

No Child Left Behind Act

The No Child Left Behind Act (NCLB) requires the state education agency, school districts, and individual schools to provide numerous notices to parents, the public, and others. Some of the notices that school districts and/or individual schools are required to give under NCLB include: annual report cards; progress reviews; schools identified for school improvement, corrective action, or restructuring; parental involvement policies; state education agency complaint procedures; teacher and paraprofessional qualifications; non-highly qualified teachers; student achievement information; an informational meeting on Title I, Part A; and a variety of information about the status of English Language Learners. When notice must be given and who must receive the notice differs for each notice.

The U.S. Department of Education's non-regulatory guidance document, *Parental Involvement Title I, Part A*, contains a chart listing the *key* parental notice requirements under Title I, Part A of NCLB, who has to issue the notices, and, when they must be issued. The description of each notice contains references to the relevant statute sections and guidance documents, some of which contain model policies. Download this document at: <http://www.ed.gov/programs/titleiparta/parentinvguid.doc>.

New requirement: Pursuant to the Title I regulations, finalized in October 2008, a school district must notify parents of eligible students of the availability of public school choice at least 14 days before the start of the school year. 34 C.F.R. § 200.37(b)(4)(iv). On April 1, 2009, U.S. Department of Education Secretary Arne Duncan issued a letter further advising that, if a state's current assessment timeline precludes districts from meeting this 14-day requirement, a one-year waiver may be granted. The October regulations also require local school districts to notify parents of eligible students of the availability of supplemental education services in a manner that is clearly distinguishable from other school improvement information that parents receive. 34 C.F.R. § 200.37(b)(5). The notice must inform parents of the benefits of supplemental education services, and indicate providers who are able to serve students with disabilities or limited English proficient students. 34 C.F.R. § 200.37(b)(5).

The Title I final regulations may be viewed here, along with corrections to the regulations: <http://www.ed.gov/programs/titleiparta/legislation.html>.

View the Secretary's letter, which includes a table of the October 2008 provisions, here: <http://www.ed.gov/policy/elsec/guid/secletter/090401.html>.

Family Educational Rights and Privacy Act

Pursuant to the Family Educational Rights and Privacy Act (FERPA), school districts must provide parents/guardians and adult students 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. 34 C.F.R. § 99.7.

Download the U.S. Department of Education's *Model Notification of Rights Under FERPA for Elementary and Secondary Schools* at:
<http://www.ed.gov/policy/gen/guid/fpc/doc/ferpamodelnotice04.doc>.

Under FERPA, school districts may disclose directory information if they have given public notice to parents/guardians and adult students of what information has been designated as directory information and when and how parents/guardians and adult students may opt-out of allowing the district to disclose directory data. 34 C.F.R. § 99.37. Finally, under FERPA school districts must provide notice that they may release the name, address, and phone number of students to military recruiters unless parents opt out. 20 U.S.C. § 7908.

Download the U.S. Department of Education's *Model Notice for Directory Information* at: <http://www.ed.gov/policy/gen/guid/fpc/ferpa/mndirectoryinfo.html>.

Updated model notices coming soon: The Family Policy Compliance Office (FPCO) is planning on issuing updated model FERPA notices in the fall of 2009 to reflect changes made in the 2009 final FERPA regulations. Changes to the model notices will likely be minor. Go to FPCO's website to see if they have issued the updated model notices:
<http://www.ed.gov/policy/gen/guid/fpc/index.html>.

Protection of Pupil Rights Amendment

The Protection of Pupil Rights Amendment (PPRA) requires school districts to adopt a number of policies regarding surveys, instructional materials, physical examinations, personal information used for marketing, etc. 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. 20 U.S.C. § 1232(h) (c)(2)(A).

Download the U.S. Department of Education's *Model Notice of Rights Under the Protection of Pupil Rights Amendment* at:
<http://www.ed.gov/policy/gen/guid/fpc/pdf/modelnotification.pdf>.

If districts plan 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 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. 20 U.S.C. § 1232(h)(c)(2)(B). Download the U.S. Department of Education's *PPRA Model Notice and Consent/Opt-Out for Specific Activities* at:

<http://www.ed.gov/policy/gen/guid/fpco/pdf/ppraconsent.pdf>

Child Nutrition Programs

If school districts participate in the National School Lunch Program, the School Breakfast Program, or the Special Milk Program, near the beginning of the school year, they must provide both parents and the public information about free and reduced price meals and/or free milk. 7 C.F.R. § 245.5. Districts must also provide parents an application form. If districts want to disclose children's free and reduced eligibility status, they may do so in some instances usually only with prior notice and/or consent. 42 U.S.C. § 1758(b)(6)(D)(ii).

