

Elementary and Secondary Education Act

This federal statute requires school systems to provide numerous notices to parents, the public, and others. Appendix B (pages 34-39 therein) of the U.S. Department of Education's non-regulatory guidance document, Parental Involvement Title I, Part A (April 2004), contains a chart of the key parental notice requirements under Title I, Part A of the ESEA and identifies who should issue the notices and when they must be issued.

The description of each notice can be found by [clicking here](#).

Family Educational Rights and Privacy Act (FERPA)

This federal statute requires school systems to provide parents/guardians and eligible students (students at least 18 years of age) with an annual notice of their rights to inspect and review education records, amend education records, consent to disclose personally identifiable information in education records, and file a complaint with the U.S. Department of Education.

The notice must include the procedure to request and review education records; as well as a statement that records may be disclosed to school officials without prior written consent. This statement should define a school official and also what constitutes a legitimate educational interest. Notice may be provided in any way that is reasonably likely to inform parents of their rights, and must effectively notify parents who have a primary or home language other than English and parents/guardians or eligible students who are disabled.

A model notification tool developed by the U.S. Department of Education can be found by [clicking here](#).

The Uninterrupted Scholars Act

The Uninterrupted Scholars Act allows an LEA to disclose the educational records of students, without the written permission of the parents, to an agency caseworker or a representative of the state or local child welfare agency, or a tribal authority, determined to have the right to such access, and so long as that agency or authority is legally responsible for the care and protection of the student. These agencies cannot further disclose these records to other parties not authorized by FERPA.

Under FERPA, school districts may disclose directory information if they have given public notice to parents/guardians and eligible students of what information has been designated as directory information, and when and how parents/guardians and eligible students may opt out of allowing the district to disclose their directory information. Finally, under ESEA, school districts must provide notice that they routinely release the names, addresses, and phone numbers of secondary students to military recruiters unless parents opt out. School districts may provide this military recruiter notice as part of their general FERPA notice.

The U.S. Department of Education's Model Notice for Directory Information can be found by [clicking](#)

[here](#).

FERPA regulations permit LEAs and schools to adopt limited directory information policies that allow the disclosure of directory information to specific parties, for specific purposes, or both. It is up to individual LEAs and schools to decide whether to adopt limited directory information policies and how to implement them. The regulations' directory information exception makes clear that parents/guardians and eligible students may not, by opting out of the disclosure of directory information, prevent an LEA or school from requiring a student to wear or present a student ID or badge. While the Department does not require LEAs or schools to establish policies mandating that students wear badges; these are individual decisions that LEAs and schools should make taking into account local circumstances.

Protection of Pupil Rights Amendment

This statute requires school districts to adopt a number of policies regarding surveys of students, instructional materials, physical examinations, personal information used for marketing, and the like related to students. Parents must be notified of these policies at least annually at the beginning of the school year and within a reasonable time period after any substantial change is made to the policies.

The U.S. Department of Education's Model Notification of Rights Under the Protection of Pupil Rights Amendment can be found by [clicking here](#).

If your district plans to: (1) use students' personal information for selling or marketing purposes; (2) administer any survey about any of the eight topics listed in the statute (political beliefs, income, sex behavior or attitudes, etc.); or (3) administer certain non-emergency, invasive physical examinations, districts must directly notify parents at least annually at the beginning of the school year of the specific or approximate dates when these activities are scheduled or expected to be scheduled.

View the U.S. Department of Education's PPRA Model Notice and Consent/Opt-Out for Specific Activities by [clicking here](#).

Child Nutrition Programs

If your district participates in the National School Lunch Program, the School Breakfast Program, or the Special Milk Program, near the beginning of each school year, you must provide both parents and the public with information about free and reduced price meals and/or free milk. Districts also must provide parents with an application form. Districts may not disclose children's free and reduced eligibility status, unless the requestor of such information falls into one of the categories specified in the National School Lunch Act.

The USDA's document entitled Eligibility Manual for School Meals contains information on federal requirements regarding the determination and verification of eligibility for free and reduced price

meals in the National School Lunch Program and the School Breakfast Program. The document contains information about what the application for these programs is to contain, including a link to an online application. The document also contains information describing to whom (pp. 82-83), and under what conditions, information regarding free and reduced eligibility status may be disclosed (pp. 80-89).

Download the Eligibility Guidance for School Meals Manual, which contains relevant notices in the appendices by [clicking here](#).

The amended Healthy, Hunger-Free Kids Act of 2010 requires school districts to inform and update the public (including parents, students, and others in the community) about the content and implementation of their local school wellness policies. School districts also must periodically measure and report on implementation of their local school wellness policies, including: (1) the extent to which schools under the jurisdiction of the local school district are in compliance with its local school wellness policy; (2) the extent to which the local school wellness policy of the local district compares to model local school wellness policies; and (3) a description of the progress made in attaining the goals of the local school wellness policy. Please note that the USDA has issued proposed rules regarding local school wellness policies. As of now, no final rules have been issued yet. You can find updates on the proposed rule by [clicking here](#).

According to a USDA memorandum, school districts can implement the requirement for informing and updating the public about the content and implementation of their local school wellness policies by developing or disseminating printed or electronic materials to families of school children and other members of the school community at the beginning of the school year, and posting the local school wellness policy and an assessment of its implementation on the district or school website. According to the memorandum, the information must be made available to the public in an accessible, easily understood manner.

