



# STATE AND FEDERAL ANNUAL NOTICE REQUIREMENTS: 2018-19 PARENT AND STUDENT NOTICES

(4/26/18)

In preparation for the start of the next school year, school districts should make sure they provide the annual notices required by law. Required notices are outlined below. While we try to include all the annual notices that we are aware of on the list, it may not be all inclusive. When we become aware of additional notices, we add them to the list.

- **Student Academic Standards** – School boards are required by [section 120.12\(13\)](#) of the state statutes to notify the parents/guardians of students enrolled in the school district of the student academic standards that will be in effect for the school year. Boards must provide this notification annually, prior to the beginning of the school term. This notice may be provided electronically, including by posting the notice or a link to the specific academic standards on the school district’s website. Also, the school board must annually include an item on the agenda of the first school board meeting of the school year (the first board meeting after July 1) that clearly identifies the student academic standards adopted by the board under [section 118.30\(1g\)\(a\)1](#) of the state statutes that will be in effect for the school year.

*[Additional information on the academic standards notice requirements can be found on the [WASB’s website](#) (see the “Hot Policy Topics” in the Policy section). PRG subscribers can find sample academic standards notices (313 Sample Exhibits 1, 2 and 3) in the PRG.]*

- **School Accountability Report** – Each public school in the state is required by [section 115.385\(4\)](#) of the state statutes to provide a copy of the school’s accountability report that is published by the Wisconsin Department of Public Instruction (DPI) to the parent/guardian of each student enrolled in or attending the school. In addition, each public school that maintains an Internet site is required to prominently display a link to the school’s most recent accountability report on the home page of that school’s Internet site within 30 days after the DPI publishes the accountability report. This last notice requirement is found in [section 120.123](#) of the state statutes.
- **Educational Options** – (REVISED\*) School boards are required by [section 118.57](#) of the state statutes to annually publish, prior to January 31, a description of the educational options available to the children residing in the district, including public schools, private schools participating in a parental choice program, charter schools, virtual schools, part-time and full-time open enrollment, Early College Credit Program, and options available for home-based private educational program students. This description must be (1) published as a Class 1 Notice under Chapter 985 of the state statutes (published in the newspaper or alternatively noticed under [section 985.02\(2\)](#) of the statutes) and (2) posted on the district’s Internet site. The notice must also include the most recent performance category assigned to each school within the school district boundaries on the school and school district accountability report, and inform parents/guardians that the full school and school district accountability report is available on the district’s Internet site.

Although not specifically required to do so by law, school districts with high schools may also want to include information related to the Technical College Course Program (“Start College Now” Program) in the educational options notice.



In addition, according to [section 115.385\(4\)](#) of the state statutes, each public school is required to annually provide the list of educational options available to children residing in the district to the parent/guardian of each student enrolled in the district. This list is required to be provided at the same time the school provides parents/guardians with a copy of the school's accountability report that is required under section 115.385 (4) of the state statutes. This statute does not say how the notice is to be given. This gives districts some flexibility in how they give the notice. For example, it may be sufficient for a school to post this notice on their website and to expressly reference the notice and the website posting in a school newsletter or other publication distributed to parents, perhaps also mentioning alternative formats in which the notice is otherwise available. According to information disseminated by the DPI, a district may be able to combine this notice with other notice obligations, including the special needs scholarship program notice.

Districts can find additional educational options information on [DPI's website](#).

***[PRG subscribers can find sample educational options notices (342.6 Sample Exhibits 1, 2 and 3) in the PRG.]***

- **School and School District Performance Report (NEW TO WASB NOTICE LIST\*)**
  - Annually by January 1, each school board is required by [section 115.38](#) of the state statutes to notify the parent/guardian of each student enrolled in the school district of **the right to request** a school and school district performance report. It is the responsibility of the state superintendent to develop a school and school district performance report for use by school districts in providing this notice information that includes:
    - (1) Indicators of academic achievement, including the performance of students on state-required reading and subject area tests.
    - (2) Other indicators of school and school district performance, including dropout, attendance, retention in grade and graduation rates; percentage of habitual truants; percentage of students participating in extracurricular and community activities and advanced placement courses; percentage of graduates enrolled in postsecondary education programs; and percentage of graduates entering the workforce.
    - (3) Student suspension/expulsion-related data.
    - (4) Staffing and financial data information, as determined by the state superintendent, not to exceed 10 items.
    - (5) The number and percentage of resident students attending a course in a nonresident school district, the number of nonresident students attending a course in the school district, and the courses taken by those students.
    - (6) The method of reading instruction used in the school district and the textbook series used to teach reading in the school district.

Also, annually by May 1, each school board must, **upon request**, distribute to the parent/guardian of each student enrolled in the school district (including students enrolled in district charter schools) a school and school district performance report that includes the information specified above, or give the report to each student to bring home to his/her parent/guardian. The report must also include a comparison of the school district's performance in items (1) through (3) above with the performance of other school districts in the same athletic conference in those same item groups. If the district maintains an Internet site, the report must also be made available to the public on that site.



