's parents.

If a parent refuses to consent to release of a student record specifically collected or maintained in conjunction with the provision of special education or related services, the District may initiate a hearing pursuant to the provisions of 4 AAC Section 52.550.

Release of Information for Health and Safety Emergencies

The District may release information from records to appropriate persons, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other persons. The District will take into account the totality of the circumstances, based on the information available at the time, to determine if there is an articulable and significant threat to the health or safety of a student or others.

The District may include in a student's records information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. Under the "health and safety emergency" exception, the District may disclose this information to teachers and school officials of the district, or to teachers and school officials of other districts, if those individuals have a legitimate educational interest in the behavior of the student.

STUDENT RECORDS (continued)

Note: The District's records policy must provide for an annual notification which explains the rights of parents and eligible students to file a complaint with the United States Department of Education concerning alleged failures to comply with the requirements of the federal Family Educational Rights and Privacy Act and its regulations.

Complaint Procedure

A parent or eligible student may file a written complaint with the national Family Policy Compliance Office regarding an alleged violation of federal laws governing the administration of student records. These laws include the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, and its regulations found at 34 CFR Part 99. A complaint must be filed within 180 days of the date of the alleged violation, or of the date the parent or eligible student knew or reasonably should have known of the alleged violation. Complaints should be filed with:

Family Policy Compliance Office
U.S. Department of Education
Washington, D.C. 20202-5920
(202) 260-3887

KENAI PENINSULA BOROUGH SCHOOL DISTRICT
Adoption Date: 6/1/09 _____

Note: This annual notice complies with the Family Educational Rights and Privacy Act and ~~has been is based upon the model FERPA notification~~ developed by the federal Family Policy Compliance Office. Language has been added to the federal notice to comply with the following state laws: AS 14.43.930. ~~This provision of Alaska law~~ requires annual notice to parents regarding disclosure of student names for purposes of University of Alaska scholarship eligibility; 4 AAC 43.010 requiring disclosure of a student's eligibility for the Alaska Performance Scholarship Program; and AS 14.30.745 requiring annual notice to parents of disclosure of student information for purposes of Alaska Challenge Youth Academy eligibility.

~~MODEL~~ NOTIFICATION OF RIGHTS UNDER FERPA FOR ELEMENTARY AND SECONDARY SCHOOLS

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 or designee 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. A copying fee may be charged.
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 school to amend a record should write the school principal or designee, 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 privacy of personally identifiable information 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 outsourced services or functions that it would otherwise use its own employees to perform (such as an attorney, auditor, medical consultant, or therapist); a parent or student serving 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 or District to comply with the requirements of FERPA. A complaint may be filed with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-59208520

In addition, you are entitled to notice of the following disclosures of student records:

1. Upon request, the school-District discloses education records without consent to officials of another school district or or institution of post-post-secondary institution education in whichwhere a the student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.

NOTE: FERPA requires a school district to make a reasonable attempt to notify the parent or eligible student of the records request unless it states in its annual notification that it intends to forward records on request.

2. Additionally, byBy September 15 of each year, the District will provide to the University of Alaska a list of names and addresses of students in the graduating class who meet scholarship eligibility requirements for each scholarship program. Release of a student's name to the University of Alaska will not be made if the parent or eligible student objects. An objection should be made in writing to the assistant superintendent of instruction.
3. By July 15 of each year, the District will transmit to the Alaska Department of Education and Early Development an electronic version of each graduating student's permanent record that describes the student's eligibility for the Alaska Performance Scholarship Program. An objection should be made in writing to the assistant superintendent of instruction.
4. By January 15 and July 15 of each year, the District will provide to the Alaska Challenge Youth Academy, operated by the Department of Military and Veterans' Affairs, a report containing the name, address, and dates of attendance of prior students ages 15 through 18 who appear no longer enrolled in any educational institution and who have not received a diploma or GED. Release of a student's information to the Alaska Challenge Youth Academy will not be made if the parent or eligible student objects. An objection should be made in writing to the assistant superintendent of instruction.

NOTE: In addition, a school may want to include its directory information public notice, as required by 34 C.F.R. § 99.37 of the regulations, with its annual notification.

Revised 5/3/10 _____

COCURRICULAR ACTIVITIES

Note: The following sample policy may be revised or deleted to reflect district philosophy and needs.

The School Board recognizes that cocurricular activities enrich the educational and social development and experiences of students and shall maintain a program for student participation in extra/cocurricular activities which compliments the integrity and purpose of the educational program.

(cf. 6153 - School-sponsored Trips)

Activities, as defined in this policy, include but are not limited to academic, practical arts, fine arts, and physical sport competitions.

Activities shall be tailored to the academic, physical, mental, emotional and social maturity levels of the youth participating in them. We believe each student should have an opportunity to participate in a broad number of activities based on his/her own talents and interests. It is the intent of the District to encourage participation in activities. District sponsored activities shall be approved by the Board, administered according to the appropriate policies and procedures, and supervised by the building administrator.

Emphasis shall be given to the ideals of intellectual challenge, sportsmanship, fair play, and ethical conduct by students, coaches or advisors, and spectators.

Participation in activities is a privilege to be granted to those students who meet the minimum standards of eligibility adopted by the District and those additional standards established by each school for its own students.

The Board shall maintain general control over all aspects of interscholastic policies, programs and activities in the District, including eligibility, seasons, number of activities, personnel, and facilities. The Superintendent shall be responsible to the Board for District compliance with federal and state law.

Philosophy

Elementary: The primary goal of all elementary cocurricular programs shall be the involvement of the maximum numbers of participants. Individual involvement, intellectual challenge, the principles of sportsmanship, teamwork, and commitment shall be emphasized while developing skills relative to the programs offered. The concept of 'having fun' in a safe and healthy environment should be considered the first priority.

COCURRICULAR ACTIVITIES (continued)

Activities will be primarily intramural in nature and travel for elementary activities will not be funded by the Kenai Peninsula Borough School District.

Middle Level: The primary goal of the middle level cocurricular program is to encourage student participation and to afford individual students the opportunity to further develop the skills required to participate in their chosen activities.

Priority should be given to the development of individual abilities while emphasizing the concept of 'having fun' in a safe and healthy environment within the framework of furthering the principles of intellectual challenge, sportsmanship, teamwork, and commitment to a goal.

The District provides opportunities for students to participate in cocurricular activities with emphasis on intramural activities. Interscholastic programs will be conducted in conjunction with an intramural activity as appropriate.

High School: The primary goal of the high school cocurricular program is to involve students in District sponsored activities that serve their interests and talents. These programs should promote positive attitudes through active participation, individual improvement, healthy competition, and the involvement of the community.

High school cocurricular programs focus on interscholastic competition as appropriate. Emphasis shall be given to intellectual challenge, skill development, principles of sportsmanship, team work, commitment to a goal, and 'having fun' in a safe and healthy environment.

Interschool activity programs shall be conducted in accordance with law, policy, school handbooks and the:

Elementary Activities Handbook,
Junior High Activities Handbook, or
High School Activities Handbook

Activities handbooks shall be reviewed by the Kenai Peninsula Student Activities Association and approved annually by the Board.

(cf. 5144 - Discipline)

(cf. 6145.2 - Interscholastic Competition)

COCURRICULAR ACTIVITIES (continued)

The Superintendent/Chief School Administrator shall facilitate the opportunity for transitioning military children's participation in cocurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

Legal Reference:

ALASKA STATUTE

14.30.010 Interstate Compact on Educational Opportunity for Military Children

ALASKA ADMINISTRATIVE CODE

4 AAC 06.520 *Recreational and athletic activities*

4 AAC 06.600 *Definitions*

~~4 AAC 51.320 *Vocational student leadership organizations*~~

KENAI PENINSULA BOROUGH SCHOOL DISTRICT

Adoption Date: 1/16/2006 _____

INDIVIDUALIZED EDUCATION PROGRAM

Students with disabilities shall be placed, to the maximum extent appropriate, in the least restrictive environment which meets their needs. The Board provides a full range of educational alternatives to facilitate this placement so that these students may interact with students without disabilities in an understanding, cooperative and mutually respectful environment. Students shall be placed outside of the regular classroom only when the student's specific needs cannot be met in that setting.