Download the memorandum by [clicking here](#).

Download School District Wellness Policies: Where do they Stand and What do you Need to Know?, a presentation by the CDC by [clicking here](#).

Asbestos Hazard Emergency Response Act

The Asbestos Hazard Emergency Response Act (AHERA) requires school districts to inspect their buildings for asbestos-containing building materials, and develop, maintain, and update an asbestos management plan. School districts must annually notify parents, teachers, and employee organizations in writing of the availability of the management plan and planned or in-progress inspections, re-inspections, response actions, and post-response actions, including periodic re-inspection and surveillance activities.

Download the Model Annual AHERA Notice Letter by [clicking here](#).

McKinney-Vento Homeless Assistance Act

The McKinney-Vento Homeless Assistance Act requires homeless student liaisons to provide public notice of the education rights of homeless students. Such notice is to be disseminated in places where homeless students receive services under this Act, including schools, family shelters, and soup kitchens. The notice must be in a “manner and form” understandable to homeless students and their parents/guardians, “including, if necessary and to the extent feasible,” in their native language.

The National Center for Homeless Education (funded by the U.S. Department of Education) has created free Educational Rights posters (in black/white or color; English/Spanish; parents/students) that can be downloaded or ordered by [clicking here](#).

Title VI, Title IX, Section 504, the Age Discrimination Act, Title II of the Americans with Disabilities Act, and the Boy Scouts of America Equal Access Act

A number of federal statutes protect the rights of beneficiaries not to be discriminated against in programs or activities receiving federal and/or state financial assistance. Specifically, the following statutes prohibit discrimination: Title VI (race, color, ethnicity, and national origin); Title IX (sex and pregnancy); Section 504 and Title II of the Americans with Disabilities Act (disability); and the Age Discrimination Act (age). The Boy Scouts Act requires public schools to provide equal access to the use of school property to the Boy Scouts and other designated youth groups.

The regulations implementing the above statutes require school districts to notify students, parents, and others that they do not discriminate on the basis of race, color, ethnicity, national origin, sex, pregnancy, disability, and age, and that they provide equal access to the Boy Scouts and other designated youth groups. The regulations contain minor differences relating to the required content of the notices and the methods used to publish them.

Download the U.S. Department of Education’s Notice of Non-Discrimination, which describes the content requirements of notices under these statutes, and contains a sample notice of non-discrimination your district may use to meet the requirements of all of the above statutes by [clicking here](#).

NOTE: The notice must include the identity and contact information of the coordinators designated to handle complaints under Title IX, Section 504, the Americans with Disabilities Act, and the Age Discrimination Act.

Individuals with Disabilities Education Act

Under the Individuals with Disabilities Education Act (IDEA), school districts must give parents of a child with a disability a copy of its procedural safeguards only one time per year; but also upon initial referral or parental request for an evaluation, the filing of a first request for a due process hearing, a disciplinary action constituting a change in placement, and at the request of a parent. A school district may post a copy of the procedural safeguards on its website. The notice must fully explain

the IDEA's procedural safeguards in an easily understandable manner, and in the native language of the parents unless it is clearly not feasible to do so. Parents may choose to receive the procedural safeguards notice and other notices under the IDEA by email, if the LEA makes this option available.

Download the U.S. Department of Education's Model Form: Procedural Safeguards Notice by [clicking here](#).

NOTE: The procedural safeguards notice requirements in the IDEA also apply to parents of homeless children with disabilities. For more information, see Question B-2 in Questions and Answers on Special Education and Homelessness by the Office of Special Education and Rehabilitative Services and the Office of Elementary and Secondary Education by [clicking here](#).

Policy Recommendations

4.700 - Testing Programs

The General Assembly enacted Public Chapter 256 during the most recent legislative session. As discussed in TSBA's Policy Update Webinar, this law gives LEAs the option to exclude a student's TCAP scores from the student's final grades if the LEA does not receive the scores at least five instructional days before the end of the school year. Please keep in mind that this law gives each local board the OPTION to exclude scores.

The recommended policy adds a provision that gives the director of schools the authority to exclude these scores if the requirements of the law are met. The board can also choose to retain this authority if it wishes.

[Link to Policy](#)

[Link to Public Chapter](#)

6.200 - Attendance

The State Board of Education adopted a change to Rule 0520-01-02-.17(2). The updated rule requires LEAs to adopt a policy that affords students with excessive unexcused absences the opportunity to appeal. An excessive unexcused absence is defined by the rules as having more than five (5) unexcused absences. The LEA must ensure written or actual notice is given to the student and allow the student or parent/guardian the opportunity to be heard.

The recommended policy adds a provision to the current attendance hearing section to meet this requirement.

[Link to Policy](#)

[Link to Rule](#)

Regulatory Guidance

The State Board of Education recently adopted a change to Rule 0520-01-02-.11. The updated rule requires newly elected school board members to participate in a fourteen (14) hour orientation training in addition to the seven (7) hour training during their first year in office. The past practice has been to require newly elected members to participate in a fourteen (14) hour orientation training.

TSBA does not recommend a change to policy because current policy 1.202 requires board members "to participate in State-mandated training" which encompasses the new requirements.

[Link to Rule](#)