

Annual Notices Required by Federal Law

Every Student Succeeds Act - LEAs that receive Title I funds

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. ESSA reauthorizes the Elementary and Secondary Education Act (ESEA), the national education law and longstanding commitment to equal opportunity for all students. Several ESSA provisions are summarized in the U.S. Department of Education's [*Transitioning to the Every Student Succeeds Act Frequently Asked Questions*](#) (January 2017), which also has information about ESSA notice requirements that differ from those under No Child Left Behind Act (NCLB).

ESSA requires that states and school districts engage families and parents in the work of ensuring positive outcomes for all students. School districts that receive Title I funds must have written family and parent engagement policies with expectations and objectives for implementing meaningful family and parent involvement strategies. They are required to involve family members and parents in developing district plans and to provide technical assistance to schools on planning and implementing effective family and parent involvement activities to improve student academic achievement and school performance. ESSA requires all school districts that receive Title I funds to implement effective outreach to parents of English learners and hold regular meetings for those parents. See the U.S. Department of Education's [*Policy Statement on Family Engagement*](#) for more information. Also, see the Department's guidance on [*ESSA Assessments under Title 1, Part A and Title I, Part B: Summary of Final Regulations*](#) and [*chart*](#), which compares drafted guidance with relevant prior guidance on Title I.

Under ESSA, SEAs and LEAs that receive Title I funds must publish state and local report cards on their websites that are concise and in an accessible format. ESSA makes Title I funds accessible to private schools and the Department of Education has provided non-regulatory guidance on this topic. See the non-regulatory guidance here: [*Title I, Part A of the Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act: Providing Equitable Services to Eligible Private School Children, Teachers, and Families*](#) (October 7, 2019). For additional guidance, see also the U.S. Department of Education's [*Crosswalk Between Draft Title I, Part A Guidance on Equitable Services and Prior Non-Regulatory*](#) (March 28, 2019) and [*Dear colleague letter on state plan amendments, school identification, reporting, and technical assistance*](#) (October 24, 2019).

The supplement-not-supplant requirement under Title I changed under ESSA, but the U.S. Department of Education has not issued draft regulations. Instead, in 2019 the Department provided a [*Title I, Part A supplement non supplant non-regulatory informational document*](#) along with a [*summary response to comments on the informational document*](#).

Family Educational Rights and Privacy Act – Applies to any institution to which funds have been made available under any program administered by the Secretary of Education if the institution provides educational services or instruction, or both, to students

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. [34 C.F.R. § 99.7\(a\)\(2\)](#). 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. This statement should define a school official and what constitutes a legitimate educational interest providing the basis for accessing a student's educational records. [34 C.F.R. § 99.7\(a\)\(3\)](#). Notice may be provided in any way that is reasonably likely to inform parents of their rights, and must effectively notify parents who have a primary or home language other than English and parents/guardians or eligible students who are disabled. [34 C.F.R. § 99.7\(b\)](#). The annual notification may be published by various means, including any of the following: in a schedule of classes; in a student handbook; in a calendar of school events; on the school's website (though this should not be the exclusive means of notification); in the student newspaper; and/or posted in a central location at the school or various locations throughout the school. See the Department of Education's Protecting Student Privacy [FERPA General Guidance for Students](#) (April 2020) for information about FERPA. For an additional resource also see the [FERPA Model Notification of Rights for Elementary & Secondary Schools](#) (April 2020).

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. [34 C.F.R. § 99.37\(a\)](#). Finally, under ESEA, school districts must provide notice that they routinely release the names, addresses, and phone numbers of secondary students to military recruiters unless parents opt out in writing. [20 U.S.C. § 7908](#). School districts may provide this notice as part of their general FERPA notice. The Protecting Student Privacy website provides a template notice for notifying parents and eligible students, which can be found here: [FERPA Model Notice for Directory Information](#).