The U.S. Department of Agriculture's document entitled *Eligibility Guidance for School Meals Manual* contains an explanation of the required notices and a sample notice and application form. The document also contains a chart describing to whom, and under what conditions, information regarding free and reduced eligibility status may be disclosed. Relevant notices appear in the appendices:

http://www.fns.usda.gov/cnd/Guidance/eligibility_guidance.pdf

McKinney Vento Act

The McKinney Vento Act requires homeless student liaisons to provide public notice of the education rights of homeless students disseminated in places where homeless students receive services under the Act. 42 U.S.C. § 11432(g)(6).

The National Center for Homeless Students (funded by the U.S. Department of Education) has created posters (in black and white or color, in English or in Spanish, for parents or for students) that can be ordered on their website:

http://www.serve.org/nche/products_list.php#youth_poster

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. 40 C.F.R. §§ 763.84(c), 763.94(g)(4).

Download the U.S. Environment Protection Agency's *Model AHERA Yearly Notification Form* at: <http://www.epa.gov/region2/ahera/notiform.htm>.

Notice of Non-Discrimination Under Title VI, Title IX, Section 504, Age Discrimination Act, Title II of the American with Disabilities Act

A number of federal statutes protect the rights of beneficiaries in programs or activities that receive financial assistance from being discriminated against. Specifically, the following statutes prohibit discrimination: Title VI on the basis of race, color, and national origin; Title IX on the basis of sex; Section 504 on the basis of disability; the Age Discrimination Act on the basis of age; and Title II prohibits state and local governments from discriminating on the basis of disability. 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, national origin, sex, disability, and age. Title VI, 34 C.F.R. § 100.6(d); Title IX, 34 C.F.R. § 106.9; Section 504, 34 C.F.R. § 104.8; Age Discrimination Act, 34 C.F.R. § 110.25; Title II, 28 C.F.R. § 35.106. However, the regulations contain minor differences relating to the notices' required content and the methods used to publish them.

Download the U.S. Department of Education's *Notice of Non-Discrimination*, which describes the content and publication requirements for each notice required under each statute. The document contains a sample notice of non-discrimination school districts may use to meet the requirements of **all** of the above statutes:
<http://www.ed.gov/print/about/offices/list/ocr/docs/nondisc.html>.

On August 4, 2004, the U.S. Department of Education sent a letter to post-secondary institutions reminding them of their notice obligations under Title IX. The letter, which is equally applicable to public K-12 school districts, indicates that the most frequent failure by post-secondary institutions is to disseminate the identity of and contact information for the Title IX coordinator:

http://www.ed.gov/about/offices/list/ocr/responsibilities_ix_ps.html.

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 procedural safeguards one time a year. Additionally, a copy of procedural safeguards must be given to parents upon initial referral or parental request for an evaluation, upon filing a request for a due process hearing, upon a disciplinary action constituting a change in placement, and upon request of a parent. 20 U.S.C. § 1415(d)(1). A school district may post a copy of the procedural safeguards on its website. 20 U.S.C. § 1415(d)(1). The procedural safeguards notice must fully explain a number of procedural safeguards specified in the statute in the native language of the parents and be written in an easily understandable manner. 20 U.S.C. § 1415(d)(2).

Download the U.S. Department of Education's *Model Form: Procedural Safeguards Notice* at:

http://idea.ed.gov/download/modelform3_Procedural_Safeguards_Notice.doc

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 appropriate school official] 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.

(2) The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate.

Parents or eligible students may ask the School to amend a record that they believe is inaccurate. They should write the School principal [or appropriate school official], clearly identify the part of the record they want changed, and specify why it is inaccurate. 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 consent to disclosures of personally identifiable information contained 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 contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); 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.

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.

[Optional] Upon request, the School discloses education records without consent to officials of another school district in which a student seeks or intends to enroll. [NOTE: FERPA requires a 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.]

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the *School District* 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 20202-5901

Notice of Non-Discrimination

U.S. Department of Education Office for Civil Rights Washington, D.C. 20202-1100
January 1999

Introduction

The Department of Education's (ED) Office for Civil Rights (OCR) enforces several statutes that protect the rights of beneficiaries in programs or activities that receive financial assistance from ED. These laws prohibit discrimination on the basis of race, color, and national origin (Title VI of the Civil Rights Act of 1964), sex (Title IX of the Education Amendments of 1972), disability (Section 504 of the Rehabilitation Act of 1973), and age (Age Discrimination Act of 1975). OCR also has responsibilities under Title II of the Americans with Disabilities Act, which prohibits state and local governments from discriminating on the grounds of disability.

This fact sheet explains the requirements for schools, colleges, state and local governments that receive federal funds to issue notices of non-discrimination, clarifies the information that they should include in their non-discrimination notices, and provides a sample notice of non-discrimination. This fact sheet is designed to assist education institutions in establishing a notice of non-discrimination that meets the requirements of the applicable regulations.