Upon the identification of a student with disabilities and a determination of student eligibility, the Superintendent or designee shall appoint an individualized education program (IEP) team. This team shall consider the student's needs, determine the content of his/her IEP, make placement decisions, and determine whether alternative assessments and curricular offerings are necessary and appropriate. An IEP must be completed within 30 days after a student is determined eligible for services. Students and parents/guardians shall have the right to participate in the development of the IEP in accordance with law.

(cf. 6164.4 - Child Find)

Note: The IEP team shall consider the factors specified in law and administrative regulation, as well as the educational and nonacademic benefits of placing the student in a regular class. The IEP team shall determine what support services would be needed in order to maintain this placement. All placement decisions should promote maximum social interaction between students with disabilities and their nondisabled peers, in a manner that is appropriate to the needs of each.

Each IEP shall be consistent, to the maximum extent appropriate, with the curriculum and course of study pursued in the regular education program. Students with disabilities should also receive instruction which fosters their independence and integration into the community.

(cf. 6143 - Courses of Study)

Note: The following paragraph reflects parental consent requirements provided in AS 14.30.191 - .194; 20 U.S.C. 1414(a)(1)(d)-34 CFR 300.300; and 4 AAC 52.200. School districts are required to document their reasonable efforts to obtain informed parental consent. This includes maintaining detailed records of telephone calls made or attempted and the results of those calls; correspondence sent to the parents and any responses received; and detailed records of visits made to the parent's home or place of employment and the results of those visits.

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Parents/guardians must consent in writing to the student's placement in a special education program. The District will make reasonable efforts to obtain informed consent, which must be obtained before any placement is made. If parents refuse initial consent for services, the district is not required to convene IEP meetings for the child, or to develop an IEP.

(cf. 1312.3 – Public Complaints Concerning Discrimination)

(cf. 3541.2 – Transportation)

(cf. 5144.2 – Suspension and Expulsion/Due Process (Individuals with Exceptional Needs))

(cf. 6146.5 – Different Graduation and Competency Standards for Individuals with Exceptional Needs)

Legal Reference:

ALASKA STATUTES

14.30.180 - .350 Education for Exceptional Children

ALASKA ADMINISTRATIVE CODE

4 AAC 52.010 – 52.990 Education for Children With Disabilities

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

20 USC § 1400 – 1487 Individuals with Disabilities Education Act 2004

CODE OF FEDERAL REGULATIONS, TITLE 34

34 C.F.R. 300.1 – 300-818 Individuals with Disabilities Education Act

Kenai Peninsula Borough School District
APPROVED: _____

INDIVIDUALIZED EDUCATION PROGRAM

Note: The following sample regulation reflects requirements found in the 2004 reauthorization of the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400 – 1487); the 2006 and 2008 amendments to the implementing regulations (34 C.F.R. 300.1 – 300.756818); and the 2007 and 2009 changes to DEED's regulations (4 AAC 52.010-52.900).

At the beginning of each school year, the district shall have an individualized education program (IEP) in effect for each student with a disability within the district's jurisdiction. (34 CFR 300.323)

MEMBERS OF THE IEP TEAM

The IEP team for any student shall include at least the following members: (20 USC 1414(d)(1); 34 CFR 300.321)

1. The parents/guardians of the student with a disability.
2. If the student is or may be participating in the regular education program, not less than one regular education teacher.
3. Not less than one special education teacher, or where appropriate, not less than one special education provider for the student.
4. A representative of the district who is:
 - a. qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;
 - b. knowledgeable of the general curriculum; and
 - c. knowledgeable about the availability of district and state resources.
5. An individual who can interpret the instructional implication of evaluation results, who may already be a member of the team as described above.
6. At the discretion of the parent/guardian or district, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate.

Note: Pursuant to 34 CFR 300.321, the determination as to whether an individual has "knowledge or special expertise" must be made by the party (either the district or parent) who invited the individual to the IEP meeting.

7. Whenever appropriate, the student with a disability.

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Note: 34 CFR 300.321, as amended, clarifies the circumstances under which it is appropriate to include student's who receive transition services as members of the IEP team.

8. Transition service participants, to include:
- a. The student with the disability if a purpose of the meeting will be to consider post-secondary goals and transition services needed to assist the student to meet those goals. If the student does not attend the IEP team meeting, the district shall take other steps to ensure that the student's preferences and interests are considered.
 - b. To the extent appropriate and with consent of the parent or student who has reached the age of majority, a representative of any other agency that is likely to be responsible for providing or paying for transition services.

Note: "Transition services" means a coordinated set of activities for a student with a disability that is designed as part of an outcome-oriented process that promotes the student's movement from school to post-school activities, such as post-secondary education, vocational training, integrated employment, continuing and adult education, adult services, independent living, and community participation. The transition services must be based on the individual student's needs, taking into account the student's preferences and interests. The services must address the student's needs in the areas of instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, the acquisition of daily living skills and functional vocational evaluation. 4 AAC 52.145.

9. For students enrolled in a private school who receive special education services from the District, a representative of the private school.

Note: The following optional section lists additional individuals who may also be invited to participate.

In addition, any of the following may participate, as appropriate:

- 1. Related services personnel if the student's evaluation indicates the need for a specific related service.
- 2. Any other person whose competence is needed because of the nature and extent of the student's disability.
- 3. A public agency representative fluent in the student's primary language.

Note: A member of the IEP team may be excused from an IEP meeting, in whole or in part, if the parent/guardian and the district agree that the member's attendance is not necessary because the member's area of curriculum or related services is not at issue for that specific meeting. Additionally, a member may be excused from attending an IEP meeting, in whole or in part, when the meeting does involve a discussion and/or change to the member's area of the curriculum or related services if: 1) the parent/guardian and district consent; and 2) the member submits written input regarding development of the IEP and this input is submitted to the parent and district prior to the meeting. In either instance just discussed, the parent/guardian consent must be in writing. 20 USC § 1414; 34 C.F.R. 300.321.

INDIVIDUALIZED EDUCATION PROGRAM (continued)

IEP MEETINGS

The IEP team shall meet: (20 USC 1414(d))

1. Within 30 days of determining a child eligible for special education and related services.
2. When considering a change in the IEP, including placement.
3. Whenever the parent/guardian or other IEP team member makes a request for a meeting to develop, review or revise the IEP.
4. On or before the annual review date to:
 - a. Review the student's progress and to determine whether the student's annual goals are being achieved.
 - b. Review the IEP and the appropriateness of placement.
 - c. Make any necessary revisions to the IEP.
5. To review or create an assessment plan to develop a behavior intervention plan in discipline matters related to suspensions or expulsions.

The Superintendent or designee shall take steps to ensure that one or both of the parents/guardians of the student with a disability are present at each IEP meeting or are afforded the opportunity to participate. These steps shall include notifying the parents/guardians of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the meeting at a mutually agreed on time and place. (34 CFR 300.322). When conducting IEP meetings, the parent and district may agree to use alternative means to attend or participate in the meeting, such as video conferences or telephone conference calls.

An IEP meeting may be conducted without a parent/guardian in attendance only if the district is unable to convince the parent/guardian that he/she should attend. In this case, the district shall maintain a record of its attempts to arrange a mutually agreed upon time and place for the meeting, such as: (34 CFR 300.322)

1. detailed records of telephone calls made or attempted and the results of those calls;
2. copies of correspondence sent to the parent/guardian and any response received; and
3. detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits.

