

2016-17 ANNUAL NOTIFICATIONS

FAMILY EDUCATIONAL RIGHTS AND PRIVACY - FERPA

PROTECTION OF PUPIL RIGHTS AMENDMENT – PPRA

HOMELESS INFORMATION

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KANSAS STATE DEPARTMENT OF EDUCATION
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Model Notification of Rights under FERPA for Elementary and Secondary Schools

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

1. The right to inspect and review the student's education records within 45 days after the day the [Name of school ("School")] receives a request for access.

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

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

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

3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. 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.

[Optional] 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 student's enrollment or transfer. [NOTE: FERPA requires a school or school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request or the disclosure is initiated by the parent or eligible student.]

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

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

[NOTE: In addition, a school may want to include its directory information public notice, as required by § 99.37 of the regulations, with its annual notification of rights under FERPA.]

[Optional] 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 student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))

- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency (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 student 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 student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena 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))

Model Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)

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

- *Consent* before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)–
 1. Political affiliations or beliefs of the student or student’s parent;
 2. Mental or psychological problems of the student or student’s family;
 3. Sex behavior or attitudes;
 4. Illegal, anti-social, self-incriminating, or demeaning behavior;
 5. Critical appraisals of others with whom respondents have close family relationships;
 6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
 7. Religious practices, affiliations, or beliefs of the student or parents; or
 8. Income, other than as required by law to determine program eligibility.
- *Receive notice and an opportunity to opt a student out of* –
 1. Any other protected information survey, regardless of funding;
 2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
 3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
- *Inspect*, upon request and before administration or use –
 1. Protected information surveys of students;
 2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
 3. Instructional material used as part of the educational curriculum.

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

[School District will/has develop[ed] and adopt[ed]] 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. **[School District]** will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. **[School District]** 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. **[School District]** will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

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

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

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

Information for Parents

If your family lives in any of the following situations:

- In a shelter, motel, vehicle, or campground
- On the street
- In an abandoned building, trailer, or other inadequate accommodations, or
- Doubled up with friends or relatives because you cannot find or afford housing

Then, your preschool-aged and school-aged children have certain rights or protections under the McKinney-Vento Homeless Education Assistance Act.

Your children have the right to:

- Go to school, no matter where you live or how long you have lived there. They must be given access to the same public education, including preschool education, provided to other children.
- Continue in the school they attended before you became homeless or the school they last attended, if that is your choice and is feasible. If a school sends your child to a school other than the one you request, the school must provide you with a written explanation and offer you the right to appeal the decision.
- Receive transportation to the school they attended before your family became homeless or the school they last attended, if you or a guardian request such transportation.
- Attend a school and participate in school programs with children who are not homeless. Children cannot be separated from the regular school program because they are homeless.
- Enroll in school without giving a permanent address. Schools cannot require proof of residency that might prevent or delay school enrollment.
- Enroll and attend classes while the school arranges for the transfer of school and immunization records or any other documents required for enrollment.
- Enroll and attend classes in the school of your choice even while the school and you seek to resolve a dispute over enrolling your children.
- Receive the same special programs and services, if needed, as provided to all other children served in these programs.
- Receive transportation to school and to school programs.

When you move, you should do the following:

- Contact the school district's local liaison for homeless education (see phone number below) for help in enrolling your child in a new school or arranging for your child to continue in his or her former school. (Or, someone at a shelter, social services office, or the school can direct you to the person you need to contact.)
- Contact the school and provide any information you think will assist the teachers in helping your child adjust to new circumstances.
- Ask the local liaison for homeless education, the shelter provider, or a social worker for assistance with clothing and supplies, if needed.