Notice of Non-discrimination Requirements

The regulations implementing Title VI, Title IX, Section 504, and the Age Discrimination Act contain requirements for recipients to issue notices of non-discrimination. (See 34 C.F.R. Sections 100.6(d), 106.9, 104.8, and 110.25, respectively.) The Title II regulation also contains a notice requirement that applies to all units of government, whether or not they receive federal aid. (See 28 C.F.R. Section 35.106.)

These regulations require that recipients notify students, parents and others that they do not discriminate on the basis of race, color, national origin, sex, disability, and age. However, these regulations contain minor differences relating to the required content of recipient notices of non-discrimination and the methods used to publish them.

The Title VI regulation requires schools and colleges to notify students and others of the regulatory provisions in a manner that a responsible ED official would find necessary to tell students of their protections against discrimination under the statute and regulation.

The Title IX and the Section 504 regulations both contain more detailed requirements that specify the information that must be included in a notice of non-discrimination. These regulations also require recipients to designate at least one employee to coordinate efforts to comply with and carry out responsibilities.

The Title IX regulation requires schools and colleges to implement specific and continuing steps to inform students and others of the protections against discrimination on the basis of sex. The notification must state that the requirement of non-discrimination in educational programs and activities extends to employment and admission. It also must say that questions about Title IX may be referred to the employee designated to coordinate Title IX compliance or to the Assistant Secretary for Civil Rights. Schools are required to include the name, address, and telephone number of the designated coordinator in their notifications.

The Section 504 regulation requires that a school employing 15 or more persons must implement appropriate, continuing steps to notify students and others that the school does not discriminate on the basis of disability in violation of the statute and regulation. The notification must state, where appropriate, that the education institution does not

discriminate in admission, treatment, or access to its programs or activities. The notification also must state that the institution does not discriminate in employment in its programs or activities. The employee designated to coordinate compliance with Section 504 regulations must be identified in the notification.

The Title II regulation requires that a public entity generally make information regarding the provisions of Title II available to applicants, participants and other interested persons.

The regulation implementing the Age Discrimination Act requires a school or college to notify its students and applicants of information regarding the provisions of the Act and the regulations applicability to specific programs. The notice must identify the compliance coordinator by name or title, address, and telephone number.

Methods of Notification

In accordance with the Title IX and Section 504 regulations, notification may include posting information notices, publishing in local newspapers, and publishing in newspapers and magazines operated by the school or its students, publishing in alumnae or alumni newspapers or magazines, or distributing memoranda or other written communications to students and employees. In addition, recipients are required to include a statement of nondiscriminatory policy in any bulletins, announcements, publications, catalogs, application forms, or other recruitment materials that are made available to participants, students, applicants, or employees. As noted in the pertinent Section 504 regulation, schools may meet this requirement either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications.

Neither the Title VI regulation, the Age Discrimination Act regulation, nor the Title II regulation specifies the methods to be used by recipients in publishing notices of non-discrimination.

Combined Requirements

OCR recognizes the variations among the regulations governing notice requirements and understands that schools and colleges may wish to use one statement to comply with all requirements of the regulations implementing Title VI, Title IX, Section 504, and the Age Discrimination Act. Public institutions also may wish to include Title II of the ADA in their statement. OCR encourages one combined notice for the regulations.

A combined non-discrimination notice should contain two basic elements: (1) a statement of non-discrimination that specifies the basis for non-discrimination; and (2) identification by name or title, address, and telephone number of the employee or employees responsible for coordinating the compliance efforts.

The regulations do not require that a recipient identify the pertinent regulations by title. Please see the sample notice beginning on page 5.

The Title IX regulation requires a recipient to provide the name of the person responsible for its compliance effort in addition to the address and telephone number where that person may be contacted. However, because OCR recognizes that the inclusion of a person's name in a non-discrimination notice may result in an overly burdensome requirement to republish the notice if a person leaves the coordinator position, it is acceptable for a recipient to identify its coordinator only through a position title.

The Section 504 regulation does not require a recipient to include the address or telephone number of the responsible employee assigned to coordinate its compliance efforts. However, OCR considers that identifying the responsible employee without information on how to contact that person does not constitute an effective notice. An acceptable non-discrimination notice should provide information on how to contact the responsible employee.

Compliance with the notification requirements of Section 504 will also generally satisfy the notification requirements of Title II for state and local governments.

Although the Section 504 and Title IX regulations state that schools and colleges, where appropriate, shall specify non-discrimination in the areas of admission and employment, a general statement indicating non-discrimination in all programs is acceptable.