FERPA regulations permit LEAs and schools to adopt limited directory information policies that allow the disclosure of directory information to specific parties, for specific purposes, or both. [34 C.F.R. § 99.37\(d\)](#). It is up to individual LEAs and schools to decide whether to adopt limited directory information policies and how to implement them.

The regulations' directory information exception makes clear that parents/guardians and eligible students may not, by opting out of the disclosure of directory information, prevent an LEA or school from requiring a student to wear or present a student ID or badge. [34 C.F.R. § 99.37\(c\)](#). While the Department does not require LEAs or schools to establish policies mandating that students wear badges, these are individual decisions that LEAs and schools should make, considering local circumstances.

The U.S. Department of Education recommends that districts post all FERPA and PPRA (see below) notices, including the directory information policy, on their websites. For more information, see the U.S. Department of Education's Privacy Technical Assistance Center's [*Transparency Best Practices for Schools and Districts*](#) (p. 5). The Department provides additional guidance on FERPA at <https://studentprivacy.ed.gov/>, including:

- [*School Resource Officers, School Law Enforcement Units and FERPA*](#);
- [*A Parent's Guide to FERPA \(July 2021\)*](#); and
- [*A Parent's Guide to Understanding K-12 School Data Breaches \(May 2021\)*](#)

Please click [here](#) to view the Northern York County School District FERPA notifications.

Protection of Pupil Rights Amendment - Applies to any institution to which funds have been made available under any program administered by the Secretary of Education if the institution provides educational services or instruction, or both, to students

The Protection of Pupil Rights Amendment (PPRA) requires school districts to adopt several policies regarding surveys of students, instructional materials, physical examinations, personal information used for marketing, and the like. Parents must be notified of these policies at least annually at the beginning of the school year and within a reasonable time after any substantial change to the policies. [20 U.S.C. § 1232h\(c\)\(2\)\(A\)](#). The Department of Education's Protecting Student Privacy website provides [PPRA General Guidance \(November 2020\)](#), a [PPRA Model General Notice of Rights](#) and a [PPRA Model Notice and Consent/Opt-Out for Specific Activities](#).

If a district plans 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, the district 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. [20 U.S.C. § 1232h\(c\)\(2\)\(B\), \(c\)\(2\)\(C\)](#).

The Protecting Student Privacy website [lists policies](#) that PPRA requires LEAs to develop, with the consultation of parents. These policies concern privacy, parental access to information, and administration of physical examinations of minors. **NOTE:** This document also contains resources regarding FERPA and remote learning due to COVID-19.

The Department of Education's Protecting Student Privacy website provides all FERPA and PPRA model notices at: <https://studentprivacy.ed.gov/annual-notice>.

Child Nutrition Programs – definition below of an LEA

If the LEA (means a public board of education or other public or private nonprofit authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public or private nonprofit elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public or private nonprofit elementary schools or secondary schools. The term also includes any other public or private nonprofit institution or agency having administrative control and direction of a public or private nonprofit elementary school or secondary school, including residential child care institutions, Bureau of Indian Affairs schools, and educational service agencies and consortia of those agencies, as well as the State educational agency in a State or territory in which the State educational agency is the sole educational agency for all public or private nonprofit schools) 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. [7 C.F.R. § 245.5](#). Districts also must provide parents with an application form. Districts may not disclose children's free and reduced eligibility status, unless the requestor of such information falls into one of the categories specified in the National School Lunch Act. [42 U.S.C. § 1758\(b\)\(6\)\(A\)\(i\)-\(v\)](#).

The USDA's [Eligibility Manual for School Meals](#) contains information on federal requirements regarding the determination and verification of eligibility for free and reduced-price meals in the National School Lunch Program and the School Breakfast Program. The document notes what the application for these programs is to contain and includes a link to an online application. The document also describes to whom (pp. 83-84), and under what conditions information regarding free and reduced eligibility status may be disclosed (pp. 83-93).