INDIVIDUALIZED EDUCATION PROGRAM (continued)

CONTENTS OF THE IEP

The IEP shall be a written statement determined in a meeting of the IEP team. It shall include, but not be limited to, all of the following: (20 USC 1414(d); 34 CFR 300.320 and 300.324; AS 14.30.278; 4 AAC 52.140)

1. A statement of the present levels of the student's academic achievement and functional performance, including of the following:
 - a. How the student's disability affects his/her involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled students).
 - b. How the student will be involved and progress in the general education curriculum.
 - c. For the preschool child, as appropriate, how the disability affects his/her participation in appropriate activities.

2. A statement of measurable annual goals, including both academic and functional goals and short-term objectives or benchmarks related to:
 - a. Meeting the student's needs that result from his/her disability in order to enable the student to be involved in and progress in the general curriculum.

For a preschool child, as appropriate, meeting the child's needs that result from his/her disability to enable the child to participate in appropriate activities.
 - b. Meeting each of the student's other educational needs that result from the student's disability.

3. A statement of the program modification accommodations for the student and support that will be provided to school personnel in order for the student to:
 - a. Advance appropriately towards attaining the annual goals.
 - b. Be involved and progress in the general curriculum in accordance with item #1 above and to participate in extracurricular and other nonacademic activities.

(cf. 6145 – Extracurricular and Cocurricular Activities)
 - c. Be educated and participate with other students, with and without disabilities, in the activities in this item.

(cf. 3541.2 – Transportation of Exceptional Children)

4. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in the activities described in item #3 above.

INDIVIDUALIZED EDUCATION PROGRAM (continued)

5. A statement of any individual accommodations in the administration of state or districtwide assessments that are necessary to measure academic achievement and functional performance in such assessment.
6. The projected date for the beginning of the services and modifications described in item #3 above and the anticipated frequency, location and duration of those services and modifications.
7. A statement of secondary transition service needs, as follows:
 - a. Beginning with the school year the student turns 16, and annually thereafter, a statement of appropriate measurable postsecondary goals based on age-appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills.
 - b. The transition services (including courses of study) needed to assist the student in reaching those goals.
 - c. Beginning at least one year before the student reaches age 18, a statement that the student has been informed of his/her rights, if any, pursuant to IDEA that will transfer to the student upon reaching age 18.
8. Appropriate objective criteria, evaluation procedures, and schedules for determining, on at least an annual basis, whether the annual goals are being achieved.
 - a. How the student's progress toward the annual goals described in item #2 above will be measured.
 - b. When the student's parents/guardians will be regularly informed (by such means as periodic reports on progress), at least as often as parent/guardians of students without disabilities, of:
 - (1) Their child's progress towards the annual goals described in item #2 above.
 - (2) The extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year.
10. A statement of special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student and a statement of the program modifications or supports for school personnel that will be provided for the student.

(cf. 6146.5 – Differential Graduation and Competency Standards for Individuals with Exceptional Needs)

Where appropriate, the IEP shall also include:

1. For students in grades 7-12, any alternative means and modes necessary for the student to complete the district's prescribed course of study and to meet or exceed proficiency standards required for graduation.

INDIVIDUALIZED EDUCATION PROGRAM (continued)

2. Linguistically appropriate goals, objectives, programs and services for students whose primary language is not English.
3. Extended school year services when needed, as determined by the IEP team.
4. Provision for transition into the regular education program if the student is to be transferred from a special class or center, or nonpublic, nonsectarian school, into a regular education program in a public school for any part of the school day.

The IEP shall include descriptions of activities intended to:

- a. Integrate the student into the regular education program, including indications of the nature of each activity and the time spent on the activity each day or week.
- b. Support the transition of the student from the special education program into the regular education program.

(cf. 6181 – Charter Schools)

5. Specialized services, materials and equipment for students with low incidence disabilities.

DEVELOPMENT, REVIEW AND REVISION OF THE IEP

Note: Pursuant to 20 USC 1414(d) and 34 CFR 300.324, the IEP team should consider the following factors when developing the IEP.

In developing or revising the IEP, the IEP team shall consider the following: (20 USC 1414(d); 34 CFR 300.324).

1. The strengths of the student.
2. The concerns of the parents/guardians for enhancing the education of their child.
3. The results of the initial evaluation or most recent evaluation of the student.
4. The academic, developmental, and functional needs of the student.
5. As appropriate, the results of the student's performance on any general state or districtwide assessment programs.
6. In the case of a student whose behavior impedes his/her learning or that of others, if appropriate, positive behavioral interventions, strategies and supports to address that behavior.
7. In the case of a student with limited English proficiency, the language needs of the student as such needs relate to the student's IEP.
8. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media, that instruction in Braille or the use of Braille is not appropriate for the student.

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Note: 34 CFR 300.346 require the IEP team to consider the following factors to meet the needs of a deaf or hard-of-hearing student.

9. The communication needs of the student, and in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode.
10. Whether the student requires assistive technology devices and services.

If, in considering the special factors in items 1-10 above, the IEP team determines that a student needs a particular device or service in order to receive a free and appropriate public education (FAPE), the IEP team must include a statement to that effect in the student's IEP. (34 CFR 300.324)

The IEP may be revised, as appropriate, to address: (20 USC 1414(d)).

1. Any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate.
2. The results of any reevaluation conducted.
3. Information about the student provided to or by the parents/guardians regarding review of evaluation data pursuant to 20 USC 1414(c)(1)(B).
4. The student's anticipated needs.
5. Other matters.

Note: Pursuant to 34 CFR 300.324, the regular education teacher as a member of the IEP team must participate in the development, review and revision of the IEP.

As a member of the IEP team, the regular education teacher shall, to the extent appropriate, participate in the development, review and revision of the student's IEP. (34 CFR 300.324)

PARENT/GUARDIAN NOTICE

The Superintendent or designee shall send parent/guardians notice of the IEP team meetings early enough to ensure that they will have an opportunity to attend. This notice shall: (34 CFR 300.322)

1. Indicate the purpose, time and location of the meeting.
2. Indicate who has been invited to attend and their role.
3. Inform the parents/guardians of the provisions of 34 CFR 300.321(a)(6) and (c), relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the student.

INDIVIDUALIZED EDUCATION PROGRAM (continued)

4. For students age 16, or younger when appropriate:

- a. Indicate that the purpose of the meeting is the consideration of needed transition services for the student.
- b. Indicate that the district will invite the student to the IEP meeting.
- c. Identify any other agency that will be invited to send a representative, assuming the parent or eligible student consents.

Kenai Peninsula Borough School District
APPROVAL:

ACCEPTABLE USE POLICY/INTERNET SAFETY POLICY

This Acceptable Use Policy/Internet Safety Policy sets forth the standards governing authorized member use of the "Kenai Peninsula Borough School District Electronic Network". This policy also promotes the ethical, legal, and school-related use of the District Network and ensures District compliance with the Children's Internet Protection Act.

The District Network provides authorized members with the means for communicating effectively with students, schools, teachers, administrators, educational experts and the public. These resources should be used in a manner that both enhances students' educational experiences and complies with the policy and regulations established from time to time by the District Board of Education. The system administrators are employees of the District and this service is under the direction of the Director, Information Services. The District reserves the right to monitor all activity on the District Network and may modify these rules at any time by publishing the modified rules(s) on the KPBSD web site at <http://www.kpbsd.k12.ak.us>.

ACCEPTABLE USE POLICY/INTERNET SAFETY POLICY**Terms and Conditions for Use****Purpose**

The Kenai Peninsula Borough School District provides all students access to computers, networks, and the Internet as a means to enhance their education. It is the intent to promote the use of computers in a manner that is responsible, legal, ethical, and appropriate. The purpose of this policy is to assure that all users recognize the limitations that are imposed on their use of these resources. Our many varied stakeholders work within a shared environment where all must follow the rules of use so as not to let their actions infringe on the opportunity of others to accomplish their work.

