



Connecticut Association of Boards of Education

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PRESENTS POLICY HIGHLIGHTS

July 8, 2016

Volume 16 – Issue #1

Required Annual Due Process Notifications (Updated): School districts are required by federal and state laws and regulations to provide parents, guardians, students, employees in some cases, and the public with information which affect them pertaining to board policies or public notices, many of which must be provided at the beginning of the school year. This annual publication of such notifications has been updated to reflect the impact of legislation passed in the 2016 session of the Connecticut General Assembly, and federal and state regulatory changes and/or updates.

School districts have some discretion in how this information can be distributed. Commonly distributed in the fall, some forms include letters, booklets, mailings, inclusion in a student or parent handbook, district calendar, posting on the district and/or school's website, adding to student portals and district newsletters. It is recommended that districts use multiple modes of delivery; a combination of the above.

Student handbooks, whether hard copy or electronic, remain one of the most direct means of implementing board policies and meeting this important annual obligation. Handbooks should be reviewed and updated annually to assure consistency with changes or additions in board policies, administrative regulations, new or revised state and federal requirements, judicial decisions and changes in local procedures and practices. Student handbooks, which should be shared with parents, provide information about the school district, individual schools and most importantly, about the rules and regulations with which students are expected to conform.

In order to protect themselves regarding the required due process notifications, many school districts require parents/guardians to sign and return to school a form that signifies they have read and reviewed the handbook with their students. This helps to ensure parental knowledge about board policies. However, handbooks should not be viewed and used as the only way to provide this knowledge. Many districts now provide this needed information on district and school websites and in school calendar publications. Further, some legislation specifically requires notification to be posted on district and/or school websites.

Listed below are the required due-process notifications which should be given annually at the beginning of each school year and to new enrollees at the time they register in the district. Links are provided to documents that may be used in writing some of the required notices.

Notifications Required by Federal legislation

Note: The ESEA was reauthorized in December 2015 as the new federal law called the *Every Student Succeeds Act (ESSA)*. ESSA provides flexibility to states in meeting the requirements of the new legislation. States during the 2016-2017 school year are required to develop a state plan to fulfill the new law and its implementing regulations. The 2016-2017 school year is considered a “transition year” as the new regulations are developed, promulgated for input and ultimately finalized. The 2017-2018 school year is when the new ESSA is to be fully implemented.

Therefore, local districts will continue to operate in the 2016-2017 school year under the plans, procedures, and requirements that were in place during the 2015-2016 school year, with some exceptions. States will continue to implement Title I in accordance with ESEA, formerly known as No Child Left Behind (NCLB) until the 2017-2018 school year when ESSA begins. It is expected that ESSA will modify some notification requirements, upon the finalization of federal regulations and Connecticut’s plan.

A. Notifications required by the **Elementary & Secondary Education Act (ESEA)** pertaining to:

1. Homeless students (choice of school, transportation and educational services, contact info.) ESSA requires a description of services the district will provide to support the enrollment, attendance, and success of homeless children and youth. The district must disseminate public notice of McKinney-Vento Act rights in locations frequented by parents/guardians and unaccompanied youth in a manner and form understandable to parents/guardians and youth. **Policy #5118.1**
2. Title I parental involvement (including required informational meeting). **Policy #6172.4.**
3. Teacher and paraprofessional qualifications. Inform parents/guardians of their right to request information at the beginning of the school year of their right to request information about whether the student’s teacher is certified for the grade level and subject in which the teacher is providing instruction; is the teacher under an emergency or other provisional status, and whether the teacher is teaching in the field of discipline covered by the teacher’s certification. Parents/guardians also to be notified of their right to know whether their children are provided services by a paraprofessional and such person’s qualifications. Also parents/guardians must be provided “timely notice” that the student has been assigned, or has been taught for four or more consecutive weeks by a teacher who does not meet applicable state certification for the grade level or subject to which the teacher has been assigned. **Policy #4112.2.**
4. Limited English Proficient (LEP) students (re: placement in program, selection process etc.) **Policy #6141.311.**
5. Migrant students. **Policy #6141.312.**
6. Individual achievement on state assessments (as soon as practicably possible after tests taken). **Policy #6146.2.**
7. Academic assessment and local education agency and school improvement (annual report cards, progress reviews, School Performance Index (Accountability Index); as soon as practicable after the assessment is given). **Policy #5124, 5124.1**
8. Participation in NAEP assessment (re: required permission). **Policy #5124.1.**