The Title IX regulation indicates that inquiries concerning the application of the Title IX regulations may be referred to the coordinator or to the Assistant Secretary for Civil Rights. An acceptable notice may include the names and titles of either one or both individuals. If a recipient designates two different people to coordinate compliance with Section 504 and Title IX, both names or titles should be included in the notice.

Sample Notice of Non-discrimination

The following sample notice of non-discrimination meets the minimum requirements of the regulations enforced by OCR:

The (Name of Recipient) does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. The following person has been designated to handle inquiries regarding the non-discrimination policies:

Name and/or Title Address Telephone No.

Name and/or Title Address Telephone No.

For further information on notice of non-discrimination, see list of OCR enforcement offices for the address and phone number of the office that serves your area, or call 1-(800)-421-3481.

* For use when more than one official has been designated to coordinate civil rights compliance.

Indiana Statutes Requiring Notice to Parents

Ind. Code 20-33-8-12 Adoption of discipline rules; publicity requirement; discipline policy regulations and guidelines; delegation of authority; rulemaking powers of governing body (a) Except as provided under Ind. Code 20-33-8-16, the governing body of a school corporation must do the following: (1) Establish written discipline rules, which must include a graduated system of discipline and may include: (A) appropriate dress codes; and (B) if applicable, an agreement for court assisted resolution of school suspension and expulsion cases; for the school corporation. (2) Give general publicity to the discipline rules within a school where the discipline rules apply by actions such as: (A) making a copy of the discipline rules available to students and students' parents; or (B) delivering a copy of the discipline rules to students or the parents of students. This publicity requirement may not be construed technically and is satisfied if the school corporation makes a good faith effort to disseminate to students or parents generally the text or substance of a discipline rule. (b) The: (1) superintendent of a school corporation; and (2) principals of each school in a school corporation; may adopt regulations establishing lines of responsibility and related guidelines in compliance with the discipline policies of the governing body. (c) The governing body of a school corporation may delegate: (1) rulemaking; (2) disciplinary; and (3) other authority; as reasonably necessary to carry out the school purposes of the school corporation. (d) Subsection (a) does not apply to rules or directions concerning the following: (1) Movement of students. (2) Movement or parking of vehicles. (3) Day to day instructions concerning the operation of a classroom or teaching station. (4) Time for commencement of school. (5) Other standards or regulations relating to the manner in which an educational function must be administered. However, this subsection does not prohibit the governing body from regulating the areas listed in this subsection. *As added by P.L.1-2005, SEC.17. Amended by P.L.242-2005, SEC.22; P.L.66-2009, SEC.3.*

Ind. Code 20-33-8-32 Locker searches (a) A school corporation must provide each: (1) student; and (2) student's parent; a copy of the rules of the governing body on searches of students' lockers and locker contents. (b) A student who uses a locker that is the property of a school corporation is presumed to have no expectation of privacy in: (1) that locker; or (2) the locker's contents. (c) In accordance with the rules of the governing body, a principal may search: (1) a student's locker; and (2) the locker's contents; at any time. (d) A law enforcement agency having jurisdiction over the geographic area having a school facility containing a student's locker may: (1) at the request of the school principal; and (2) in accordance with rules of the governing body of the school corporation; assist a school administrator in searching a student's locker and the locker's contents. *As added by P.L.1-2005, SEC.17.*

North Putnam Community School Corporation Annual Integrated Pest Management Notice

The North Putnam Community School Corporation utilizes an integrated pest management (IPM) approach for controlling insects and rodents throughout School Corporation property. Our IPM approach focuses on making the school building and grounds an unfavorable habitat for pests by removing food and water sources and eliminating their hiding and breeding places. We accomplish this through routine cleaning and maintenance. We routinely monitor the school buildings and grounds to detect any pests that are present. Pest sightings are reported to our maintenance staff, who then evaluate the problem and determine the appropriate pest management techniques. The techniques can include increased sanitation, modifying storage practices, sealing entry points, physically removing the pest, etc. If necessary, chemical applications will be made to control severe pest problems.

We strive to only use chemicals (pesticides) when necessary to eliminate a pest problem. The School Corporation will try to use the least toxic products when possible. Every effort will be made to schedule applications when unauthorized persons do not have access to the area(s) being treated. These areas will be secured against access as necessary for the period specified and taking into account all precautions found on the pesticide product label.

We will provide notice of specific pesticide use to any school staff, student or parent through a posting on the North Putnam Community School Corporation's web page (www.nputnam.k12.in.us) Notice of "scheduled" pesticide applications will be made not less than two business days prior to the application. Notice of emergency pesticide applications made to control pest problems will be provided as soon as possible after the application. The notice will include the following information:

- The date and approximate time of the application.
- The location of the application.
- The reason or purpose of the application.
- The name of the pesticide application contractor.

If you wish to be notified of pesticide applications, please contact the school secretary in the building(s) you wish to be notified of pesticide applications.