Striving to reduce paperwork, Congress incorporated [three alternative provisions](#) into the standard requirements for annual determinations of eligibility for free and reduced-price school meals. Additionally, in schools where at least 80 percent of enrolled students have free or reduced-price meal eligibility, annual notification of program availability and certification only needs to occur once every 2 consecutive school years.

The 2016 amendment to the Healthy, Hunger-Free Kids Act of 2010 requires school districts to inform and update the public (including parents, students, and others in the community) about the content and implementation of their local school wellness policies. [42 U.S.C. § 1758b\(b\)\(4\)](#). School districts also must periodically measure and report on implementation of their local school wellness policies, including: (1) the extent to which schools under the jurisdiction of the local school district are in compliance with its local school wellness policy; (2) the extent to which the local school wellness policy of the local district compares to model local school wellness policies; and (3) the progress made in attaining the goals of the local school wellness policy. [42 U.S.C. § 1758b\(b\)\(5\)\(A\)](#). The USDA final rules for local school wellness policies, which became effective on August 29, 2016, appear at 7 CFR Parts 210 and 220. See the USDA's [Local School Wellness Policy](#) for other child nutrition-related information.

In 2017, the USDA published [*Guidance for School Food Service Professionals*](#) that highlights requirements for accommodating children with disabilities who participate in School Meal Programs. With the help of school food service staff, LEAs must implement procedures to enable parents and guardians to request modifications to meal services for their children with disabilities. [7 C.F.R. §§ 15b.25, 15b.6 \(b\)](#). LEAs must notify parents and guardians of both the process (1) to request meal modifications that accommodate the child's needs; and (2) for resolving disputes. The hearing process must follow the necessary [procedural requirements](#): notice, right to counsel, opportunity to participate, and examination of the record.

According to the [Local School Wellness Policy: Guidance and Q&As](#) (2017), the USDA does not require a specific timeline for updates to a wellness policy. Ideally, however, the policy should be updated after conducting a triennial assessment. [7 C.F.R. § 210.31\(e\)\(3\)](#). NOTE: In June 2021, the Food and Nutrition Service established a [nationwide waiver to support schools unable to complete a triennial assessment of the local school wellness policies due to school closures](#). The updates are dependent on the structure of the LEA's policy. An LEA must notify the public about the content of its policy annually and discuss any updates. [7 C.F.R. § 210.31\(d\)\(2\)](#). It also must inform the public about the progress made towards meeting the goals of the local school wellness policy. [7 C.F.R. § 210.31\(d\)\(3\)](#).

For model and sample policy language endorsed by the USDA, see the resources below:

- [Child Nutrition Sharing Site, Child Nutrition Program Resources](#)
- [UConn Rudd Center for Food Policy & Obesity, XYZ District School Wellness Policy](#)
- [CDC, School Health Guidelines](#)
- [FNS, School Meals Guidance and Resources](#)

NOTE: Due to the COVID-19 pandemic, USDA is granting states significant program flexibilities and contingencies to best serve program participants across their nutrition programs through June 2022. View the USDA's press release, [Pandemic Flexibilities for Schools and Day Care Facilities to Support Safe Reopening and Healthy, Nutritious Meals](#) and the Food and Nutrition Services of the USDA's [Response to COVID-19](#) website for more information. See also [SNAP's COVID-19 Emergency Allotments Guidance](#).

Asbestos Hazard Emergency Response Act - Applies to any “LEA”

The term “local educational agency” means—

(A) any local educational agency as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965 and

(B) the governing authority of any nonprofit elementary or secondary school;

the term “nonprofit elementary or secondary school” means—

(A) any elementary or secondary school (as defined in section 198(a)(7) of the Elementary and Secondary Education Act of 1965) owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and

(B) any school of any agency of the United States;

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, reinspections, response actions, and post-response actions, including periodic re-inspection and surveillance activities. [40 C.F.R. §§ 763.84\(c\), \(f\), 763.93\(g\)\(2\)](#). The notice can be viewed by clicking [here](#).