- **Student Assessments** – If the district maintains an Internet site, school boards are required by [section 118.30\(1m\)\(d\)](#) of the state statutes to annually publish information on the district’s Internet site about the state-required 4<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> grade examinations administered to students enrolled in the district. School districts that receive federal Title I program funds should also refer to the “Title I Program” section below for additional notice requirements related to student assessments.

***[PRG subscribers can find sample notices regarding student assessment information (346 Sample Exhibits 1, 2 and 3) in the PRG.]***

- **General Student Nondiscrimination (REVISED\*)** – [PI 9.05](#) of the Wisconsin Administrative Code requires school districts to provide an annual public notice of board policies on student nondiscrimination, the name and address of the employee designated to handle discrimination complaints, and the complaint procedures. This must be a Class 1 legal notice under Chapter 985 of the state statutes, which may be published in the newspaper or alternatively noticed under [section 985.02\(2\)](#) of the statutes. Student nondiscrimination statements must also be included in student and staff handbooks, course selection handbooks and other published materials distributed to the public describing school activities and opportunities. The complaint procedure must also be included in student and staff handbooks. Federal nondiscrimination laws, such as Section 504 and Title IX, also require districts to notify students, parents/guardians, and employees of student nondiscrimination prohibitions, nondiscrimination coordinators, and complaint procedures. Although there is no specific requirement to annually provide new hard copies of these notices, many districts address these federal requirements in handbooks and via website postings.

School officials should review and update their district’s student discrimination complaint procedures to correspond with a recent change in [PI 9.04](#) of the Wisconsin Administrative Code before including them in next year’s student and staff handbooks and before referencing them in the required public student nondiscrimination notice. Discrimination complaints related to the administration of federal programs or federal grantees (commonly referred to as EDGAR complaints) no longer are required to be referred directly to the State Superintendent of Public Instruction. Information to that effect should be deleted from student discrimination complaint procedures.

***[PRG subscribers can find a sample student nondiscrimination notice (411 Sample Exhibit 1) in the PRG. It includes information on the student religious accommodations information below.]***

- **Student Nondiscrimination in Relation to Career and Technical Education (REVISED\*)** - Prior to the beginning of each school year, districts that receive federal financial assistance from the U.S. Department of Education must advise students, parents/guardians, employees and the general public that all career and technical education opportunities will be offered on a nondiscriminatory basis (without regard to race, color, national origin, sex, disability, etc.). This annual notice is required by [C.F.R. 34, Appendix B to Part 100](#) and must include a brief summary of program offerings, admission criteria, and the name or title, office address and phone number of the person designated to coordinate district compliance with nondiscrimination laws. If a district’s service area contains a community of national origin minority persons with limited English language skills, public notification materials must be disseminated to that community in its language and must state that the district will take steps to assure that the lack of English language skills will not be a barrier to admission and participation in career and technical education programs. This notice information could be included with the district’s other student



nondiscrimination notice information if the district chooses to do so, however, it could also be addressed in a separate notice.

- **Student Religious Accommodations** – School districts are required by [PI 41.04\(1\)\(a\)](#) of the Wisconsin Administrative Code to provide annual written notification to all students, the parent/guardian of minor students, and instructors of the district’s policies providing for the reasonable accommodation of a student’s sincerely held religious beliefs with regard to examinations and other academic requirements. The notice must also include the process for receiving and resolving complaints. Many school districts include this information in their annual student nondiscrimination notice.
- **Education of Homeless Children and Youths** – **(REVISED\*)** The school district’s designated liaison for homeless children and youths is expected to ensure that public notice of the educational rights of homeless children and youths is disseminated where such children and youths receive services such as the schools, public libraries and family shelters. Basically, homeless children and youths must have equal access to the same free, appropriate public education as provided to other children residing in the district and be provided with comparable services. Homeless children/youths cannot be required to attend a separate school or program for homeless children and must not be stigmatized by school personnel.

Districts are also required to inform school personnel, service providers, advocates working with homeless families, the parents or guardians of homeless children and youth, and homeless children and youths of the duties of the local liaison for homeless children and youths. In addition to these notice and information dissemination requirements, schools have additional obligations to communicate specific information to parents and guardians of homeless children and youth, and unaccompanied youth as they are identified.

A sample annual notice outlining the educational rights of homeless children and youths is available on the [DPI’s website](#). Also, sample notices/posters are available on the [National Center for Homeless Education website](#).

- **Student Privacy** – School districts that receive federal funds for any program administered by the U.S. Department of Education are required by the Protection of Pupil Rights Amendment [[20 U.S.C. , Chapter 31, Subchapter III § 1232\(h\)](#)] to provide reasonable notice of their student privacy policies directly to parents at least annually at the beginning of the school year.