9. Military recruiters access to directory information (names, addresses, & phone numbers, including opt-out procedure). **Policy #5145.14.**
10. Surveys of students/student privacy issues. **Policy #6162.51**
11. Schools identified for school improvement, corrective action or restructuring **if and when applicable**, given in an understandable and uniform format and to the extent practicable in a language parents/guardians understand. (Provided to parents directly, by regular mail or e-mail, media, Internet or public agencies serving the student population and their families). **Policy #6172.4.**

Access: <http://www.ed.gov/programs/titleiparta/parentinvguid.doc>

- A. Notification of student and parental/guardian rights required by the **Federal Educational Rights and Privacy Act (FERPA)** including the local definition of “directory information,” district transfer of records, rights to inspect, review and amend education records, how to file a complaint with the U.S. Department of Education and the manner in which parents/guardians can challenge record content or how to opt-out of allowing the district to release directory data. The model “Notification of Rights under FERPA” reflects the federal regulations. **Policy #5125.**

Access: <http://familypolicy.ed.gov/content/model-notification-rights-under-ferpa-elementary-and-secondary-schools> (model FERPA notice)

<http://www2.ed.gov/policy/gen/guid/fpco/pdf/directoryinfo.pdf> (model directory information notice)

- C. The **Protection of Pupil Rights Amendment (PPRA)** requires school districts to adopt policies regarding surveys, instructional materials, physical examinations not legally required and not necessary to protect immediate health and safety of student or others, and personal information used for marketing. Parents must be offered an opportunity to opt out their child from these activities. Parents must be notified of the student privacy policy at least annually at the beginning of the school year and within a reasonable time period after any substantial change is made to the policy. **Policy #5145.15, #6162.51.**

Access: <http://www2.ed.gov/policy/gen/guid/fpco/pdf/ppraconsent.pdf> (model PPRA model notice & consent/opt-out for specific activities)

<http://familypolicy.ed.gov/content/model-notification-rights-under-protection-pupil-rights-amendment-ppra> (model PPRA notification of rights notice)

- D. Districts participating in the **National School Lunch Program**, the **School Breakfast Program** or the **Special Milk Program** must provide information near the beginning of the school year about free and reduced price meals and/or free milk. Districts must also provide parents/guardian an application form and information pertaining to completing such application. The U.S. Department of Agriculture’s document, Eligibility Manual for School Meals contains all needed information. The manual contains relevant notices. **Policy #3542.31, #3542.33.**

Access: <http://www.fns.usda.gov/sites/default/files/english.pdf> (application forms available in 34 translations)

- E. The **Healthy, Hunger Free Kids Act of 2010** requires districts to inform and update parents, students, community about the content and implementation of the local wellness policy. Districts must also periodically measure and report on the implementation of the local wellness policy including the extent to which local schools are in compliance with the local school wellness policy and the extent to which the local wellness policy compares to model school wellness policies and a description of the progress made in attaining the goals of the local school wellness policy. This requirement can be met by disseminating printed or electronic material at the beginning of the school year and posting the local wellness policy and an assessment of its implementation on district/school websites. **Policy #6142.101.**

Access: http://www.fns.usda.gov/sites/default/files/SP42-2011_os.pdf.

- F. 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, including schools, family shelters and soup kitchens. The notice must be in a manner and form understandable to homeless students and their parents/guardians and to the extent possible, in their native language. **Policy #5118.1.** (Also see item A.1)

- G. The **Asbestos Hazard Emergency Response Act** requires districts to inspect their buildings for asbestos-containing building materials and develop, maintain, and update an asbestos management plan. Parents, teachers, and employee organizations must be notified, in writing, of the availability of the asbestos management plan and planned or in progress inspections, re-inspections, response actions and post-response actions, including periodic re-inspections and surveillance activities. **Policy #3516.12.**

Access: <http://www2.epa.gov/asbestos>.

