

# Notification of Student Rights

## **RIGHT TO KNOW PROFESSIONAL QUALIFICATIONS OF TEACHERS AND PARAPROFESSIONALS**

Dear Brookhaven Innovation Academy Families,

In compliance with the requirements of the Elementary and Secondary Education Act, Brookhaven Innovation Academy (BIA) would like to inform you that you may request information about the professional qualifications of your child's teacher(s). The following information may be requested:

1. Whether the teacher has met the Georgia Professional Standards Commission's requirements for certification for the grade level and subject areas in which the teacher provides instruction;
2. Whether the teacher is teaching under an emergency or other provisional status through which Georgia qualifications or certification criteria have been waived;
3. The college major and any graduate certification or degree held by the teacher;
4. Whether the scholar is provided services by paraprofessionals, and if so, their qualifications.

If you wish to request information concerning your child's teacher's qualification, please contact the Director of State and Federal Programs at 770-538-1550.

## **TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, AGE DISCRIMINATION ACT OF 1975 AND THE BOY SCOUTS OF AMERICA ACT**

BIA does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs or activities receiving federal financial assistance. BIA does not discriminate on the basis of age in programs or activities receiving federal financial assistance. BIA also provides equal access or a fair opportunity to meet with any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code (as a patriotic society) that wishes to conduct a meeting within the open or limited public forum offered by the school.

The following person has been designated to handle inquiries regarding these non-discrimination policies:

Julie Tolbert  
Head of School  
770-538-1550

For further information on notice of non-discrimination, please contact the Office for Civil Rights:  
U.S. Department of Education Office of Civil Rights  
400 Maryland Avenue, SW Washington, DC 20202-4605 1-800-421-3481

## **INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)**

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

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

Anyone aware of an individual who may benefit from educational services and related services is encouraged to call BIA, at 770-538-1550.

#### Public Information

BIA has the following documents available for review by parents of children with disabilities and to the general public:

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

For more information regarding IDEA, or if you have questions or need additional assistance, please contact BIA's Special Education Coordinator:

Special Education Coordinator  
Kelly Rogers  
770-538-1550 krogers@biaschool.org

#### **CHILD FIND**

BIA recognizes its responsibility to provide a free and appropriate public education to eligible scholars with disabilities within its geographical boundaries. BIA has a "child find" process that is designed to locate, identify and evaluate children with disabilities residing within its geographical boundaries kindergarten through grade 5.

If you know a child who lives within the boundaries of BIA attendance zone and who may be in the need of special education and/or related services, please contact BIA's Special Education Coordinator for further information regarding the referral and evaluation process.

BIA's Child Find process extends to students with physical or mental impairments that substantially limit a major life activity. Such students may be eligible for services or accommodations pursuant to Section 504 of the Rehabilitation Act. Section 504 is a Federal civil rights statute that prohibits discrimination against persons with disabilities and programs receiving Federal financial assistance. Please contact BIA's Section 504 Coordinator for more information regarding Section 504 eligibility and services.

Ayesha Quick, Section 504 Coordinator  
770-538-1550  
aquick@biaschool.org

#### **SECTION 504 OF THE REHABILITATION ACT OF 1973**

Section 504 of the Rehabilitation Act of 1973 is a nondiscrimination statute enacted to prohibit discrimination and to assure that disabled scholars have educational opportunities and benefits equal to those provided to nondisabled scholars.

For more information regarding Section 504, or if you have questions or need additional assistance, please contact BIA's Section 504 Coordinator:

Ayesha Quick, Section 504 Coordinator  
770-538-1550 aquick@biaschool.org

#### **NOTIFICATION OF RIGHTS UNDER THE FAMILY EDUCATIONAL RIGHTS TO PRIVACY ACT (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the scholar's education records. These rights are:

1. The right to inspect and review the scholar's education records within 45 days after the day

BIA receives a request for access.

Parents or eligible students who wish to inspect their child's or their education records should submit to the Student Information Specialist a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible scholar of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible scholar believes are inaccurate, misleading, or otherwise in violation of the scholar's privacy rights under FERPA.

Parents or eligible students who wish to ask BIA to amend their child's or their education record should write the Student Information Specialist, clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

Anna Jacome, Student Information Specialist  
770-538-1550  
ajacome@biaschool.org

3. The right to provide written consent before the school discloses personally identifiable information (PII) from the scholar'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. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest must be set forth in the school's or school district's annual notification for FERPA rights. A school official typically includes a person employed by the school or school district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the school discloses education records without consent to officials of another school or school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the scholar's enrollment or transfer.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by BIA to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are: Family Policy Compliance Office  
U.S. Department of Education 400 Maryland Avenue, SW Washington, DC 20202

See the list below of the disclosures that elementary and secondary schools may make without consent.

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

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))
- To officials of another school, school system, or institution of postsecondary education where the scholar seeks or intends to enroll, or where the scholar is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))

- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency (SEA) in the parent or eligible student’s State. Disclosures under this provision may be made, subject to the requirements of § 99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met. (§§ 99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system’s ability to effectively serve, prior to adjudication, the student whose records were released, subject to § 99.38. (§ 99.31(a)(5))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer scholar aid programs; or (c) improve instruction, if applicable requirements are met. (§ 99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
- To parents of an eligible scholar if the scholar is a dependent for IRS tax purposes. (§ 99.31(a) (8))
- To comply with a judicial order or lawfully issued subpoena if applicable requirements are met. (§ 99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
- Information the school has designated as “directory information” if applicable requirements under § 99.37 are met. (§ 99.31(a)(11))
- To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student’s case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement. (20 U.S.C. § 1232g(b)(1)(L))
- To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions. (20 U.S.C. § 1232g(b)(1)(K))

### **FERPA Directory Information**

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

- A playbill, showing your student’s role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent’s prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965, as amended (ESEA) to provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student’s information disclosed without their prior written consent.