In addition, districts receiving federal education funds are also required to notify parents at least annually at the beginning of the school year of the specific and approximate dates during the school year when the following activities are scheduled or expected to be scheduled:

- (1) Activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).
- (2) The administration of any survey containing information related to one or more of the following items:
  - political affiliations or beliefs of the student or the student's parent;
  - mental and psychological problems of the student or the student's family;
  - sex behavior or attitudes;



- illegal, anti-social, self-incriminating or demeaning behavior;
- critical appraisals of other individuals with whom students have close family relationships;
- legally recognized privileged or analogous relationships such as those of lawyers, physicians and ministers;
- religious practices, affiliations or beliefs of the student or student's parent; or
- income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.

For purposes of this law, “survey” includes an evaluation.

***[PRG subscribers can find sample notices regarding student surveys (333 Sample Exhibits 1 and 2) in the PRG.]***

- (3) Any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance, (b) administered by the school and scheduled by the school in advance, and (c) not necessary to protect the immediate health and safety of the student or other students.

A Model Notification of Rights under the PPRA can be found on the U.S. Department of Education’s [Family Policy Compliance Office website](#).

- **Human Growth and Development Instruction** – School districts that offer human growth and development instruction are required by [section 118.019\(3\)](#) of the state statutes to provide parents/guardians with the following information annually:
  - an outline of the human growth and development curriculum used at their child’s grade level;
  - information about how they can inspect the complete curriculum and instructional materials;
  - an explanation that no student may be required to take instruction in human growth and development generally or in specified subjects within the program if the parent/guardian files a written request that the student be exempted; and
  - a statement that students exempted from human growth and development instruction will still receive instruction in the subjects under [section 118.01\(2\)\(d\)2c](#) of the state statutes (knowledge of physiology and hygiene, sanitation, the effects of controlled substances and alcohol upon the human system, symptoms of disease and the proper care of the body), unless exempted, and [section 118.01\(2\)\(d\)8](#) of the state statutes (knowledge of effective means by which students may recognize, avoid, prevent and halt physically or psychologically intrusive or abusive situations which may be harmful to students).
- **Special Education** – School districts are required by [section 115.77\(1m\)\(h\)](#) of the state statutes to demonstrate to the satisfaction of the DPI that it regularly publicizes information regarding its special education procedures and services.

School districts are also required to:

- (1) At least annually, inform parents and persons required to make referrals under [section 115.777\(1\)\(a\)](#) of the state statutes (i.e., physicians, nurses, social workers, administrators of social service agencies) about the district’s referral and evaluation procedures. This notice is required by [section 115.777\(3\)\(d\)](#) of the state statutes. Sample notices are on [DPI’s website](#).



(2) Once a year, give to the parents of a student with a disability a full explanation of the procedural safeguards available under [section 115.792\(3\)](#) of the state statutes and under applicable federal law relating to all of the following:

- independent educational evaluation;
- prior written notice;
- parental consent;
- access to educational records;
- opportunity to present and resolve complaints, including the period in which the student’s parents may request a due process hearing and the opportunity for the district to resolve the issues presented by the request;
- the student’s placement during pendency of due process proceedings;
- procedures for students who are subject to placement in interim alternative educational settings;
- requirements for the unilateral placement by parents of students in private schools at public expense;
- mediation;
- due process hearings under section 115.80;
- civil actions, including the period in which to file a civil action; and
- attorney fees.

The notice described above must be written in an easily understandable manner and in the native language of the student’s parents unless it clearly is not feasible to do so. This notice must also be given to the parents of a student with a disability upon the student’s initial referral or parental request for evaluation, upon the first occurrence of the filing of a request for a due process hearing, and upon request by the student’s parent.

Sample procedural safeguard notices are available on [DPI’s website](#).

- **Special Needs Scholarship Program (REVISED\*)** – School boards are required by [section 115.7915\(5\)](#) of the state statutes to annually notify the parents/guardians of each child with a disability enrolled in the school district of the Special Needs Scholarship Program (private school voucher program), which is available to students with an individualized education program (IEP) who meet specified conditions outlined in state law. According to information disseminated by the DPI, a district may be able to combine this notice with other notice obligations, including annual notices of educational options.

School officials should review their existing Special Needs Scholarship Program notice to see if it needs to be revised due to changes made to the state law governing the Special Needs Scholarship Program included in [2017 Wisconsin Act 59](#) – the state budget bill. The need for revision will depend upon how much program information was included in the district’s Special Needs Scholarship Program notice. For example, if the district’s notice included a list of some of the initial eligibility requirements that a child must meet in order to receive a program scholarship, the notice may need revision. State law no longer requires, as initial eligibility requirements, that (1) the child must have attended a public school in Wisconsin for the entire school year immediately preceding the school year for which the child first receives a scholarship, and (2) the child must have applied to attend a public school in one or more nonresident school districts under the state’s full-time open enrollment program for the same school year for which he/she is submitting an application to first receive a Special Needs Scholarship, and all of the open enrollment applications submitted for that school year must have been denied for one or more of



several specified reasons (including having the DPI affirm the denials if the parent/guardian submitted an appeal).

