

# Annual Federal Notice Requirements for School Districts

## Elementary and Secondary Education Act

The Elementary and Secondary Education Act (ESEA), most recently reauthorized under the *Every Student Succeeds Act of 2015* (ESSA), requires state education agencies, school districts, and individual schools to provide numerous notices to parents, the public, and others. Because ESSA is so new, and several regulatory actions to implement ESSA have yet to be written or are in the proposed rule process, documents issued under *No Child Left Behind* (NCLB) remain in effect as current guidance until the Department of Education puts out new agency information. So, at this time, Dickson County Schools will continue to reference the existing documents until new guidance is published.

When Dickson County School System receives notice from the State that it has been identified for comprehensive support and improvement, we must “promptly notify the parents” of every enrolled student in the school:

1. that the school has been identified as such, and
2. the reasons for the identification, and how parents can become involved in the needs assessment under.

Additionally, when an LEA receives notice from the State that it has been identified for “targeted support or improvement”, it must “promptly notify the parents” with:

1. the reasons for identification: a list of groups and subgroups that are under performing and low-performing under; and how the parents can become involved in developing and implementing the targeted support and improvement plan.

## Family Educational Rights and Privacy Act (FERPA)

Pursuant to the Family Educational Rights and Privacy Act (FERPA), school districts must provide parents/guardians and eligible students (students at least 18 years of age) with 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

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

1. The right to inspect and review the student's education records within 45 days after the day the (“School”) receives a request for access. Parents or eligible students who wish to inspect their child’s or their education records should submit to the school principal [or appropriate school official] a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. The right to request the amendment of the student’s education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA. Parents or eligible students who wish to ask the [School] to amend their child’s or their education record should write the school principal [or appropriate school official], clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent. 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.

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

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

### **Protection of Pupil Rights Amendment**

The Protection of Pupil Rights Amendment (PPRA) 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.

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 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.

### **Child Nutrition Programs**

If school districts participate in the National School Lunch Program, the School Breakfast Program, or the Special Milk Program, they must provide both parents and the public with information about free and reduced price meals and/or free milk near the beginning of each school year. Districts also must provide parents with an application form. Districts may not disclose children's free and reduced eligibility status.

### **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

### **McKinney-Vento Homeless Assistance Act**

The McKinney-Vento Homeless Assistance Act requires school districts, through their homeless student liaisons, to provide public notice of the education rights of the homeless students enrolled in their districts.

### **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).

### **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.