Electronic Related Technologies

Kenai Peninsula Borough School District Electronic Network Related Technologies is an interconnected system of computers, terminals, servers, databases, routers, hubs, switches, video-conferencing equipment, and wireless devices. The District's network is an inherent part of how we do business. The Acceptable Use Policy covers students, staff, and any other users accessing any part of the network. Files, data, emails and any other information stored on District-owned equipment or produced while working for the District, or while attending as a student, is the property of the District. Internet and email use is a privilege, not a right. A violation of the Acceptable Use Policy may result in termination of usage and/or appropriate discipline for both students and teachers.

Authorized Users

The District's computer network is intended for the use of authorized users only. This also applies to the District's Wi-Fi network. Authorized users include students, staff, and others with a legitimate educational purpose for access as determined by a Memorandum of Agreement with the District. Individual schools may grant guest access on a temporary basis, but only for bona-fide school-related business. Any person using the network, or using any devices attached to the network, agrees to abide by the terms and conditions set forth in AR ~~6162.716161.4~~ District Acceptable Use Policy. A copy of this policy is included in the KPBSD Parent/Student Handbook.

ACCEPTABLE USE POLICY/INTERNET SAFETY POLICY (continued)**Assumption of Risk**

The District will make a good faith effort to keep the District network system in working order and its available information accurate. However, users acknowledge that there is no warranty or guarantee of any kind, either express or implied, regarding the accuracy, quality, or validity of any of the data or information residing on the District network or available from the Internet. The District has no ability to maintain such information and has no authority over these materials. For example, and without limitation, the District does not warrant that the District network will be error-free or free of computer viruses. In making use of these resources, users agree to release the District from all claims of any kind, including claims for direct or indirect, incidental, or consequential damages of any nature, arising from any use or inability to use the network, and from any claim for negligence in connection with the operation of the District network. Use of District computers and/or the District network is at the risk of the user.

Indemnification

The user indemnifies and holds the District harmless from any claims, including attorney's fees, resulting from the user's activities while utilizing the District network that cause direct or indirect damage to the user or third parties.

Other Electronic Devices

Other electronic devices include, but are not limited to, cellular telecommunication devices such as cellular phones, smart phones, pagers, text communication pagers, two-way text pagers, I-Pod Touches, and personal digital assistants. Any electronic device falls under the authority of the Acceptable Use Policy if used on school grounds regardless of whether they may or may not be wirelessly connected to the District network infrastructure. For example, texting or emailing inappropriate pictures to other students while at school would be a violation of the Acceptable Use Agreement even if only done using the user's personal cellular plan and using no District provided network services.

ACCEPTABLE USE POLICY/INTERNET SAFETY POLICY (continued)**Internet Non-Participation by Students**

Parents of minor students (under 18 years of age) may request that their student(s) not be allowed use of the Internet, by submitting E 6162.716161.4(a) Internet Access Non-Permission Form to the office at the student's school. This action will also deny access to the District wireless network.

Security

It shall be the responsibility of all members of the school staff to appropriately supervise and monitor usage to ensure compliance with this Acceptable Use Policy and the Children's Internet Protection Act. If a student inadvertently accesses inappropriate information, he or she should immediately disclose the inadvertent access to a teacher or to the school principal. All users are to promptly report any security violations of the Acceptable Use Policy to their teacher or the school principal. The principal should then report violations to Information Services. In order to maintain the security of the District network, users are prohibited from engaging in the following actions:

1. Using a modem to dial into any online service provider, or Internet Service Provider (ISP).
2. Attaching a wireless access point or any other network gateway to the District's network, thereby providing unsecured anonymous access to the District network.
3. Intentionally disrupting the use of any computer for other users, including, but not limited to, disruptive use of any processes or programs, intentionally spreading computer viruses, utilizing tools for ascertaining passwords, unauthorized use of a guest password, or engaging in "hacking" of any kind, which is an illegal or unlawful entry into an electronic system to gain secret unauthorized information.
4. Disclosing the contents or existence of District computer files, confidential documents, email correspondence, or other information to anyone other than authorized recipients.
5. Users must not use, or attempt to discover, the login or password belonging to someone else. Neither staff nor students should be using a guest account, but should always use the account provided to them by the District.
6. Unauthorized file sharing, downloading unauthorized games, programs, files, electronic media, and/or stand-alone applications from the Internet that may cause a threat to the District network is not permitted.

ACCEPTABLE USE POLICY/INTERNET SAFETY POLICY (continued)**Access to Wi-Fi**

Access to the wireless network by personally-owned computers, smart phones, or other devices is allowed by authorized users. The District must balance the needs to keep our network operational and protected from viruses or loss of service attacks with the educational advantages of a more open, inclusive network. With the wireless capability KPBSD has the ability to have an acceptable level of protection for our network and still allow computers into the wireless network. Exhibit ~~6162.71(e)~~ 6161.4(b) KPBSD Wireless Information shows what service level can be expected from various computer operating systems. Most personally-owned computers or devices will connect to the wireless network; however, most will probably only connect at the Low-Speed Internet level. It is important to understand that access to network resources commonly taken for granted, like printer access, network file storage, and file backup are not likely available to the personally-owned computer user. Of particular note, the district does not provide data backups for data stored on a personally-owned device. Users are responsible for their own data and are cautioned to backup their own files in the event of a hard-drive or other failure on a personally-owned computer

Personally-owned equipment may NOT be attached to the network via an Ethernet cable or other wire. Wireless access by a personally-owned laptop is allowed but connecting to the physical network by plugging into a wall jack is never allowed.

Personally-owned Equipment

Schools not allowing students to bring personally-owned equipment to school are

- Kenai Youth Facility, and
- Spring Creek School.

Unless otherwise listed, students may bring laptops, netbooks, smart phones, personal digital assistants, etc. to school for their personal educational use. The user is responsible for assuring that personally-owned computers are ready for use with the District network. This includes assuring that user-loaded files and programs do not consume hard drive space needed for instructional or education requirements and needed software is loaded. The District will not troubleshoot or provide technical support on personally-owned equipment. Bringing personally-owned equipment to school is absolutely done

ACCEPTABLE USE POLICY/INTERNET SAFETY POLICY (continued)

at the users own risk. The District is not responsible for theft or damage of personal property, or any damage a user may suffer, including loss of data.

Caution: Because user-installed peer-to-peer networking takes place at home, perhaps to share music, staff should be aware that some of these services share ALL files on their computer. The user is responsible to safeguard the confidentiality of student-related data on a personally-owned computer.

Electronic Mail (Email)

Electronic Mail (email) consists of all electronically transmitted information including any combinations of text, graphics, audio, pictorial, or other information created on or received by a computer application system and includes the transmission data, message text, and all attachments.

The District provides two email addresses for staff (Microsoft Exchange/Outlook @ kpbsd.k12.ak.us and Google-Gmail @ g.kpbsd.org). The District provides one email address for grade 4-12 students (or lower grade at the request of the principal)--Google-Gmail @ g.kpbsd.org. The District does not filter email beyond the SPAM filtering done by Google for the District-provided Gmail email accounts. Google may also have rules for use beyond what is covered in this agreement. A parent has the option of not allowing their student access to the District-provided Gmail account. To opt out of the District-provided email, parents need to complete the E ~~6162.716161.4a~~ Internet Access Non-Permission Form and return to the school office. Such restriction, once signed, remains in force until rescinded by the parent or the legal age student.

Gmail is part of the Google Apps' online collaborative office productivity suite. Denying access to Gmail also denies access to Google Apps. Opting-out of Google Apps doesn't mean a student will not access email at school, it just means the District will not provide the email address for the student to use. There are many free email sites on the Internet that anyone can sign up for. Other free email sites are also not content filtered and may not filter SPAM.