Additional information regarding this scholarship program and related parent information can be found on [DPI's website](#).

***[PRG subscribers can find sample special needs scholarship program notices (342.1 Sample Exhibits 1 and 2) in the PRG.]***

- **Title I Program** – School districts receiving federal Title I program funds under the Elementary and Secondary Education Act (ESEA, as amended) are required to provide the following information and notices to parents and/or the public:
  - **Distribution of Parent and Family Engagement Policy:** School districts and schools receiving federal Title I program funds are required by the ESEA [[20 U.S.C. § 6318\(a\)2 and \(b\)](#)] to notify parents of their parent and family engagement policy in an understandable and uniform format and, to the extent practicable, in a language the parents can understand.
  - **Notices Related to Professional Qualifications of Teachers and Paraprofessionals:**
    - At the beginning of the school year, school districts receiving federal Title I program funds are required by the ESEA [[20 U.S.C. § 6312\(e\)1A](#)] to notify the parents of each student attending any school receiving such funds that they may request and obtain information regarding the professional qualifications of their child’s classroom teachers, including at a minimum:
      - (1) Whether the student’s teacher has (a) met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction, (b) is teaching under emergency or provisional status through which state qualification or licensing criteria have been waived, and (c) is teaching in the field of discipline of the certification of the teacher; and
      - (2) Whether the student is provided services by paraprofessionals and, if so, their qualifications.

Parents who request teacher and/or paraprofessional qualification information must be provided the information in a timely manner, in a uniform format (including alternative formats as requested), and, to the extent possible, in a language that parents can understand. ***[PRG subscribers can find a model notice (342.5 Sample Exhibit 1) in the PRG.]***

- In addition to the above notifications, a school receiving Title I funds is required by the ESEA [[20 U.S.C. § 6312\(e\)1B\(ii\)](#)] to provide timely notice to each parent of a child who is a student in such school when their child has been assigned to, or taught for 4 or more consecutive weeks by a teacher who does not meet applicable state certification or licensure requirements at the grade level and subject area in which the teacher has been assigned. ***[PRG subscribers can find a sample notice (342.5 Sample Exhibit 2) in the PRG.]***



– **Student Assessment Information:**

- School districts receiving federal Title I program funds are required by the ESEA ([20 U.S.C. § 6312\(e\)2A](#)) to notify the parents of each student attending any school receiving such funds that the parents may request information regarding any state or local school district policy regarding student participation in any assessments mandated by law and by the district. This notification must be given at the beginning of each school year. When parents request this information, the district must provide it in a timely manner and the information provided must include a policy, procedure or parental right to opt their child out of the mandated assessments, where applicable. School officials should be aware that state law ([section 118.30\(2\)\(b\)](#) of the state statutes) establishes a parental right to excuse their child from taking the state-mandated examinations in grades 4, 8, 9, 10 and 11. According to the DPI, districts may also honor parent requests to excuse their child from state-mandated testing at grades 3, 5, 6, and 7 at their discretion and on an individual basis. There is no parental right to opt their child out of the civics test required for high school graduation under [section 118.33\(1m\)](#) of the state statutes.
- Each school district receiving federal Title I program funds is also required by the ESEA ([20 U.S.C. § 6312\(e\)2B](#)) to make widely available through public means (including posting in a clear and easily accessible manner on the district’s website and, where practicable, on the website of each school served by the district) information on each state and district-required assessment, for each grade served by the district, including:
  1. the subject matter assessed;
  2. the purpose for which the assessment is designed and used;
  3. the source of the requirement for the assessment; and
  4. where such information is available, the amount of time students will spend taking the assessment and the schedule for the assessment, and the time and format for disseminating results.

If a district does not operate a website, the district is expected to determine how to make the information described above widely available, such as through distribution of that information to the media, through public agencies, or directly to parents.

***[PRG subscribers can find sample notices regarding student assessment information (346 Sample Exhibits 1, 2 and 3) in the PRG.]***

- **Student Achievement Level and Academic Growth on State Academic Assessments:** Each school receiving Title I funds is required by the ESEA [[20 U.S.C. § 6312\(e\)1B\(i\)](#)] to provide each individual parent of a child who is a student in such school, information on the achievement level and academic growth of their child, if applicable and available, on each of the state academic assessments.
- **District Report Card:** Districts receiving federal Title I program funds are required by the ESEA [[20 U.S.C. § 6311\(h\)\(2\)](#)] to prepare and disseminate an annual school district report card that includes designated information on the district as a whole and each school served by the district. The DPI is required to ensure that each district collects appropriate data and includes in the district’s annual report card the academic assessment and progress information and other information described in 20 USC 6311(h)1C. The district report card must be: (1) concise, (2) presented in an understandable and uniform format, and to the extent practicable, in a language the parents can understand, and (3) accessible to the public, which shall include



placing the report card on the district's website. If the district does not operate a website, the district report card information must be provided to the public in another manner determined by the district.