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

Several 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, 34 C.F.R. § 100.6\(d\)](#) (race, color, ethnicity, and national origin); [Title IX, 34 C.F.R. § 106.9](#) (sex and pregnancy); [Section 504, 34 C.F.R. § 104.8](#) and [Title II, 28 C.F.R. § 35.106](#) of the Americans with Disabilities Act (disability); and the [Age Discrimination Act, 34 C.F.R. § 110.25](#) (age). [The Boy Scouts of America Equal Access Act, 34 C.F.R. § 108.9](#) requires public schools to provide equal access to the use of school property to the Boy Scouts and other designated youth groups.

The regulations implementing the above statutes require school districts to notify students, parents, and others that they do not discriminate on the basis of race, color, ethnicity, national origin, sex, pregnancy, disability, or age, and that they provide equal access to the Boy Scouts and other designated youth groups. The regulations contain minor differences relating to the required content of the notices and the methods used to publish them.

The U.S. Department of Education's [Notice of Non-Discrimination](#) describes the content requirements of notices under these statutes, including the methods of notification required by Title IX and Section 504, and contains a sample notice of non-discrimination school districts may use to meet the requirements of all of the above statutes. **NOTE:** The notice must include the name or title and contact information of the coordinators designated to handle complaints under Title IX ([34 C.F.R. § 106.8](#)), Section 504 ([34 C.F.R. § 104.8](#)), the Americans with Disabilities Act ([28 C.F.R. § 35.107](#)), and the Age Discrimination Act ([34 C.F.R. § 110.25](#)).

Pursuant to the 2020 Title IX regulations, instead of notifying only students and employees of the Title IX Coordinator's contact information, schools must also notify applicants for admission and employment, parents or legal guardians of elementary and secondary school students, and all unions of the name or title, office address, e-mail address, and telephone number of the Title IX Coordinator. Additionally, schools must prominently display the required contact information for the Title IX Coordinator on their websites.

McKinney-Vento Homeless Assistance Act

Northern York County School District provides this Annual Notice to parents and guardians of School District students, in accordance with the regulations set forth by the McKinney Vento Act (Homeless Students). If you need assistance translating this document or information beyond what is provided by Google Translate, please contact us at 717-432-8691 or email: tshroyer@northernnyork.org. Please click on this link to [Board Policy 251](#) to learn more about resources for students who qualify as homeless or who qualify for education instability.

Individuals with Disabilities Education Act (procedural safeguards and Child Find)

The Northern York County School District provides the following Annual Notice to parents and guardians of school District students, in accordance with the regulations set forth by the Individuals with Disabilities Education Act (IDEA). If you would like a copy of this annual notice in a language other than English, please contact (717)-432-8691 or email: dborrell@northernYork.org.

ANNUAL PUBLIC NOTICE OF SPECIAL EDUCATION SERVICES AND PROGRAMS, SERVICES FOR GIFTED STUDENTS, AND CHAPTER 15/SECTION 504 SERVICES

NOTICE TO PARENTS

According to state and federal special education regulations, annual public notice to parents of children who reside within a school district is required regarding child find responsibilities. School districts, charter schools, and intermediate units are required to conduct child find activities for children who may be eligible for special education services or services via Section 504 of the Rehabilitation Act of 1973. Information related to special education services can be accessed via the Individuals with Disabilities Education Act and via 22 PA Code Chapter 14. For additional information related to Section 504/Chapter 15 services, the parent may refer to Section 504, Chapter 15, and the Basic Education Circular entitled Implementation of Chapter 15. Also, school districts and charter schools are required to conduct child find activities for children who may be eligible for gifted services via 22 PA Code Chapter 16. For additional information regarding gifted services, the parent may refer to 22 PA Code Chapter 16. If a student is both gifted and eligible for Special Education, the procedures in IDEA and Chapter 14 shall take precedence.