SPAMMING, or the mass sending of email, from any District email accounts, for any purpose whatsoever, is strictly prohibited. Spammers often search out individuals and attempt to get people to divulge username or password information to allow the spammers to use an email account and our network to send out SPAM email. Users are prohibited from revealing network or email logon information to anyone. If an email account is compromised and used for these purposes, the account will be disabled.

ACCEPTABLE USE POLICY/INTERNET SAFETY POLICY (continued)

Users should not expect that their data, use of email, District computers, or the District network is private.

Blogs

The District also creates a personal web log or blog for each student and staff for educational use. The user must initially activate the blog. KPBSD blogs are only indexed within the District. However, if the address is shared, anyone on the Internet can view or contribute to the blog. Users are expected to maintain the same level of civility as required on all communication covered by this policy. Post with respect, stick to the facts, and avoid unnecessary or unproductive arguments.

Websites

The school's website is limited to school-related materials and events. Students may create web pages as a part of a class activity. The District has the right to exercise final editorial authority over the content and/or style of user web pages.

Monitoring

Network activity is logged by our Internet filter software including tracking of websites visited by users. Email processed, delivered, or stored on District-owned equipment is owned by the District and may be inspected by the District. Information Services uses software called VNC, to remotely access and control any District computer on the network, with or without the user's permission, but only for a legitimate purpose. Remote access, where the remote computer user grants permission for entry, has been given to some District-level support staff. Remote-access capability is commonly used to diagnose and quickly correct problems, or to train the remote staff member on some computer or software function.

Monitoring Staff Computer Usage

No member of KPBSD management has access to an employee's email accounts, web-browsing history, or data files. Information Services staff will provide such information to the Director, Human Resources, upon request.

ACCEPTABLE USE POLICY/INTERNET SAFETY POLICY (continued)**Monitoring Student Computer Usage**

School principals have access to student Gmail email accounts and to the Internet browsing history of the students at their school. Some principals may assign a designee for that access responsibility, such as assistant principals, counselors, or secretaries. Information Services has access to the above items, and also has access to a student's data files and will provide any of this information to a school principal or their designee upon request. Information Services staff will on occasion search logs for security violations and will report violators to the appropriate school principal or in some cases may take independent action.

Software

The Kenai Peninsula Borough School District will not install software that we are not licensed to use. There are no exceptions. All software license agreements and proof of ownership are documented in the Information Services department. Software is installed by Information Services staff or thorough tools provided by them to key school personnel. No commercial software will be installed on District-owned computers by other staff or students. If teachers buy software and want the software loaded on District computers, they will have to donate the software and license to the District and provide proof of purchase.

Home Use of District Owned Software – Staff Only

Some software publishers allow home use according to the "80/20 Rule." This rule states that if a school purchases a software license for a specific computer where the teacher/staff is the primary user (80%+ of the time), the teacher/staff may install the software on a home computer at no extra charge. The use of the software at home is governed by the same license agreement as at school, (i.e., it may not be used for commercial/for-profit use.) The 80/20 Rule only applies to staff as long as they are using the specific District computer (the staff's actual office/classroom computer) that has the software installed. If the software is removed from the specific District staff computer then the 80/20 rule is no longer in effect and the software must be removed from the home computer as well. Personally-owned laptops brought into the school setting are not covered under the intent of the 80/20 Rule. The 80/20 rule allows home use, but once the personally-owned laptop leaves home the 80/20 rule no longer applies. If a staff member leaves the employ of the School District 80/20 software must be removed from any home computer. Lab computers do not qualify for the 80/20 rule. Information Services will provide the software media to schools upon request. Schools can check out the media to staff to load the 80/20 software at home. It is the responsibility of the staff member to insure compliance with the 80/20 rule.

ACCEPTABLE USE POLICY/INTERNET SAFETY POLICY (continued)

Home use under the 80/20 Rule, or similarly-intended software licenses, are the only exception where District-owned software is allowed on personally-owned computers. The District does not buy Mac or Unix versions of software so it cannot provide those versions of software for home use under the 80/20 Rule.

Software on personally-owned laptops

Any staff or student bringing in their personally-owned computer to school must supply their own software. The District will not provide software for personally-owned computers used in schools.

I-pods or MP3 players. Only legally purchased music may be installed on a District-owned MP3 player or any district computer. It is the responsibility of the assigned I-Pod user to provide proof of ownership of all copyrighted music. The user must also backup their music as Information Services does not backup MP3 files nor check for MP3 files when imaging computers.

Lawsuits

The District will not defend users against lawsuit for Acceptable Use Policy violations including music, software, or print copyright violations.

User responsibilities

Users should be polite, kind, courteous, and respectful at all times. Users are expected to respect the property of others, including District property, and be responsible for using equipment appropriately, including using personally-owned equipment appropriately. The District's network is intended for educational use. Teachers and other staff should guide students in their computer use so that students will learn how Internet resources can provide valuable educational information from other classrooms, schools, national and international sources.

ACCEPTABLE USE POLICY/INTERNET SAFETY POLICY (continued)**The user should:**

1. Adhere to these guidelines each time the District network is used.
2. Use the resources available through the Internet and other electronic media to supplement material available through the classroom, media center or through any other resource provided by the school.
3. Make available for inspection by a principal or teacher upon request any messages or files sent or received at any District Internet location. Staff should have a legitimate safety concern to invoke inspection.
4. Show respect for the audience by using appropriate language. The use of ethnic slurs, personal insults, profanity, obscenities, or engagement in any conduct that would not be acceptable inside the school are prohibited.
5. Show proper consideration for topics that may be considered objectionable or inflammatory – for example - politics or religion.
6. Protect their own privacy. Be mindful that what is published on the Internet can be public for a long time.
7. Keep ALL personal information, including addresses, telephone numbers, and pictures of students or staff (or anyone else) confidential.
8. Re-post (to make appear online again) or forward emails only after obtaining the original author's prior consent. This is common courtesy.
9. Abide by all copyright and fair use laws, including print, music, and software copyright laws.
10. Report improper email messages to the teacher.
11. Use technology for school-related purposes during the instructional day.
12. Use these resources so as not to disrupt service to other users.

Unacceptable Uses. The user should:

1. Not use computers or the network inconsistent with or in violation of District or school rules.
2. Not use equipment for any illegal or unethical activity. This includes, but is not limited to, tampering with computer hardware or software, network equipment, unauthorized entry into computers, and vandalism or destruction of equipment, software, or computer data.
3. Avoid derogatory or inflammatory language that is generally considered offensive or threatening. The user should not use these resources to participate in "Cyber Bullying" such as personal attacks and/or threats to or against anyone.

ACCEPTABLE USE POLICY/INTERNET SAFETY POLICY (continued)

4. Not view or attempt to locate material (electronic, printed, audio, or video, that is unacceptable in a school setting) in any format. This includes, but is not limited to, sexist or racist material, sexually explicit, pornographic, obscene, or vulgar images or language; graphically-violent music, music videos, screen savers, backdrops, and pictures. The criteria for acceptability is demonstrated in the types of material made available to students by principals, teachers, and the school media center.
5. Not download, upload, import or view files or websites that purport the use of illegal drugs, alcohol or illegal and/or violent behavior except school-approved, teacher-supervised digital media.
6. Not plagiarize the work of others gained through use of the District network, or any other means.
7. Not use for soliciting or distributing information with the intent to incite violence; cause personal harm or bodily injury; or to harass, bully, or "stalk" another individual.
8. Not upload, post, email, transmit, or otherwise make available any content that is unlawful, dangerous, or may cause a security risk.
9. Not use for, but not limited to, wagering, gambling, junk mail, chain letters, jokes, raffles, or fundraisers.
10. Not use a District email account to express religious or political views.
11. Not play games, including Internet-based games, during the instructional day, unless school-approved and teacher-supervised.
12. Not use online social networks or any form of online publishing or online personal communication during the instructional day unless under the direction of a teacher.
13. Not use for financial gain or for the transaction of any personal business or commercial activities:
 - a. Including any activity that requires an exchange of money or use of a credit card number,
 - b. any purchase or sale of any kind,
 - c. or any use for product or service advertisement.
14. Not stream non-educational music or video during the instructional day.