<http://yosemite.epa.gov/R10/OWCM.NSF/d14dabb756dc1fb3882565000062f164/c18ad083691dc38825672f0058649d!OpenDocument> (*Model Annual AHERA Notice Letter*)

- H. **Notice of Non-Discrimination under Title VI, Title IX, Section 504, Age Discrimination Act, Title II of the ADA and the Boy Scouts of America Equal Access Act prohibits** discrimination in programs or activities receiving federal funds. The regulations implementing these 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. Equal access to the Boy Scouts and other designated youth groups is also required. Title IX requires districts to have a Title IX coordinator, to notify all students and employees of the name, office address, and telephone number of the designated coordinator and to adopt and publish a grievance procedure to resolve student and employee complaints under Title IX. A notice must also be published that the district does not discriminate on the basis of sex in admissions or employment. The nondiscrimination notice must be displayed prominently in each announcement, bulletin, catalog, or application used to recruit students or employees. **Policy #5145.4.**

Access: <http://www2.ed.gov/print/about/offices/list/ocr/docs/nondisc.html> (sample notice that meets the requirements of all of these statutes)

- I. The **Individuals with Disabilities Act (IDEA)** requires that parents of a child with disabilities be given a copy of procedural safeguards one time a year and also 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, or upon request of a parent. The procedural safeguards may be posted on the district's website. The notice must fully explain IDEA's procedural safeguards in an easily understandable manner and in the parent's native language unless it's clearly not feasible to do so. Parents may choose to receive the safeguard notice and other notices under IODEA by e-mail. **Policy #'s 6171, 5144.3, 6181.**

PPTs are also required to notify parents at each PPT meeting of "any relevant information and resources relating to IEPs created by the CT SDE, including, but not limited to, information relating to secondary transition resources and services for high school students.

Access: http://idea.ed.gov/download/modelform_Procedural_Safeguards_June_2009.pdf
(model Safeguards Notice)

Notification Regarding Use of Public Benefits or Insurance

Districts must provide a written notification to a child's parent/guardian before accessing a child's or parent's public benefits or insurance (Medicaid) for the first time and annually thereafter. This notification must be written in language understandable to the general public and in the parent's native language or other mode of communication used by the parent, unless clearly not feasible to do so. **Policy #3231.**

Access: <http://www.cpacinc.org/2013/06/written-notification-of-parental-rights-regarding-the-use-of-public-benefits-or-insurance/>

- J. The **Health Insurance Portability and Accountability Act (HIPAA)** requires notice of privacy practices which describes how the district may use and disclose protected health information, duties to protect privacy, information about privacy practices and a complaint procedure. **Policy #4112.61.**
- K. The **Children's Internet Protection Act (CIPA)** requires the adoption and dissemination of a policy (Acceptable Use Policy) pertaining to the safe use of the Internet. **Policy #5131.81, 6141.321.**
- L. The **Pro Children's Act of 2001** requires notification that smoking is prohibited in all district facilities. **Policy #1331, #6164.11.**

Notifications Required by State Legislation

1. Statement of equal opportunity in employment and education (Non-Discrimination/Affirmative Action-10-220; include expanded protected class to include "gender identity or expression") **Policy #0521, #6121.**
2. Attendance policy/absence procedures/make-up procedures, and definitions of excused and unexcused absences, grounds for truancy, chronic absenteeism (PA 15-225, 10-221(b), 10-198a). **Policy #5113, 5113.2.**