Local Area Contacts:

Rob Reynolds 316-747-3300

State Coordinator:

Tate Toedman 785-296-6714

If you need further assistance, call the
National Center for Homeless Education
at the toll-free HelpLine number:

1-800-308-2145



ASBESTOS HAZARD EMERGENCY RESPONSE ACT

As required by the Asbestos Hazard Emergency Response Act (AHERA), the Douglass Public Schools USD 396, has performed original inspections and re-inspections and developed management plans for each building within the district. Asbestos management plans are available for inspection during regular business hours at the district office and each principal's office. The asbestos management plans are being implemented to meet requirements set forth in the regulation.

OCR VOC/ED GUIDELINES

Civil Rights Comprehensive Notification for Douglass Public Schools USD 396.

In compliance with the Executive Order 11246; Title II of the Education Amendments of 1976; Title VI of the Civil Rights Act of 1964; as amended by the Equal Opportunity Act of 1972; Title IX Regulation Implementing Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; and all other Federal, State, School rules, laws, regulations, and policies, the Douglass Public Schools USD 396 shall not discriminate on the basis of sex, race, color, national origin, or handicap in the educational programs or activities which it operates.

It is the intent of Douglass Public Schools USD 396 to comply with both the letter and the spirit of the law in making certain discrimination does not exist in its policies, regulations, and operations. Grievance procedures for Title IX and Section 504 have been established for students, their parents, and employees who feel discrimination has been shown by the local education agency.

Specific complaints of alleged discrimination under Title IX (sex) and Section 504 (handicap) should be referred to:

Robert D. Reynolds
Superintendent of Schools
921 E. First
Douglass, KS 67039
(316) 747-3300

Title VI, Title IX, and Section 504 complaints can also be filed with the Regional Office for Civil Rights. Address correspondence to:

U.S. Department of Education, Region VII
Office for Civil Rights
10220 N. Executive Hills Blvd.
Kansas City, MO 64153

All students attending Douglass Public Schools USD 396 may participate in the education program and activities, including but not limited to health, physical education, music and vocational and technical education, regardless of race, color, national origin, age, handicap, or sex.

PROCEDURAL SAFEGUARDS: SURROGATE PARENTS, NOTICE AND PARENTAL CONSENT

(See also Changes in Initial Evaluation and Reevaluation, Procedural Safeguards: Resolution Meetings and Due Process Hearings, Procedural Safeguards: Mediation, and State Complaint Procedures)

The reauthorized *Individuals with Disabilities Education Act (IDEA)* was signed into law on Dec. 3, 2004, by President George W. Bush. The provisions of the act became effective on July 1, 2005, with the exception of some of the elements pertaining to the definition of a “highly qualified teacher” that took effect upon the signing of the act. The final regulations were published on Aug. 14, 2006. This is one in a series of documents, prepared by the Office of Special Education and Rehabilitative Services (OSERS) in the U.S. Department of Education that covers a variety of high-interest topics and brings together the regulatory requirements related to those topics to support constituents in preparing to implement the new regulations.¹ This document primarily addresses significant changes to the preexisting regulatory requirements regarding surrogate parents, notice and parental consent.

IDEA Regulations

1. Revise certain requirements related to the assignment of surrogate parents.

Each public agency must ensure that the rights of a child are protected by determining the need for, and assigning, a surrogate parent whenever:

- No parent (as newly defined at 34 CFR 300.30) can be identified;
- The public agency, after reasonable efforts, cannot locate a parent;
- The child is a ward of the State under the laws of that State; or
- The child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(6)).

[34 CFR 300.519(a) and (b)] [20 U.S.C. 1415(b)(2)(A)]

In the case of a child who is a ward of the State, the surrogate parent alternatively may be appointed by the judge overseeing the child’s case, provided that the surrogate meets the requirements in 34 CFR 300.519(d)(2)(i) and (e) (that a surrogate parent may not be an employee of the State educational agency (SEA), the local educational agency (LEA), or any other agency that is involved in the education or care of the child but that a person otherwise qualified to be a surrogate parent under the IDEA; i.e., 34 CFR 300.519(d), is not considered