ACCEPTABLE USE POLICY/INTERNET SAFETY POLICY (continued)

15. Not bypass or attempt to bypass the District's Internet filtering software. Use of proxy servers to bypass Internet filters or to conceal the identity of one's computer or user information on the network is prohibited.
16. Not deface or vandalize District-owned equipment in any way, or the equipment of another person, including but not limited to, marking, painting, drawing, marring, removing computer parts, or placing stickers on any surface.
17. Not intentionally seek information of, obtain copies of, or modify files, other data, or passwords belonging to other users, or misrepresent or assume the identity of others.
18. Not create or use unauthorized networks including, but not limited to voice, data, IP, peer to peer, or proxy networks.
19. Not download any programs, files, or games from the Internet or other sources that can be run or launched on the computer as a stand-alone program. These programs or files are sometimes called "executable files."
20. Not create direct links to inappropriate or illegal sites.
21. Not violate of any provision of the Family Educational Rights and Privacy Act which makes confidential a student's educational records, including, but not limited to, a student's grades and test scores.

The Children's Internet Protection Act (CIPA)

The Children's Internet Protection Act, enacted December 21, 2000 requires recipients of federal technology funds to comply with certain technology protection measures (Internet filtering) and policy requirements. Schools and libraries receiving funds for Internet access and/or internal connections services must also meet the Internet safety policies of the Neighborhood Children's Internet Protection Act (NCIPA) that addresses the broader issues of electronic messaging, disclosure of personal information of minors, and unlawful online activities. The Protecting Children in the 21st Century Act, enacted October 10, 2008, adds an additional Internet Safety Policy requirement covering the education of minors about appropriate online behavior.

Technology Protection Measure (Internet Filter)

Pursuant to the Children's Internet Protection Act (CIPA), the District uses filtering software, at this time M86 Security, to screen Internet sites for offensive material. The Internet is a collection of thousands of worldwide networks and organizations

ACCEPTABLE USE POLICY/INTERNET SAFETY POLICY (continued)

that contain millions of pages of information. Users are cautioned that many of these pages contain offensive, sexually explicit, and inappropriate material, including, but not limited to the following categories: adult content, nudity, sex, gambling, violence, weapons, hacking, personals/dating, lingerie/swimsuit, racism/hate, tasteless, and illegal/ questionable. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. Additionally, having an unfiltered email address on the Internet, as do both staff and students, may lead to receipt of unsolicited email containing offensive content. Users accessing the Internet do so at their own risk. No filtering software is one hundred percent effective, and it is possible that the software could fail. In the event that filtering is unsuccessful and users gain access to inappropriate and/or harmful material, the District will not be liable.

The District will never override the Internet filter for students and will only in the very rarest of circumstances override the filter, even for bona-fide research by adults. Requests for a filter override can be made by contacting Information Services.

Children's Internet Protection Act Definition of Terms:

Technology Protection Measure: The term "technology protection measure" means a specific technology that blocks or filters Internet access to visual depictions that are

- a. obscene, as that term is defined in section 1460 of title 18, United States Code;
- b. child pornography, as that term is defined in section 2256 of title 18, United States Code; or
- c. harmful to minors.

Harmful To Minors: The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that--

- a. taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion.
- b. depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

ACCEPTABLE USE POLICY/INTERNET SAFETY POLICY (continued)

- c. taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

Directory Information Parent Opt-out Form.

Parents of minor students (under 18 years of age) may request that the District not post their children's work, photographs or names on the Internet by completing and returning E5125.1(b) Directory Information Parent Opt Out Form to the school office.

Sanctions

The Terms and Conditions shall be used in conjunction with the District's discipline policies (AR5144). Individual schools may choose to have additional rules and regulations pertaining to the use of networked resources in their respective buildings. Failure to abide by this policy may subject the user to corrective action ranging from suspension of some or all access privileges up to and including expulsion, termination and prosecutions according to District Policies. Users may be denied access to the District network while an investigation is underway. If a user's access to the District network is suspended or revoked by network administrators as a result of violations of this policy, the user may appeal the suspension in writing, to the Superintendent within ten (10) days. If a violator is removed from the District network, there shall be no obligation to provide a subsequent opportunity to access the network.

Portions of this policy used with permission of Henrico County Public Schools.

Legal Reference

CODE OF FEDERAL REGULATIONS

47CFR54.520-- *Sec. 54.520 Children's Internet Protection Act*
34CFR99—*Part 99 Family Educational Rights & Privacy Act*

UNITED STATES CODE

15 U.S.C. 6502-6505 Children's Online Privacy Protection Act
Title 18, Section 1460, Possession with intent to sell, and sale, of obscene matter
Title 18, Section 2256, Sexual Exploitation and Other Abuse of Children.
Title 17, Copyrights

47 U.S.C. § 254 Children's Internet Protection Act, as amended by the Broadband Data Improvement Act (P.L. 110-385)

Protecting Children in the 21st Century Act, October 10, 2008

KENAI PENINSULA BOROUGH SCHOOL DISTRICT

Internet Access Non-Permission Form

Student Name

School

The KPBSD makes access to the Internet available to all students for use as an academic resource and means of communication. Many classes in the KPBSD routinely use the Internet as a tool to complete class assignments and projects in many subject areas.

The KPBSD does not have control over the information content contained on computer systems outside of the KPBSD, but does take measures to limit student access to content inappropriate for the school environment. In addition, students are expected to adhere to strict guidelines for use of the Internet as defined in the Student Handbook for each school.

Google Online Applications (Email, Documents, Spreadsheets, Forms, Calendars)

Google Apps allows 4-12th grade students and staff to achieve an unprecedented level of communication, organization and collaboration through the use of free online applications provided by Google.

Using Google Apps:

- The Email application allows students to communicate with their teachers and collaborate with other students for such things as needed clarification on an assignment.
Class announcements can easily be sent in a message from the teacher to all students.
Google Docs are 100% compatible between school and home and accessible from anywhere with an Internet connection. Assignments will not be "forgotten at home".
Students doing video projects at school have a safe medium for sharing their work where only other KPBSD Staff/Students can view them.
Students can collaborate on group assignments. Multiple students can contribute to documents simultaneously.

If you do not wish for your child to have access to the Internet and/or Google Apps, you may opt out below.

If a signed form is not returned to the school, the Kenai Peninsula Borough School District assumes that you have given your approval. Form is valid until changed or revoked.

Please do not provide my child access to the Internet.

Please do not provide my child access to Google Online Applications

Parent or Guardian's Signature

Date

For Office Use:

Entered on Discovery Date



| | Personally owned devices | | | | | | |
|---|--------------------------|-----------|-------|---------|----------------------------|-------|------------------------|
| | District Computer | Windows 7 | Vista | XP SP3+ | Other Windows (pre XP SP3) | MacOS | Handheld (phones etc.) |
| Low-Speed Internet (currently 512k u/d) | | X | X | X | X | X | X |
| Hi-Speed Internet | X | X* | X* | X* | | | |
| Network Printers | X | X* | X* | X* | | | |
| Network Storage (My Documents) | X | X* | X* | X* | | | |
| District daily backup (My Documents) | X | X* | X* | X* | | | |
| Access to Profile (Desktop items etc.) | X | | | | | | |
| Tech Support from Data Processing | X | | | | | | |
| Installation of District owned software | X | | | | | | |
| Installation of Personally owned software | | X | X | X | X | X | X |

* Must have NAP client installed and have passed a valid health check (*Current windows updates, Virus scan etc.*) and be connected to the Staff/Student network.

The KPBSD Wi-Fi network is intended to be used by staff and students of the Kenai Peninsula Borough School District. It is important to remember that the KPBSD wireless network is not free public Wi-Fi. Guests will need a temporary account in order to access the network.