- **Programs for English Learners** – According to the ESEA [[20 U.S.C. § 6312\(e\)\(3\)](#)], a school district that uses federal education funds to provide a language instruction educational program for English learners must, no later than 30 days after the beginning of the school year, inform parents of an English learner identified for participation or participating in such a program the following information:
  - (1) the reasons for the identification of their child as an English learner and in need of placement in a language instruction educational program **{NOTE: The ESEA [as amended - 20 U.S.C. § 6312(e)(3)D] specifically states that a student shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.}**;
  - (2) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;
  - (3) the methods of instruction used in the program in which the child is, or will be, participating and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;
  - (4) how the program in which their child is, or will be, participating will meet the educational strengths and needs of their child;
  - (5) how the program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation;
  - (6) the specific exit requirements for the program, including the expected rate of transition from the program into classrooms that are not tailored for English learners, and the expected rate of graduation from high school (including four-year adjusted cohort graduation rates for the program) if federal education funds are used for children in high schools;
  - (7) in the case of a child with a disability, how the program meets the child's individualized education program (IEP) objectives; and
  - (8) information pertaining to parental rights that includes written guidance: (a) detailing the right that parents have to have their child immediately removed from the program upon their request; (b) detailing the options that parents have to decline to enroll their child in the program or to choose another program or method of instruction, if available; and (c) assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the district.

The above notice and information must be provided in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand. For students not identified as English learners prior to the beginning of the school year, but are identified as English learners during the school year, the district must notify the students' parents within the first two weeks of the child being placed in the language instruction educational program.

A school district that uses federal education funds to provide a language instruction educational program for English learners is also required by the ESEA to implement an effective means of outreach to parents of English learners to inform the parents regarding how the parents can: (1) be involved in the education of their children, and (2) be active participants in assisting their children to attain English proficiency, achieve at high levels within a well-rounded education, and (3) meet the challenging academic standards expected of all students. Implementing an effective means of



outreach to parents shall include holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted by a language instruction educational program for English learners funded with federal education funds.

School districts that are required to offer a bilingual-bicultural education program under state law must annually notify parents of every identified student with limited English proficiency of the district's bilingual-bicultural program, of the procedures for registering a student in such a program and of the parental consent requirement for student placement in the program. According to [section 115.96\(2\)](#) of the state statutes, this notice must be in English and in the non-English language of the limited English proficient student. This notice must be given on or before April 1.

- **Virtual Charter School Notice** – The governing body of a virtual charter school is required by [section 118.40\(8\)\(f\)](#) of the state statutes to inform the parent/guardian of each student attending the virtual charter school, in writing, at the beginning of the school year of the following information:
  - (1) The names of the members of the school board that contracted for the establishment of the virtual charter school and the administrators of that school district, and how to contact them.
  - (2) The names of the members of the virtual charter school's governing body, if different than the persons in item (1) above, and how to contact them.
  - (3) The names of the members of the virtual charter school's parent advisory council, and how to contact them. Each virtual charter school is required to have a parent advisory council that meets on a regular basis.
  - (4) The names of the staff of the virtual charter school, and how to contact them.
- **Education for Employment Program** – School boards are required by [PI 26.04\(4\)](#) of the Wisconsin Administrative Code to annually notify parents of the district's education for employment program. The notice must inform parents of the information and opportunities available to students under the program, including career awareness at the elementary grade levels, career exploration at the middle school levels, career planning and preparation at the high school grade levels, academic and career planning services for students in grades 6 to 12, and the availability of programs at technical colleges.

In addition, school boards must publish the district's long-range education for employment plan and the newly required education for employment annual review report on the school district's website.

- **Academic and Career Planning Services for Students** – School districts are required by [PI 26.03\(1\)\(b\)1](#) of the Wisconsin Administrative Code to inform parents each school year about what academic and career planning services their child receives. Districts must also provide parents multiple opportunities during each school year to participate in their child's academic and career planning and update parents throughout the school year on the progress of their child's planning. Academic and career planning services are required to be provided to students enrolled in grades 6 to 12.
- **Student Attendance** – School districts are required by [section 118.16\(4\)\(d\)](#) of the state statutes to provide each student enrolled in district schools with a copy of established school attendance policies.



