



STUDENT HANDBOOK NOTICES AND POSTING REQUIREMENTS

2017

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Annual Notices

Both state and federal law require that certain notices be disseminated annually to public school students. Below is a list of state and federal requirements for student handbooks along with a link to a list of policies that are not mandated but recommended for inclusion in your student handbooks.

FEDERAL NOTIFICATION MANDATES FOR STUDENTS

[Asbestos Hazard Emergency Response Act](#)

This law requires written annual notice to parents, teachers, and employee organizations about the availability of asbestos management plans, planned or in-progress inspections, re-inspections, response actions, and post-response actions.

Elementary and Secondary Education Act

These federal laws require school districts to disseminate a number of documents annually to parents, public, and others. The North Dakota Department of Public Instruction has created a [flow chart](#) to assist with Title I compliance.

Schools must annually inform parents of:

1. Student's eligibility for Title I services and opportunity to decline services. This notice should only be sent to Title I parents in targeted assistance schools.
2. [Parent and family engagement policy](#) (KAB)
3. [School-parent compact](#) (KAB-E)
4. [Annual Parent Meeting](#)

Additional Title I parental notice requirements can be found in Appendix B of [Parental Involvement Title I, Par A](#).

Family Education Rights & Privacy Act (FERPA)

This law requires schools to issue an annual notice to parents and eligible students containing the following:

1. Notice of the right to inspect and review the student's education records and the procedure for exercising this right;
2. Notice of the right to seek amendment to portions of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights and the procedure for requesting amendment of records;

3. Notice of the right to consent to disclosures of personally identifiable information contained in the student's education records except to the extent that law authorizes disclosure without consent;
4. Notice of the right to file with the U.S. Department of Education a complaint concerning alleged failures by the school district to comply with the requirements of the Act;
5. If the district has a policy of disclosing education records to education officials with a legitimate educational interest in viewing the records, a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest;
6. Types of personally identifiable information that the school has designated as directory information, a parent's or eligible student's right to refuse to let the school designate any or all of those types of information about the student as directory information, and the period of time within which a parent or eligible student has to notify the school in writing that he or she does not want any or all of those types of information about the student designated as directory information.
7. Notice that students' names, addresses, and telephone numbers shall be sent to military recruiters and colleges and universities, including the North Dakota University System (NDUS) **unless a parent/eligible student has opted-out**.
The U.S. Department of Education has developed sample notices to help schools comply with the above mandates:
 - [Model Notice of Rights under FERPA for Elementary & Secondary Schools](#) (FGA-E2)
 - [Notice of Directory Information](#) (FGA-E1)
 - [Model Form for Disclosure to Parents of Dependent Students](#) (FGA-E6)

These notices should be reviewed and modified to reflect your district's current record inspection procedure and definition of directory information, include information on release to NDUS, and contain criteria for determining when an educational official has a legitimate educational interest in viewing a record (All of these items should be in your student education records policy).

Individuals with Disabilities Education Act (IDEA)

This law does not require issuance of a notice to **all** students. Instead, IDEA requires that schools give **parents of a child with a disability** a copy of the procedural safeguards once a year. **This can be done through the district website (20 USC § 1415(d)(1)).**

Schools must also provide notice of IDEA procedural safeguards upon:

- initial referral for services under IDEA;
- a parental request for a special education evaluation;
- filing for a due process hearing related to a student covered by IDEA;

- a disciplinary action constituting a change in educational placement under IDEA; and
- parental request.

Because notices need only be issued to a specific group of parents, your district may choose not to include them in student handbooks, instead disseminating them online or only to the required parties under law. The U.S. Department of Education has developed a [sample procedural safeguard notice](#). The NDSBA has also developed a sample notice available upon request (AACCA-E2).

McKinney Vento Homeless Act

Each district must notify homeless students and parents of homeless students of the educational rights provided under this act. This notice should be included in the student handbook and posted at places where students receive services under the act (e.g., schools, soup kitchens, homeless shelters). A sample poster outlining students' rights under the act is available at http://nche.ed.gov/pr/er_poster.php.

Child Nutrition Programs

If your district participates 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 the school year. This information must be provided to “the media, the local unemployment office, and to any major employers contemplating large layoffs in the area from which the school draws its attendance.” The North Dakota Department of Public Instruction has created a [sample letter](#) and [application form](#) containing all components required by law.

The Healthy, Hunger Free Kids Act of 2010 requires schools to inform the public (parents, students, and the community) about the content and implementation of your district's **wellness policy**. We recommend publishing the policy in your student handbooks and on your district website. The NDSBA has developed a sample policy available upon request (ABCC).

In 2016, [USDA Memo SP 46-2016](#) required all districts to have an official Meal Charge Policy by July 1, 2017 and communicate the policy to parents. This can be done by placing the policy in student handbooks and on your website. The policy does need to be communicated to all parents in writing, not just on a website. The NDSBA has developed a sample procedure available upon request (IB-R).

Non-Discrimination

A number of federal laws require schools to notify students of the district's prohibition against discrimination.