¹ Topics in this series include: Alignment With the *No Child Left Behind (NCLB) Act*; Changes in Initial Evaluation and Reevaluation; Children Enrolled by Their Parents in Private Schools; Discipline; Disproportionality and Overidentification; Early Intervening Services; Highly Qualified Teachers; Identification of Specific Learning Disabilities; Individualized Education Program (IEP) Team Meetings and Changes to the IEP; Individualized Education Program (IEP); Local Funding; Monitoring, Technical Assistance and Enforcement; *National Instructional Materials Accessibility Standard (NIMAS)*; Part C Amendments in *IDEA 2004*; Part C Option: Age 3 to Kindergarten Age; Procedural Safeguards: Surrogates, Notice and Consent; Procedural Safeguards: Mediation; Procedural Safeguards: Resolution Meetings and Due Process Hearings; Secondary Transition; State Complaint Procedures; State Funding; and Statewide and Districtwide Assessments. Documents are available on the *IDEA* Web site at: <http://IDEA.ed.gov>.

an employee of the agency solely because he or she is paid by that agency to serve as a surrogate parent).

[34 CFR 300.519(c)] [20 U.S.C. 1415(b)(2)(A)(i)]

In the case of a child who is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents without regard to 34 CFR 300.519(d)(2)(i) (that a surrogate parent may not be an employee of the SEA, the LEA, or any other agency that is involved in the education or care of the child), until a surrogate parent can be appointed that meets all of the requirements of 34 CFR 300.519(d).

[34 CFR 300.519(f)]

The SEA must make reasonable efforts to ensure the assignment of a surrogate parent not more than 30 days after a public agency determines that the child needs a surrogate parent.

[34 CFR 300.519(h)] [20 U.S.C. 1415(b)(2)(B)]

2. Revise requirements regarding when the procedural safeguards notice must be provided to parents.

A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents only one time a school year, except that a copy also must be given to the parents:

- Upon initial referral or parent request for evaluation;
- Upon receipt of the first State complaint under 34 CFR 300.151 through 300.153 and upon receipt of the first due process complaint under 34 CFR 300.507 in a school year;
- In accordance with the discipline procedures in 34 CFR 300.530(h) (...on the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA must ... provide the parents the procedural safeguards notice); and
- Upon request by a parent.

A public agency may place a current copy of the procedural safeguards notice on its Internet Web site, if a web site exists.

[34 CFR 300.504(a) and (b)] [20 U.S.C. 1415(d)(1)]

3. Add new content requirements for the procedural safeguards notice.

The procedural safeguards notice must include a full explanation of all of the procedural safeguards that relate to (among other things):

- The opportunity to present and resolve complaints through the due process complaint and State complaint procedures, including:
 - o The time period in which to file a complaint;
 - o The opportunity for the agency to resolve the complaint; and
 - o The difference between the due process complaint and the State complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures;

- The availability of mediation; ...and
- Civil actions, including the time period in which to file those actions.

[34 CFR 300.504(c)] [20 U.S.C. 1415(d)(2)]

4. Allow a new method of providing required notices, including the procedural safeguards notice.

A parent of a child with a disability may elect to receive notices required by 34 CFR 300.503 (prior notice related to proposals or refusals to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education (FAPE) to the child), 300.504 (procedural safeguards notice), and 300.508 (LEA response to a due process complaint) by an electronic mail communication, if the public agency makes that option available.

[34 CFR 300.505] [20 U.S.C. 1415(n)]

5. Specify that parental consent is required prior to an initial evaluation, the initial provision of services, and a reevaluation.

Initial evaluation and initial provision of services:

The public agency proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability under 34 CFR 300.8 must, after providing notice consistent with 34 CFR 300.503 and 300.504, obtain informed consent, consistent with 34 CFR 300.9, from the parent of the child before conducting the evaluation.