KPBSD Wi-Fi is split among three separate Wireless Networks:

KPBSD Private

This network is used by District owned computers. The imaging process pre-configures the machine to connect to KPBSD Private without any interaction by the user. KPBSD Private is designed to allow access to District file and print servers. Eventually this network will be hidden and will no longer display in the wireless network list.

KPBSD Staff/Students

This network is intended to be used by Staff and Students on personally owned equipment such as laptops and handheld devices. Access to District file and print servers is possible if the computer is configured correctly. (windows xp sp3+ with a valid healthy NAP check completed) A valid KPBSD username / password is required to access this network.

 **KPBSD Guest**

Each school will have the ability to create temporary guest accounts that school guests can use to access this network. Guest accounts will expire after a maximum of 7 days. Schools should only hand out guest accounts for educational/business reasons. Example valid guests would include (but are not limited to) Parent volunteers, guest speakers, campground hosts etc.

Need a Wireless Guest account created? Currently you need to contact your school tech and (s)he will create one for you. We are working on a website that will allow school secretaries to generate the accounts and will be posting the URL as soon as it's ready.

configured correctly. (windows xp sp3+ with a valid healthy NAP check completed) A valid KPBSD username / password is required to access this network.

Questions?

Learn more about the various technologies used to bring this wireless service to your school:

NAP - http://en.wikipedia.org/wiki/Network_Access_Protection

Aruba Networks - http://en.wikipedia.org/wiki/Aruba_Networks

Wi-Fi - <http://en.wikipedia.org/wiki/Wi-Fi>

Instruction

BP 6164.4(a)

CHILD FIND

The School Board recognizes the responsibility of the District to identify children residing in the District who need special education and related services. As required by law, the Superintendent shall establish written procedures for locating children with exceptional needs in order to provide a free appropriate public education to all eligible children. The Board encourages all members of the community to assist the District in its effort to identify children in need of special education and related services within the community.

The Superintendent shall establish and implement an ongoing system to identify and locate children, age 3 through 21 years of age, suspected of having a disability, who reside within the District, regardless of the severity of the disability. The components and procedures of this system will be detailed in a written Child Find Plan. The Plan shall identify a Child Find Coordinator, address coordination of child find activities, provide for annual public notice, referrals, and screening.

Child Find Coordinator

The Superintendent shall appoint a Child Find Coordinator who coordinates the development, revision, implementation, and documentation of the District's child find system.

Annual Public Notice

The Superintendent shall annually inform the community about the right to, and availability of, educational services for children with disabilities. This notice shall inform parents/guardians in writing of the types of qualifying disabilities, the educational needs of children with disabilities, the rights of children to a free appropriate public education, the services available to these children, confidentiality protections, and the District's procedures for initiating a referral for assessment to identify individuals who need special education services.

Referral

| |
|---|
| <p><u>Note: Pursuant to 34 C.F.R. § 300.300, amended effective 2009, a school district may, but is not required to, pursue a due process hearing when a parent or guardian refuses to consent to an initial evaluation or re-evaluation. However, a school district may not pursue a due process hearing if a parent refuses consent to special education services.</u></p> |
|---|

Instruction

BP 6164.4(b)

CHILD FIND

The Superintendent shall implement a procedure to receive referrals of children suspected to having a disability. Referrals will be acted upon without undue delay.

The School District shall obtain the informed written consent of a child's parent before conducting an initial ~~assessment~~ evaluation or placing the student in a special education program in the District. If ~~that~~ consent is not given for an initial evaluation, and the District believes it should proceed with the ~~assessment and placement~~, it shall ~~appoint a hearing officer~~ may initiate due process hearing procedures in accordance with state law to determine whether the District ~~should initiate such~~ can proceed with an evaluation or placement.

(cf. 6172 - Special Education)

Legal Reference:

ALASKA STATUTES

14.30.191 Educational evaluation and placement

14.30.274 Identification of exceptional children

ALASKA ADMINISTRATIVE CODE

4 AAC 52.100 Child find

~~4 AAC 52.110 Referral~~

4 AAC 52.120 Evaluation

4 AAC 52.125 Eligibility

4 AAC 52.130 Criteria for determination of eligibility

4 AAC 52.190 Written notice to parent

4 AAC 52.200 Parental consent

4 AAC 52.540 Parental right to independent evaluation

~~4 AAC 52.570 Appeal to department~~

4 AAC 52.580 Placement of child during proceedings

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400 et seq. Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

701 et seq. Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 34

99.10-99.22 Inspection, review and procedures for amending education records

300. et seq. IDEA Regulations

~~104.35 Evaluation and Placement~~

~~104.36 Procedural Safeguards~~

~~300.500-300.514 Due process for parents and children~~

KENAI PENINSULA BOROUGH SCHOOL DISTRICT
Adoption Date: _____

BILINGUAL-BICULTURAL EDUCATION/LIMITED ENGLISH PROFICIENCY EDUCATION

Note: Under the federal No Child Left Behind and Bilingual Education Acts, districts have specific obligations towards limited-English proficient students and their families. School districts must develop programs for limited-English proficient (LEP) students that emphasize English language instruction, and that have a primary goal of mainstreaming LEP students into regular classroom settings. School districts are required to notify the families of students placed in an LEP program as soon as this occurs. Notification should include: (1) an explanation of why their child has been placed in the program; (2) a description of the program their child is in, as well as a description of all other types of available language programs; (3) notice of a parent's right to choose among instructional programs if more than one is available; (4) an explanation of how the current program will help their child to develop academically, learn English, and achieve the standards necessary for grade promotion and graduation; and (5) notice of a parent's right to have his or her child moved from an LEP program to a regular program if they so desire. School districts must provide required parent notifications in a uniform format that is comprehensible to families, and, to the extent possible, in a language that can be understood by families.

Note: AS 14.30.400 mandates districts to provide in accordance with state regulations a bilingual-bicultural education program for each school with eight or more students of limited English-speaking ability whose primary language is other than English. 4 AAC 34.055 requires each district enrolling limited-English-proficient students to take appropriate steps to develop their English skills and to provide meaningful participation in the academic program. For districts enrolling eight or more LEP students in a single school, the district must submit to the Department of Education and Early Development an annual plan of service for LEP pupils. The following sample policy may be revised to reflect district philosophy and needs.

In accordance with the Board's philosophy to provide a quality educational program to all students, the district shall provide an appropriate planned instructional program for identified students whose dominant language is not English. The purpose of the program is to increase the English proficiency of eligible students so that they can attain the academic standards adopted by the Board and achieve academic success. Students who have limited English proficiency (LEP) will be identified, assessed and provided appropriate services, which may include bilingual/bicultural or English as a Second Language instruction.

The Superintendent or his/her designee shall implement and supervise an LEP program that ensures appropriate LEP instruction and complies with federal and state laws and regulations. Students shall have access to and be encouraged to participate in all academic and extracurricular activities of the district.

The School Board intends to offer limited English proficiency education programs which develop each student's fluency in English as effectively and efficiently as possible. To accomplish this goal, English development lessons should be tailored to the students' varying levels of English proficiency. The Board shall adopt an educational service plan for bilingual-bicultural education programs in accordance with law.

BILINGUAL-BICULTURAL EDUCATION/LIMITED ENGLISH PROFICIENCY

Students in limited-English proficiency programs shall receive instruction in the core curriculum through their primary language when possible and appropriate in order to sustain academic progress. Academic instruction provided in English shall, whenever necessary, be specially designed and presented so as to facilitate complete understanding of the total academic content. Students shall, when possible, also receive instruction which promotes positive self-concepts and cross-cultural understanding.

(cf. 6141.3 – Multicultural Education)

Students who are taught core academic subjects in non-English- speaking classes shall spend as much time as possible in classrooms with students who speak fluent English.