Below is an overview of the requirements under these laws when taken in the aggregate:

1. A statement indicating that the district does not discriminate on the basis of disability, race, color, national origin, sex, or age and an overview of the protections that the district has put in place to prevent discriminatory practices.
2. Designation of an employee to ensure compliance with non-discrimination laws and investigate complaints (Title IX and 504 Coordinator(s)).
3. Publication of the district's discrimination grievance procedure is recommended (descriptor code AAC-BR).
4. Notice of compliance with the Boy Scouts of America Act if your schools provide an opportunity for any outside youth or community group to meet on school property before or after school hours. If this is allowed, your district cannot deny equal access, opportunity to meet, or discriminate against any group officially affiliated with the Boy Scouts of America or any other youth group listed in [Title 36](#) of the United States Code.

The U.S. Department of Education has created a [document](#) to help schools comply with the above requirements.

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

The [Name of District] does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. 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.]*

Protection of Pupil Rights Amendments (PPRA)

This federal law requires school districts to develop policies related to surveying students and providing parents/eligible students access to instructional and survey material. The U.S. Department of Education has developed two sample notices to help schools comply with the above mandates:

- [Model Notification of Rights Under the Protection of Pupil Rights Amendment \(PPRA\)](#) (GCC-E)
- [PPRA Model Notice and Consent/Opt-Out for Specific Activities](#)

Section 504

Requires schools to “identify and locate every qualified handicapped person residing in the district's jurisdiction who is not receiving a public education and take appropriate steps to notify handicapped persons and their parents or guardians of the district's duty under this law.” Because this law requires notice be disseminated to all qualified handicapped persons in the district (including those not receiving a public education), **placing notice in student handbooks is not, by itself, a sufficient way to meet requirements** under this law. Notice may, for example, need to be sent to childcare centers and other entities that offer children’s services. A sample notice is below.

[Name of District] has a duty to locate, evaluate, and identify any child attending the public schools who may require Section 504 accommodations or services. Children eligible for Section 504 accommodations or services include those children who have a physical or mental impairment that substantially limits a major life activity.

If you suspect your child has a disability and may need 504 accommodations, or if you would like additional information, please contact your child’s teacher, or call the District’s 504 Coordinator, [Name and phone number].

STATE NOTIFICATION MANDATES FOR STUDENTS

Bullying Policy (Policy ACEA)

NDCC 15.1-19-18 (4) requires that “Upon completion of the policy required by this section, a school district shall:

- a. Ensure that the policy is explained to and discussed with its students;
- b. File a copy of the policy with the superintendent of public instruction; and
- c. **Make the policy available in student and personnel handbooks.”**

Concussion Management (Policy FCAF)

School districts may also choose to use student handbooks to meet requirements under the **concussion management law** ([NDCC 15.1-18.2-04 \(7\)](#)). This law requires students and parents to document that they have viewed information regarding concussions incurred by students participating in athletic activities. Schools may provide information on concussions in hard copy or in a verifiable electronic format.

Accreditation Requirements

Boards should direct administration to review accreditation standards and determine if any current district policies should or must be placed in student handbooks.

ADDITIONAL RECOMMENDATIONS ON HANDBOOK INCLUSIONS & GUIDANCE ON HANDBOOK DEVELOPMENT

NDSBA recommends including any policies in the student handbook that implicate the need for “advanced notice” of the district’s policy or procedure. Providing advanced notice is an important step when policies deal with sensitive issues (e.g., students’ rights). It may be a key factor in determining whether a school district had authority to take action (which may include disciplinary action) under the policy. A Sample Table of Contents for Student Handbooks can be downloaded at <http://policy.ndsba.org/wp-content/uploads/2017/07/Sample-Student-Handbook-2017.docx>.

In addition to placing “advanced notice” policies in student handbooks, we recommend placing an **acknowledgment form** at the end of your student handbooks. This form should require students and parents to sign a statement that they have read, understand, and agree to comply with the student handbook. This form should be placed in each student’s educational record. It can serve as a helpful resource when evidence is needed to prove that a student had advanced notice of a district policy or procedure.

Once your administrator has assembled all necessary annual notices and district policies for inclusion in the handbook, they may wish to develop additional procedural language (e.g., the procedure used for boarding the school bus or method used to inform students and employees of weather-related closings). Given that most handbooks contain such details, NDSBA does not recommend board adoption of handbooks. Boards can review handbooks to ensure consistency with district policy. They can also direct administration to correct any inconsistencies but, should not adopt handbooks because they often contain administrative regulations.

Ensuring that your district’s handbook is up to date is essential. In cases where content is missing, your district may be unable to take necessary action because the district failed to provide advanced notice of a policy or may be subject to other penalties under law. Given the potential consequences, handbook review and updates should become an annual occurrence in your district. Your board may even consider integrating this duty into the superintendent’s job description and including it as a component in their evaluation.

Things to Remember

- Certain federal laws allow schools to post annual notices on school district websites instead of handbooks.
- Boards should stop short of adopting handbooks because they often contain administrative regulations
- Handbooks should contain a form requiring students and parents to acknowledge that they have read, understand, and agree to comply with the student handbook.

- Handbook review and updates should become an annual occurrence in your district
- Your district may request up to ten free policies from NDSBA as part of your annual *Policy Services* subscription.
- Employee and student handbook development is available for all districts who have purchased the Total Template Manual and completed a recent review of their adopted policies with the NDSBA. Please contact NDSBA Policy Services for more details.