3. Conduct/discipline/suspension/expulsion (Code of Conduct) (10-233e as amended by PA 14-229 & PA 15-96). **Policy #5114, 5131, 5144.**
4. Substance use and abuse policies and procedures, (Alcohol, Drugs, Tobacco- 10-221(d) as amended by PA 15-206 prohibiting electronic nicotine delivery systems and vapor products). **Policy #5131.6, #6164.11.**
5. Grading system including class rank/weighted grades, graduation requirements, report cards and progress reports, promotion and retention (10-220g, 10-223a). **Policy #6146, 6146.1, 6146.11, 5121.**
6. Means to achieve parental involvement including parent conferences (10-221(f)). **Policy #1110.1.**
7. Pesticide application plans/notification/prior year's use (At beginning of each school year of district's pest management policy, notification prior to every pesticide application to parents/guardians and staff with a registered request for notification; 10-231a et. seq.as amended by PA 15-5) Districts without IPM plans are required to provide notice of pesticide applications to be sent electronically. Districts with IPM plans must send notices of pesticide application by any means practicable. District website must provide information on how parents/guardians may register for prior notice of pesticide applications. **Policy #3524.1.**
8. Transportation safety complaints procedure (10-221c). **Policy # 3541.5.**
9. Health services including administration of medication, communicable/infectious diseases, immunizations, physical examinations (include information regarding asthmatic inhalers & Epinephrine auto-injectors at school. (10-212(a) as modified by PA 15-174 regarding religious exemptions to vaccinations and changes in grades for hearing, vision, and postural screenings). **Policy #5141, 5141.21, 5141.3.**
10. Child abuse, neglect, and sexual assault reporting policy (17a-101i(e)). **Policy #5141.4.**
11. Youth suicide prevention policy and procedures (10-221(e)). **Policy #5141.5.**
12. Treatment of recruiters in the school setting (10-221b, ESEA). **Policy #5145.14.**
13. Inform parents, guardians at the middle and high school level of the availability of vocational, technical and technological education and training at technical high schools and agricultural sciences and technology education at regional agricultural science and technology education centers. (10-220d amended by P.A. 12-116.). **Policy #5145.14.**
14. Offer to meet with parents/guardians after a child has been assessed for possible placement in special education and before PPT meets to discuss the PPT process and parental concerns about the student. (10-76b as amended by P.A. 12-173)
15. Provide parents/guardians with State Department of Education information and resources relating to IEPs as soon as a child is identified as requiring special education. (10-76b as amended by P.A. 12-173)
16. Homework policy (10-221(b)). **Policy #6154.**
17. Exemption from AIDS instruction (10-19(b)). **Policy #6164.12.**
18. Bullying/cyberbullying policy *at the beginning of each school year*, (including annual notice to students about how to make a bullying or teen dating violence report and the Safe School Climate Plan; 10-222d as amended by PA 14-172 and PA 14-234). **Policy #5131.911.**
19. Promotion, placement, retention (10-223a). **Policy #5123.**
20. Pledge of Allegiance policy (10-230(c)). **Policy #6115.**
21. Psychotropic drug use policy (10-212b). **Policy #4118.234/5141.23.**

22. Green cleaning program policy and statement of the names & types of environmentally preferable products use, where applied, schedule for application and contact person for more information; must notify staff and if requested, parents/guardians of enrolled students. (PA 09-81). **Policy #3542.2.**
23. Plan for managing students with life-threatening food allergies. This is also required to be posted on district/school websites. (10-212c). **Policy #5141.25.**
24. Notification to parents/guardians of preschool special education students who reach age 5 or 6 of their legal right to hold their child back from entering kindergarten for a year (PA 14-39). **Policy #5112.**
25. Coaches and other “qualified school employees” to notify a student athlete’s parent/guardian when he/she is removed from play due to a concussion or suspected concussion, within 24 hours of removal but to make a reasonable effort to provide such notice immediately after the student’s removal. (PA 14-66). **Policy #5141.7.**
26. Information posted on the district’s website pertaining to interdistrict magnet schools. (10-220d). **Policy #5117.2.**
27. Information posted on district’s website pertaining to Board of Education aggregate spending on salaries, benefits, supplies, equipment, tuition, services, and other items for each district school (PA 13-247). **Policy #3432/3433.**
28. Information to be provided concerning the district’s sudden cardiac prevention program (PA 14-93). **Policy #5141.28.**
29. Beginning July 1, 2016, a policy is mandated pertaining to the sexual abuse and assault awareness and prevention program and notification to be provided regarding the ability to opt out of the program in total or portions (PA 14-196 as amended by Section 424 of PA 15-5 changing implementation date to July 1, 2016). **Policy #5145.511.**
30. District plans and procedures that establish monitoring and reporting of the use of physical restraint and seclusion as required by PA 15-141). **Policy #5144.1.**
31. Required posting on district website information about the district’s alternative education programs. Such notification is to include the program’s purpose, location, contact information, staff directory, and enrollment criteria as required by PA 15-133. **Policy #6172.**
32. Parent’s ability to opt out their children from emergency epinephrine administration. **Policy #5141.21**
33. Information that the Board of Education is required to notify parents/guardians within five business days of executing a contract with a software contractor or information storage contractor that involves student personally identifiable information. (PA 16-189). The notice must state the date of contract execution, its start date, a brief description of the contract and its purpose, state what student generated content, student information or student records may be collected under the contract and indicate that the parent/guardian of a student affected by the contract may choose to opt their student out of participation in the contract’s execution. This new legislation is effective October 1, 2016. **Policy #3520.13.**
34. Information that the Board of Education, upon the notice of a breach of security by a contractor (PA 16-189) is required, within 48 hours, to notify students and their parents/guardians whose student information, student records or student generated content was involved in such breach. The notice of the breach is required to also be posted on the district’s website. This new legislation is effective October 1, 2016. **Policy #3520.13.**
35. Sign to be posted on school premises indicating that smoking, including the use of electronic cigarettes is prohibited by state law. (PA 15-206).