If you do not want BIA to disclose any or all of the types of information designated below as directory information from your child’s education records without your prior written consent, you must notify BIA in writing by September 30, 2018. BIA has designated the following information as directory information:

- Student’s name
- Address

- Telephone listing
- Electronic mail address • Photograph
- Date and place of birth • Major field of study
- Dates of attendance
- Grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees, honors, and awards received
- The most recent educational agency or institution attended
- Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.
- A student ID or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

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

PPRA affords parents of elementary and secondary students certain rights regarding the conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include, but are not limited to, the right to:

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

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

• *Receive notice and an opportunity to opt a scholar out of –*

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

• *Inspect*, upon request and before administration or use –

1. Protected information surveys of students and surveys created by a third party;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

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

BIA will develop and adopt policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. BIA will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. BIA will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. BIA will make this notification to parents at the beginning of the school

year if the school has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this direct notification requirement:

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

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

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

### **INFORMATION FOR HOMELESS STUDENTS**

The McKinney-Vento Homeless Assistance Act (the Act) ensures educational rights for children and youth experiencing homelessness. The primary goal is educational stability. The Act defines homeless students as those who lack a fixed, regular and adequate nighttime residence. This includes:

1. Children and youth who are forced to share the housing of other persons due to the loss of housing, economic hardship, or a similar reason; live in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; live in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
2. Children and youth who have a primary nighttime residence that is not designed for or ordinarily used as regular sleeping accommodation for human beings;
3. Children and youth who live in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or,
4. Migratory children are considered homeless when they are living in circumstances set forth in items 1, 2 and 3. Unaccompanied Youth are scholars who are not in the physical custody of a parent/guardian and are living in a homeless situation.

Homeless students have certain educational rights and can:

- enroll without delay in school without proof of residency or permanent address, immunization, school records, or other documents or while documentation is being obtained choose between the local school where they are living or the school last attended before becoming homeless, when requested by the parent and determined by the district to be feasible and in the student's best interest
- attend school and participate in school programs with children who are not homeless; and receive all the school services available to other students including transportation services, special educational services where applicable, and meals through the school meals programs

If you believe your child may qualify for assistance under this policy, please contact your child's homeroom teacher or SCA's Homeless Liaison:

Dr. Kia James, BIA Homeless Liaison  
770-538-1550  
[kjames@biaschool.org](mailto:kjames@biaschool.org)

### **TITLE IX GRIEVANCE POLICY**

Students, parents, and applicants for admission have the right to file a formal complaint alleging noncompliance with regulations outlined in Title IX of the Education Amendments of 1972 as follows:

Level 1: Principal or Immediate Supervisor

A student or parent with a sex discrimination complaint may discuss it with the teacher, counselor, or building administrator involved. Level 1 of the grievance procedure is informal and optional and may be bypassed by the grievant.

Level 2: Title IX and Section 504 Coordinator

If the grievance is not resolved at Level 1 and the grievant wishes to pursue the grievance, it may be formalized by filing a complaint in writing on a Compliance Violation Form. This form may be obtained from the Title IX and Section 504 Coordinator.

The complaint shall state the nature of the grievance and the remedy requested. The filing of the formal, written complaint at Level 2 must be within fifteen (15) working days from the day of the event giving rise to the grievance or from the date the grievant could reasonably become aware of such an occurrence. The grievant may request that a meeting concerning the complaint be held with the Title IX and Section 504 Coordinator. A minor student may be accompanied at that meeting by a parent or guardian. The Title IX and Section 504 Coordinator shall investigate the complaint and attempt to solve it. A written report from the Compliance Officer to the complainant regarding action taken will be sent within fifteen (15) working days after receipt of the complaint.

Level 3: Head of School

If the complaint is not resolved at Level 2, the grievant may proceed to Level 3 by presenting a written appeal to the Head of School within ten (10) working days after the grievant receives the report from the Title IX and Section 504 Coordinator. The grievant may request a meeting with the Head of School or his/her designee. The Head of School or his/her designee has the option of meeting with the grievant to discuss the appeal. A decision will be rendered by the Head of School or his/her designee within ten (10) working days after receiving the written appeal.

Level 4: Governing Board

If the complaint is not resolved at Level 3, the grievant may proceed to Level 4 by presenting a written appeal to the Chair of the BIA Governing Board within ten (10) working days after the grievant receives the report from the Head of School. The grievant may request a meeting with the Board.

The Board has the option of meeting with the grievant to discuss the appeal. A decision will be rendered by the Board at their next regularly scheduled meeting. The grievant will be notified in writing of the decision within ten (10) working days after the Board's action. The procedure in no way denies the right of the grievant to file a formal complaint with the Office for Civil Rights, or other agencies available for mediation or rectification of rights grievances, or to seek private counsel for complaints alleging discrimination.