- **Program or Curriculum Modifications** – School districts are required by [section 118.15\(1\)\(f\)](#) of the state statutes to notify students and their parents/guardians of the following at the beginning of each school term:
  - (1) their right to request the school board to provide the student with program or curriculum modifications as outlined in [section 118.15\(1\)\(d\)](#) of the state statutes, and
  - (2) the decision-making process to be used in responding to such requests under sections [118.15\(1\)\(dm\)](#) and [\(e\)](#) of the state statutes.
- **Use or Possession of Electronic Communication Devices** – If a school district has adopted a policy/rule prohibiting the use or possession of electronic communication devices while on school premises, the district must provide each student enrolled in the district with a copy of that policy/rule annually according to [section 118.258\(2\)](#) of the state statutes.
- **Student Bullying** – School boards are required by [section 118.46\(2\)](#) of the state statutes to distribute the district’s policy prohibiting bullying to all students enrolled in the school district and to their parents and guardians annually. They must also provide a copy of the policy to any person who requests it.
- **Student Locker Searches** – School districts that have adopted locker search policies specifying that the board retains ownership and possessory control of all student lockers and designating the school official, employee or agent positions that may conduct locker searches are required by [section 118.325](#) of the state statutes to provide each student enrolled in the district with a copy of the district’s policy. If the school board has adopted this type of policy and has provided the required notice of it, designated school officials, employees or agents may search a student’s locker without the consent of the student, without notifying the student and without obtaining a search warrant.
- **Early College Credit Program (NEW PROGRAM REPLACES YOUTH OPTIONS PROGRAM AND RELATED NOTICE REQUIREMENTS\*)** – School districts are required by [section 118.55\(8\)](#) of the state statutes to provide information about the Early College Credit Program annually to all students enrolled in the school district in the 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup> grades. This notice must be given prior to October 1.
- **Student Records** – The federal Family Educational Rights and Privacy Act (FERPA) requires school districts to provide annual notice of student and parent rights regarding student records. This notice must inform parents/guardians and adult students of their right to:
  - (1) Inspect and review the student’s education records. The notice must address the procedure for exercising this right.
  - (2) Seek amendment of the student’s education records that the parent/guardian or adult student believes to be inaccurate, misleading or otherwise in violation of the student’s privacy rights. The notice must address the procedure for requesting the amendment of records.
  - (3) Consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA (and other federal and state laws) authorize disclosure without consent. FERPA states that if a district has a policy of disclosing education records to other school officials, including teachers within the district, a specification of criteria for determining who constitutes a school official and what constitutes a



legitimate educational interest must be included in the annual notice. Keep in mind that under state law, school districts are required to make student records available to district employees who are required by the DPI to hold a license, law enforcement officers who are individually designated by the school board and assigned to the school district, and to other school district officials who have been determined by the school board to have legitimate educational interests, including safety interests, in the records.

The student records notice must also include a statement clarifying that the district forwards records to other schools that have requested the records and in which the student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer.

- (4) File a complaint with the Family Policy Compliance Office of the U.S. Department of Education alleging district noncompliance with FERPA requirements.

If a school district has designated student directory data in accordance with [section 118.125](#) of the state statutes, the district must notify parents, legal guardians or guardian ad litem: (1) of the categories of information that the board has designated as directory data with respect to each student; and (2) that they have 14 days to inform the school that all or any part of the directory data may not be released without the prior consent of the parent, guardian or guardian ad litem. The district must allow the parent, guardian or guardian ad litem 14 days to provide this response before any student directory data is released. This notice is required by [section 118.125\(2\)\(j\)](#) of the state statutes. While neither state nor federal law expressly requires the directory data notice to be an annual notice, many districts choose to include this notice in their annual student records notice.

***[PRG subscribers can find sample student records notices (347 Sample Exhibits 1 and 2) in the PRG. They include information below related to access to student records by military recruiters and institutions of higher education.]***

- **Recruiter Access to Students/Records** – Districts receiving federal education funds are required to notify adult students and parents of secondary school (high school) students under the age of 18:
  - (1) that the secondary (high school) student or parent of the student may submit a written request to the district that the student's name, address and telephone listing not be released to military recruiters or institutions of higher education without prior written parental consent; and
  - (2) that the district must comply with such request.

While neither state nor federal law requires annual notice regarding the disclosure of secondary students' contact information to recruiters and colleges, some districts choose to include this notice in their annual student records notice.

School districts receiving federal education funds are required to provide, on request made by military recruiters or an institution of higher education, access to secondary school (high school) students' names, addresses and telephone listings unless access to such information has been restricted by an opt-out decision. Federal guidance issued to implement this requirement states that if a school district does not designate student names, addresses and/or telephone listings as directory data, it must still provide all three items to military recruiters and institutions of higher education, upon request, in the absence of an applicable opt-out decision.