36. Information pertaining to the posting of the telephone number of DCF's child abuse hotline, "Careline" and the Internet address that provides information about the Careline in each district school in a conspicuous location frequented by students and in various languages most appropriate to students at each school. (PA 16-188). **Policy #5141.4.**
37. Distribute to parents of children receiving special education services in grades 6 through 12, inclusive, once per year at a PPT meeting the "Transition Bill of Rights" notifying parents/guardians of their rights regarding the transition planning process. The "Transition Bill of Rights" is available on the SDE Bureau of Special Education/Secondary Transition web page.

Recommended Notifications

In addition to the above required due-process notifications, the CAFE Policy Service also recommends that students, parents/guardians be notified of the following: (via student/parent handbooks, district and school websites, and notifications at various opportune times during school year)

1. Missions statement, statement of educational goals, educational philosophy, and vision statement of school and/or district. **Policy #0000.**
2. Admission/placement of students, (including placement of former home-schooled students). **Policy #5111, 5122.3.**
3. Student dismissal precautions/leaving school grounds. **Policy #5142.4.**
4. Dress code. **Policy #5132.**
5. Distribution of materials by/to students. **Policy #1140.**
6. Extracurricular activities including eligibility requirements, compliance with CIAC regulations. **Policy #6145.2.**
7. Student publications, productions (regulation of, censorship). **Policy #6141.3, 6141.31.**
8. Student fees such as club dues, security deposits, student accident insurance, parking fees, damaged books and equipment etc. **Policy #6161.21**
9. Field trip requirements and procedures. **Policy #6153.**
10. Property, lockers and equipment including responsibility for loss or damages; care of property by student. **Policy #6161.2.**
11. Search and seizure issues including lockers, desks, strip searches, and cars in parking lots, canine sniffer use, video surveillance, metal detectors, breathalyzer use. **Policy #5145.12, 5145.124, 5145.122, 5145.123, 5131.111.**
12. Harassment policies, including sexual and peer, and the name(s) of person designated to receive complaints concerning discrimination or harassment. **Policy #5145.51, 5145.5, 4118.112.**
13. Textbook care and obligations. **Policy #6161.2.**
14. Visitors to schools. **Policy #1250.**
15. Student automobile use on school grounds. **Policy #5131.3.**
16. Opt-out provision and procedures for controversial curriculum/procedures, including animal dissections. **Policy #6144.1.**
17. Student organizations and equal access (use of school facilities by students-limited, open, or closed forum). **Policy #6145.**
18. Regulations, discipline concerning use of district/school computer networks, websites. **Policy #6141.321, 6141.322.**
19. Emergency school closing procedures, including safety and accident prevention. **Policy #6114.4, 6114.6, 6114.7.**