The LEP program shall be designed to provide instruction that meets each student's individual needs, based on assessment of English proficiency in listening, speaking, reading and writing. Adequate content area support shall be provided while the student is learning English, to assure achievement of academic standards. Students participating in LEP programs shall be required, with accommodations, to meet established academic standards and graduation requirements adopted by the Board.

Identification, Assessment and Placement

The Superintendent shall maintain procedures which provide for the careful identification, assessment and placement of students of limited-English proficiency in accordance with state regulations and the District's service plan. On an annual basis, the District will administer an assessment of English proficiency to students who are or may be eligible for services.

An individual student's participation in the limited English proficiency program is voluntary on the part of the parent/guardian.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Standardized Assessment

Note: 4 AAC 06.775, adopted by the Department of Education and Early Development in 2003, requires the participation of all LEP students in the statewide student assessment system. This includes standard norm-referenced testing, standards-based testing, and the high school graduation qualifying exam. The Secretary's final interpretations, effective November 17, 2008, confirm that all LEP students served by programs funded under Title III must be assessed annually. Further, states may not exempt LEP students from any portion of an annual ELP assessment, nor "bank" the proficient scores of ELP students in particular domains in any given year until such time as a student is proficient in all domains.

BILINGUAL-BICULTURAL EDUCATION/LIMITED ENGLISH PROFICIENCY

Students identified as limited English proficient shall participate, either with or without an accommodation, in statewide student assessments. The [Superintendent/Chief School Administrator] or designee shall appoint a team that includes parents and teachers to determine the necessary accommodations for students with limited English proficiency. "Accommodations" include a change in the manner in which a test included in the statewide student assessment system is given to a student, and that does not alter what is measured by the assessment. The team will document the accommodation decision.

Note: "Modifications" may not be provided by the team. "Modifications" means a change to either the content or the administration of a test included in the statewide student assessment system, if the change alters what is measured by that test. 4 AAC 06.776.

Reassignment

Note: Pursuant to 4 AAC 34.055, the district's service plan must identify the procedure for assessing the educational progress of LEP pupils. Additionally, a student's parent/guardian may request placement in a regular school program. In 2003, the regulation was amended to provide an objective standard for when LEP services are no longer required.

Students of limited-English proficiency shall be reassigned as fluent-English proficient when they have acquired the English language skills of comprehension, speaking, reading, and writing necessary to receive instruction and achieve academic progress in English only, at a level substantially equivalent to that of students of the same age or grade whose primary language is English. A student will remain eligible for services until the student:

1. is not assessed as an LEP student for two consecutive annual assessments of English proficiency; and
2. in the statewide assessment system, obtains a proficiency level of proficient or advanced on the subtests in reading and writing, or reading and language arts.

The Superintendent shall provide subsequent monitoring and support of reassigned students.

Parent/Guardian and Community Involvement

Note: 4 AAC 34.055 requires the district's plan of service to provide for the involvement of parents/guardians and community members in the bilingual-bicultural educational program.

The Board recognizes the need to involve parents/guardians and community members in the development, evaluation and improvement of District programs. The

BILINGUAL-BICULTURAL EDUCATION/LIMITED ENGLISH PROFICIENCY

Superintendent shall inform and involve parents/guardians and community members as required by law.

Note: Under the No Child Left Behind Act, notice provisions are very specific as to content of the notice and when it must be given. Students placed in, or identified for, an LEP program before the beginning of the school year must receive notice no later than 30 days after school starts. For students newly identified after the beginning of the school year, parental notice is due within two weeks after the student's placement in the program.

The district shall notify parents of students qualifying for LEP programs regarding the instructional program and parental options, as required by law. The notice should state the reasons for identifying the student as limited English proficient, including the student's level of proficiency and how the District determined that level. The student's overall academic achievement should also be included in the notice. The notice must describe the LEP program's instructional methods and explain how the student will transition from the program. Finally, the notice shall advise parents of their right to remove the child from the program, to choose an alternative program if available, and to obtain assistance in choosing a program. Parents will be regularly apprised of their student's progress. Communications with parents shall be in the language understood by the parents, whenever possible.

(cf. 1230 - Advisory Committees)

Program Evaluation

Note: 4 AAC 34.055 requires a district's plan of service to establish procedures for an annual evaluation which addresses the effectiveness of the program in meeting the English-language development needs of LEP students and achieving student academic progress goals; and, reflecting any identified need for program modification. Additionally, districts must have a process for monitoring the success and academic progress of exited LEP students.

The Superintendent shall establish procedures for the annual evaluation of limited English proficiency education programs in conformance with state and federal regulations.

Note: Federal Law (20 U.S. Code section 1703 (f)) prohibits districts from discriminating against a student on the basis of race, color, sex or national origin by failing to take appropriate action to overcome language barriers that impede bilingual-bicultural students' equal participation in instructional programs. Federal courts have approved bilingual-bicultural programs which (1) are based on sound educational theory, (2) use methods reasonably calculated to effectively implement such theory, and (3) "produce results indicating that language barriers confronting students are actually being overcome."

When evaluating the adequacy of limited English proficiency education, the Board shall consider data which indicates the effectiveness of the programs in teaching English to students and in contributing to their academic achievement.

BILINGUAL-BICULTURAL EDUCATION/LIMITED ENGLISH PROFICIENCY

Legal Reference:

ALASKA STATUTES

14.30.400 *Bilingual-bicultural education*

ALASKA ADMINISTRATIVE CODE

4 AAC 06.775 *Assessment of a student with limited English proficiency*

4 AAC 34.075-010-4 AAC 34.090 *Bilingual-bicultural education*

~~20~~ UNITED STATES CODE,

20 U.S.C. §§ 1702-1703

Bilingual Education Act, 20 U.S.C. §§ 7401 et seq. as amended by the English Language Acquisition, Language Enhancement, and Academic Achievement Act, Title III, §§ 3001-3304 of HR1

Castenda v. Pickard 648 F.2d 989 (5th Cir. 1981)

Teresa P. et al v. Berkeley Unified School District et al, 724 F. Supp. 717, (N.D. Cal. 1989)

KENAI PENINSULA BOROUGH SCHOOL DISTRICT
Adoption Date: 1/16/2006 _____

NEW

Instruction

BP 6175(a)

MIGRANT CHILDREN PROGRAM

Note: This policy is mandatory for districts that receive Title I funds.

The Superintendent will develop and implement a program to address the needs of migrant children in the District.

This program will include a means to:

1. Identify migrant students and assess their educational and related health and social needs.
2. Provide a full range of services to migrant students including applicable Title I programs, special education, gifted education, vocational education, language programs, counseling programs and elective classes.
3. Provide migrant children with the opportunity to meet the same statewide assessment standards that all children are expected to meet.
4. Provide advocacy and outreach programs to migrant children and their families and professional development for District staff.
5. Provide parents/guardians an opportunity for meaningful participation in the program.

Parent/Guardian Involvement in the Migrant Education Program

Parent(s)/guardian(s) of migrant students will be involved in and regularly consulted about the development, implementation, operation, and evaluation of the migrant program.

Parent(s)/guardian(s) of migrant students will receive instruction regarding their role in improving the academic achievement of their children.

Instruction

BP 6175(b)

MIGRANT CHILDREN PROGRAM (continued)

Note: Final regulations, effective August 28, 2008 (1) adjust the base amounts of the grant allocations for fiscal year 2006 and subsequent years; (2) establish requirements to strengthen the process used by school districts to determine and document the eligibility of migratory children; and (3) clarify procedures school districts use to develop a comprehensive statewide needs assessment and service delivery plan.

Legal Reference:

Elementary and Secondary Education Act, 20 U.S.C. § 6391, et seq., as amended by the No Child Left Behind Act of 2001 (P.L. 107-110)
34 C.F.R. §200.40 - 200.45.

Kenai Peninsula Borough School District
Approved: _____