[34 CFR 300.300(a)(1)(i)] [20 U.S.C. 1414(a)(1)(D)(i)(I)]

A public agency that is responsible for making FAPE available to a child with a disability must obtain informed consent from the parent of the child before the initial provision of special education and related services to the child.

[34 CFR 300.300(b)(1)] [20 U.S.C. 1414(a)(1)(D)(i)(II)]

The public agency must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability and for the initial provision of special education and related services to the child. Parental consent for initial evaluation must not be construed as consent for initial provision of special education and related services.

[34 CFR 300.300(a)(1)(ii)-(iii) and (b)(2)] [20 U.S.C. 1414(a)(1)(D)(i)(I)]

Reevaluation:

Except as set out below, the public agency must obtain informed parental consent prior to conducting any reevaluation of a child with a disability, in accordance with 34 CFR 300.300(a)(1) (i.e., after providing notice consistent with 34 CFR 300.503 and 300.504 and the parental consent must be consistent with 34 CFR 300.9).

The informed parental consent for reevaluations need not be obtained if the public agency can demonstrate that:

- It made reasonable efforts to obtain such consent; and

- The child's parent has failed to respond.

[34 CFR 300.300(c)(1)(i) and (2)] [20 U.S.C. 1414(a)(1)(D)(i)(II)]

Reasonable efforts:

To meet the reasonable efforts requirements regarding efforts to get parental consent for initial evaluation, initial provision of services and reevaluation, the public agency must document its attempts to obtain parental consent by methods such as:

- Detailed records of phone calls made or attempted and the results of those calls;
- Copies of 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.

[34 CFR 300.300(d)(5)]

6. Clarify that parental consent is not required for tests or other evaluations that are given to all children.

Parental consent is not required before administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

[34 CFR 300.300(d)(1)]

7. Add a new parental consent provision for an initial evaluation of a ward of the State.

For initial evaluations only, if the child is a ward of the State and is not residing with the child's parent, the public agency is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if:

- Despite reasonable efforts to do so, the public agency cannot discover the whereabouts of the parent of the child;
- The rights of the parents of the child have been terminated in accordance with State law; or
- The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

[34 CFR 300.300(a)(2)] [20 U.S.C. 1414(a)(1)(D)(iii)]

8. Specify when LEAs may and may not use the dispute resolution procedures in section 615 (subpart E) to obtain parental consent for evaluations and initial services.

Initial evaluation:

If the parent of a child enrolled in public school or seeking to be enrolled in public school does not provide consent for initial evaluation, or the parent fails to respond to a request to provide consent for an initial evaluation under 34 CFR 300.300(a)(1), the public agency may, but is not required to, pursue the initial evaluation of the child by utilizing the procedural safeguards in subpart E of Part 300 (including the mediation procedures under 34 CFR 300.506 or the due process procedures under 34 CFR 300.507 through 300.516), if appropriate, except to the extent inconsistent with State law relating to such parental consent.

The public agency does not violate its obligations under 34 CFR 300.111 and 300.301 through 300.311 (child find and evaluations) if it declines to pursue the evaluation.
[34 CFR 300.300(a)(3)] [20 U.S.C. 1414(a)(1)(D)(ii)(I)]

Initial provision of services:

If the parent of a child fails to respond or refuses to consent to the initial provision of special education and related services under 34 CFR 300.300(b)(1), the public agency may not use the procedures in subpart E of Part 300 (including the mediation procedures under 34 CFR 300.506 or the due process procedures under 34 CFR 300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child.
[34 CFR 300.300(b)(3)] [20 U.S.C. 1414(a)(1)(D)(ii)(II)]

If the parent of the child refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, the public agency:

- Will not be considered to be in violation of the requirement to make available a free appropriate public education (FAPE) to the child for the failure to provide the child with the special education and related services for which the public agency requests consent; and
- Is not required to convene an IEP Team meeting or develop an IEP under 34 CFR 300.320 and 300.324 for the child for the special education and related services for which the public agency requests such consent.