*{NOTE: Section 8025 of the Every Student Succeeds Act (the reauthorization of the ESEA) amended 20 U.S.C. §7908 in a manner that arguably creates a conflict with a nearly identical provision found in a different federal statute (10 U.S.C. §503(c)). Under the former provision, as created by the ESSA, only the parent of a student who is under age 18, and only the student if he/she is over the age of 18, appears to have the right to notify the school of a decision to opt-out of the disclosure of student contact information to the military and to institutions of higher education. The latter provision, in contrast, appears to state that the opt-out decision may be made by a parent or by any high school student, regardless of the student's age. School districts may wish to monitor any federal guidance that is issued regarding these two different federal statutes. But, in any event, neither statute's notice requirement extends to students who are under the age of 18.}*

- **Meningococcal Disease Information** – According to [section 118.07\(3\)](#) of the state statutes, each school district must provide the parents/guardians of students enrolled in grade 6 in the district with information about meningococcal disease, including: (a) the causes and symptoms of the disease, (b) how it is spread, and (c) how to obtain additional information about the disease and the availability, effectiveness, and risks of vaccinations against the disease. This information is available to school districts on [DPI's website](#), along with a sample parent notice on the subject.
- **Notice of Suicide Prevention Resources** – According to [section 115.365\(3\)](#) of the state statutes, each school board must annually inform its professional staff of the resources available from the DPI and other sources regarding suicide prevention. Information describing the suicide prevention resources and services and how staff can access them, along with model notices, are available on [DPI's website](#).
- **Child Nutrition Programs and Free and Reduced-Price Meal Information (REVISED\*)** ¶ School districts that participate in U.S. Department of Agriculture (USDA) child nutrition programs (e.g., National School Lunch or Breakfast Programs, special milk programs) are required to provide an annual notice to parents/guardians informing them of the child nutrition programs offered in the district and eligibility requirements for free or reduced-price meals/milk. An application form must also be included with the notice. This information should be provided at the beginning of the school year. According to the DPI, school districts can determine the method of distribution of the letter and application, except that the information may not simply be set at locations for pick up, as that may be discriminatory.

School districts are also required to notify parents/guardians and children of (1) the procedure for requesting meal modifications to accommodate a child's disability and (2) the process for resolving disputes related to such requests. Federal law and USDA regulations require school food authorities to make reasonable modifications to accommodate children with disabilities, including providing special meals, at no cost, to children with a disability when the disability restricts the child's diet. The hearing process must include the opportunity for the child's parent/guardian to participate, be represented by counsel, and examine the record. It must also include notice of the final decision, and a procedure for review. Procedures in place to address requests to accommodate students with disabilities in the classroom in compliance with Section 504 of the Rehabilitation Act or the Individuals with Disabilities Education Act (IDEA) may be used to fulfill this requirement. ***[PRG subscribers can find sample procedures addressing accommodations and modifications in school food service programs in the PRG under the policy code 760.]***

In addition, districts are required to distribute a Public Release before the start of the school year that (1) informs the general public that the district sponsors the school meal program(s), and (2)



provides public notification of school meal program eligibility, benefits and services, program availability, applicant rights and responsibilities, procedures for filing a complaint and nondiscrimination policies. According to the DPI, this Public Release should be sent to media, grassroots organizations, and to major employers contemplating or experiencing large layoffs and local unemployment offices, as applicable. School districts are not required to pay to have the Public Release published but must maintain documentation of whom the release was sent to along with the specific materials distributed.

The district must also post a “And Justice for All” poster at specified locations at every school site, which includes the USDA’s nondiscrimination statement and lists USDA contact information for filing a complaint of discrimination. In addition, districts must include the USDA-required nondiscrimination statement on all materials that mention or imply school meal programs and/or USDA programs (including websites). The full USDA nondiscrimination statement must be included in the same font size and type as used in the rest of the policy, and the format of the nondiscrimination statement must not be altered.

Sample Public Release information and sample notices to parents/guardians related to child nutrition programs (e.g., free and reduced-price meal eligibility information notice, notice regarding approval/denial of free or reduced priced meal benefits, notice of automatic approval for free or reduced-price meals) are available on [DPI’s website](#). Free and reduced-price meal application and letter materials for school districts to use in providing required information, including family-friendly application translations, is also accessible via the [USDA website](#).

- **Meal Charge Policy Notification** – The USDA requires school districts that are participating in federally-subsidized child nutrition programs to provide a copy of their written meal charge policy (or standard practice document) to (1) all school households at the start of each school year, and (2) the households of all students who transfer into the school district during the school year. Website posting of the meal charge policy (although encouraged) is not sufficient to meet this annual notice requirement. Examples of ways that the annual notice can be provided include: (1) inserting the policy into a packet of annual school registration materials; (2) providing the policy with the existing notice that families receive about applying for free and reduced meals; or (3) including the policy in the print version of a parent or student handbook, if the handbook is provided to parents and guardians annually.