20. Fund raising procedures/restrictions. **Policy #1314, 1324.**
21. Transportation rules etc. **Policy #3541 et seq.**
22. Technology-related issues: acceptable computer use policy and agreement, electronic devices including but not limited to cell phone use, laser pointers, I-Pods, cyberbullying, sexting, social networking sites, BYOD program, etc. **Policy #6141.323, 6141.325, 6141.326, 6141.327, 6141.328.**
23. Child nutrition including special dietary needs and the district's food allergy plan. **Policy #5141.25.**
24. Information pertaining to the required wellness policy. **Policy #6142.101.**
25. Assignment to teachers &/or classes. **Policy #5122.**
26. Emergency action response plan for appropriate use of school personnel to respond to incidents involving sudden cardiac arrest or life threatening emergencies on school grounds and at athletic events (Use and location of AEDs as amended by PA 14-93). **Policy #5141.27, 5141.28.**
27. Districts' use of Response to Intervention (RTI)/Scientific Research Based Interventions (SRBI). **Policy #6172.8.**
28. Student concussions, Concussion Education Plan requirement for students and parents. **Policy #5141.7.**
29. Weapons and dangerous instruments policy and consequences. **Policy #5131.7.**
30. Indoor air quality program. **Policy #7230.2.**
31. School Governance Councils – overview, implementation, election process etc. **Policy #1110.3.**
32. Non-traditional means to earn academic credits for graduation including online course work- permitted for graduation credits, credit recovery, mastery based performance (PA 13-108). **Policy #6172.6.**
33. Advanced placement course program. **Policy #6141.5.**
34. Districts' involvement with National School Lunch Program and School Breakfast Program and new dietary specifications and meal choices (P.L. 111-296; Healthy Hunger-Free Kids Act). **Policy #3542.31.**
35. Educational opportunities for children of parents in the military as a result of Connecticut's involvement with the Interstate Compact on Educational Opportunity for Military Children (10-15f). **Policy #5118.21.**
36. Information about Student Success Plans (grades 6-12). **Policy #6146.**
37. Information pertaining to the requirements for those districts identified as "alliance districts" and/or involvement in the Commissioner's Network (P.A.12-116)
38. Information about biennial security and vulnerability assessment of schools (PA 13-3). **Policy #5141.6, 3516, 3517.**
39. Information about fire and crisis response drills (PA 13-3). **Policy #6114.1.**
40. The role and responsibilities of school security and safety committees (PA 13-3). **Policy #5141.6, 4148.2.**
41. Information pertaining to school security and safety plans (PA 13-3). **Policy #5141.6.**
42. Information about pool safety for aquatic activities and Pool Safety Plans (PA 13-161). **Policy #6142.63.**
43. Information pertaining to required physical activity of minimum of 20 minutes in elementary schools and such activity not to be deprived as a punishment or used as a form of punishment (PA 13-173). **Policy #6142.61, 6142.10, 5144.4.**
44. Information about alternative to participation in or observing animal dissection (PA 13-273). **Policy #6163.31.**

45. Notification about the availability of the board of education's policy manual on the district website.
46. Information pertaining to honorary diplomas for veterans of various wars. **Policy #6146.**
47. Information that the nepotism policy and the FMLAS are also applicable to same sex marriage as indicated by U.S. Supreme Court DOMA ruling and recent same-sex marriage ruling. **Policy #4112.8.**
48. Information pertaining to the policy and procedures allowing emergency administration during regular school hours of epinephrine for students who do not have a prior written parental authorization or prior written order of a qualified medical professional (PA 14-176). **Policy #5141.21.**
49. Information pertaining to the administration of antiepileptic medications to students per PA 15-215. **Policy #5141.21.**
50. Notice about the requirement that a parent/guardian of a student who will enroll in a magnet school in the following school year or who has been placed on a waiting list for the magnet school to give written notice of the enrollment to the "home" district (PA 15-5). **Policy #5117.11.**
51. Information pertaining to required health assessments and immunizations, including claiming an exemption on religious grounds. **Policy #5141.3.**
52. Information regarding statewide proficiency/mastery assessment program. (PA 15-238). **Policy #6146.2.**
53. Information regarding the district's policy pertaining to transgender and non-conforming youth. **Policy #5145.53.**