[34 CFR 300.300(b)(4)] [20 U.S.C. 1414(a)(1)(D)(ii)(III)]

Reevaluation:

If the parent refuses to consent to the reevaluation, the public agency may, but is not required to, pursue the reevaluation by using the consent override procedures described in 34 CFR 300.300(a)(3) (i.e., the procedural safeguards in subpart E including the mediation procedures under 34 CFR 300.506 or the due process procedures under 34 CFR 300.507 through 300.516). The public agency does not violate its obligation under 34 CFR 300.111 and 300.301 through 300.311 (child find and evaluations) if it declines to pursue the evaluation or reevaluation.
[34 CFR 300.300(c)(1)(ii) and (iii)] [20 U.S.C. 1414(c)(3)]

9. Specify that LEAs may not use the dispute resolution procedures in section 615 (subpart E) to obtain parental consent for the initial evaluation or the reevaluation of a child who is home schooled or who is placed and funded by the parents in a private school.

If a parent of a child who is home schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, the public agency may not use the consent override procedures (described in 34 CFR 300.300(a)(3) and (c)(1)) (i.e., the procedural safeguards in subpart E including the mediation procedures under 34 CFR 300.506 or the due process procedures under 34 CFR 300.507 through 300.516). The public agency is not required to consider the child as eligible for services under 34 CFR 300.132

through 300.144 (provision of services to parentally-placed private school children with disabilities).
[34 CFR 300.300(d)(4)]

**KANSAS STATE DEPARTMENT OF EDUCATION
COMPLAINT RESOLUTION PROCEDURES UNDER
34 CFR 299.10 TO 299.12**

1. Any organization or individual may file a written, signed complaint with the Commission of Education, 120 East Tenth Street, Topeka, KS 66612, alleging that the state or school district or consortium of school districts is violating a federal statute or regulation that applies to any of the following programs:
 - *Part A of Title I (Improving Basic Programs Operated by Local Educational Agencies),
 - *Part B of Title I (Even Start Family Literacy Programs),
 - *Part C of Title I (Migrant Education),
 - *Part D of Title I (Children and Youth Who Are Neglected, Delinquent, or At-Risk of Dropping Out),
 - *Title II (Eisenhower Professional Development Program),
 - *Subpart 2 of Part A of Title III (State and Local Programs for School Technology Resources),
 - *Part A of Title VII (Emergency Immigrant Education), and
 - *National and Community Service Trust Act of 1993 and subsequent reauthorization.
2. Any organization or individual also may appeal a decision by a local school district or consortium of school districts regarding an alleged violation of federal statute or regulation that applies to the above listed programs. The appeal must be written and signed by the appellant and contain the information described in paragraph 3. The appeal shall be filed with the Commissioner of Education within 30 days of the date of the local decision.
3. Any complaint or appeal must include:
 - (a) A statement that the state or subgrantee has violated a requirement of a federal statute or regulation that concerns a covered program;
 - (b) the facts on which the statement is based; and
 - (c) the specific requirement allegedly violated.
4. Upon receiving a complaint or appeal meeting the above requirements, an investigation shall be made to determine the merits of the complaint or appeal. This may include the conduct of an on-site investigation, if it is determined that an on-site investigation is necessary.
5. Each complaint or appeal shall be investigated and resolved within 60 calendar days after it is received. However, if the Commissioner determined that exceptional circumstances exist with respect to a particular complaint or appeal, an extension of the time may be granted.
6. Any person who is dissatisfied with a final decision of the Commissioner regarding a complaint or an appeal shall have the right to request the Secretary of the U.S. Department of Education to review the decision.

**Suggested Procedures For Complaint Resolution
At The Local Education Agency Level**

Complaints may be field at the local education agency level following a similar process as described previously in steps 1-5. The written complaint should be filed with the superintendent of the local school district rather than the Commissioner of Education.