Beyond the annual notice to households, the USDA encourages school districts to use multiple methods of dissemination to make information about the meal charge policy widely available and readily accessible to families. For example, the meal charge policy or information about how to access the policy can be included in online handbooks, in school newsletters, in online food service account management portals, and in communications to parents about low or negative account balances.

School officials are also reminded that they are required by the USDA to provide the written meal charge policy to district-level and school-level staff who have responsibility for enforcement of the policy. Per the USDA, the group of relevant staff will include at least school food service professionals who are responsible for collecting payment for meals at the point of service, staff who are involved in notifying families of low or negative balances, and staff who are involved in enforcing any other aspects of the policy. In some cases, these individuals may actually be employees of a contracted food service management company, rather than direct employees of the district. In addition to the staff members who have policy-enforcement responsibilities in a particular district, the USDA encourages school districts to proactively disseminate the meal charge policy to staff members who regularly encounter and assist children in need (e.g., school



social workers, school nurses, and liaisons for homeless, runaway, foster care, and/or migrant students), as well as all (or at least most) district-level and school-level administrators.

***[PRG subscribers can find sample meal charge policies and procedures in the PRG under the policy code 763.]***

- **School Wellness Policy Notification** – Federal school wellness policy implementation regulations require each school district participating in federally-subsidized child nutrition programs to inform the public each school year about the content and implementation of the local school wellness policy and make the local school wellness policy and any updates to the policy. According to [guidance issued by the USDA](#), school districts have flexibility to determine the most effective method of providing this notification within their communities. As an example, the USDA indicates that it would be sufficient to post the local policy on the district website and send a message to families that briefly describes the nature of the policy, identifies the position title of the designated local official(s) leading the local policy committee, and notifies families how they may obtain a copy or otherwise access the policy. Districts may determine the optimal time for providing the information, although the USDA’s Food and Nutrition Service recommends that this information be provided early in the school year.

In addition, each school district participating in federally-subsidized child nutrition programs must make the results of each required triennial assessment of the district’s school wellness policy available to the public in an accessible and easily understood manner. The report must inform the public about schools’ policy compliance and about progress toward meeting the goals of the policy. School districts are expected to actively notify households of the availability of the results of each triennial assessment.

The USDA has created a “**Local School Wellness Policy Outreach Toolkit**” that provides free templates to help schools notify the public of district school wellness policies and related activities, which can be adapted to meet local school district needs. This toolkit is available on the [USDA’s website](#).

- **Required Parent/Guardian and Tribe Notifications Related to Federal Impact Aid Policies and Procedures (“Indian Policies and Procedures”)** – School districts that claim children residing on Indian lands for the purposes of receiving federal impact aid under Title VII of the Elementary and Secondary Education Act are required to:
  - (1) Disseminate relevant applications, evaluations, program plans and information related to the district's education program and activities with sufficient advance notice to allow tribes and parents of Indian children the opportunity to review and make recommendations.
  - (2) Provide an opportunity for tribes and parents of Indian children to provide their views on the district’s educational program and activities, including recommendations on the needs of their children and on how the district may help those children realize the benefits of the district’s education programs and activities. As part of this requirement, the district must: (a) notify tribes and the parents of Indian children of the opportunity to submit comments and recommendations, considering the tribe's preference for a method of communication, and (b) modify the method of and time for soliciting Indian views, if necessary, to ensure the maximum participation of tribes and parents of Indian children.
  - (3) At least annually, assess the extent to which Indian children participate on an equal basis with non-Indian children in the district’s education program and activities. As part of this



requirement, the district must: (a) share relevant information related to Indian children's participation in the district's education program and activities with tribes and parents of Indian children, and (b) allow tribes and parents of Indian children the opportunity and time to review and comment on whether Indian children participate on an equal basis with non-Indian children.

- (4) Modify the district's "Indian Policies and Procedures" (IPPs) if necessary, based upon the results of any assessment or input from the tribes and parents of Indian children.
- (5) Respond at least annually in writing to comments and recommendations made by tribes or parents of Indian children, and disseminate the responses to the tribe and parents of Indian children prior to the submission of the district's IPPs by the district.
- (6) Provide a copy of the district's IPPs annually to the affected tribe or tribes.

School districts that claim children residing on Indian lands for the purposes of receiving federal impact aid under Title VII are required establish "Indian Policies and Procedures" (IPPs) that include a description of the specific procedures for how the district will meet each of the above requirements. ***[PRG subscribers can find a related sample policy and rule in the PRG under the policy code 886.]***

- **Asbestos Management Plan Notification** – The Asbestos Hazard Emergency Response Act requires school districts to inspect their buildings for asbestos-containing building materials and develop, maintain and update an asbestos management plan. The district must annually notify parents, teachers and employee organizations in writing of the availability of the management plan and planned or in progress inspections, reinspections, response actions, and post-response actions, including periodic reinspection and surveillance activities.

School officials should also review existing district policies and any special grants they receive to see if they include any special annual notice requirements.