This notice shall inform parents throughout the school district, charter school, and intermediate unit of the child identification activities and of the procedures followed to ensure confidentiality of information pertaining to students with disabilities of eligible young children. In addition to this public notice, each school district, charter school, and intermediate unit shall publish written information in the handbook and on the website. Children ages three through twenty-one can be eligible for special education programs and services. If parents believe that the child may be eligible for special education, the parent should contact the district of residence. Contact information is listed at the end of this public notice.

Children ages three through the age of admission to first grade are also eligible if they have developmental delays and, as a result, need Special Education and related services. Developmental delay is defined as a child who is less than the age of beginners and at least three years of age and is considered to have a developmental delay when one of the following exists: (i) The child's score, on developmental assessment device, on an assessment instrument which yields a score in months, indicates that the child is delayed by 25% of the child's chronological age in one or more developmental areas, or (ii) The child is delayed in one or more of the developmental areas, as documented by test performance of 1.5 standard

deviations below the mean on standardized tests. Developmental areas include cognitive, communicative, physical, social/emotional and self- help. For more information contact the Capital Area Intermediate Unit 15 Early Intervention Office at (717) 732-8400.

EVALUATION PROCESS

Each school district, charter school, and intermediate unit has a procedure in place by which parents can request an evaluation. For information about procedures applicable to your child, contact the school which your child attends. Parents of preschool age children, age three through five, may request an evaluation in writing by addressing a letter to the Preschool Program Supervisor, Capital Area Intermediate Unit, Beck Street, 55 Miller Street, Enola, PA 17025.

CONSENT

School entities cannot proceed with an evaluation or with the initial provision of special education and related services without the written consent of the parents. For additional information related to consent, please refer to the Procedural Safeguards Notice which can be found [here](#). Once written parental consent is obtained, the district will proceed with the evaluation process. If the parent disagrees with the evaluation, the parent can request an independent evaluation at public expense.

PROGRAM DEVELOPMENT Once the evaluation process is completed, a team of qualified professionals and the parents determine whether the child is eligible. If the child is eligible, the individualized education program (IEP) team meets, develops the program, and determines the educational placement. Once the IEP team develops the program and determines the educational placement, school district staff, charter school staff, or intermediate unit staff will issue a notice of recommended educational placement/prior written notice. Your written consent is required before initial services can be provided. The parent has the right to revoke consent after initial placement.

CONFIDENTIALITY OF INFORMATION

The school districts, charter schools, and to some extent the intermediate unit maintain records concerning children enrolled in the school, including students with disabilities. All records are maintained in the strictest confidentiality. Your consent, or consent of an eligible child who has reached the age of majority under State Law, must be obtained before personally identifiable information is released, except as permitted under the Family Education Rights and Privacy Act (FERPA). The age of majority in Pennsylvania is 21. Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction states. One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information. Each agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who have access to personally identifiable information.

For additional information related to student records, the parent can refer to the Family Education Rights and Privacy Act (FERPA).

This notice is only a summary of the Special Education services, evaluation and screening activities, and rights and protections pertaining to children with disabilities, children thought to be disabled, and their parents. For more information or to request evaluation or screening of a public or private school child, contact the responsible entity listed below.

Northern York County School District
650 South Baltimore Street, Dillsburg Pa, 17019
Phone: 717-432-8691

For preschool age children, information, screenings and evaluations requested may be obtained by contacting the intermediate unit.

INTERMEDIATE UNIT
Capital Area Intermediate Unit 15
55 Miller Street, Enola Pa, 17025
Phone: 717-732-8400

The school district, charter school, or intermediate unit will not discriminate in employment, educational programs, or activities based on race, color, national origin, age, sex, handicap, creed, veteran status or marital status. No preschool, elementary or secondary school pupil enrolled in a school district, charter school, or intermediate unit shall be denied equal opportunity to participate in age and program appropriate instruction or activities due to race, color, handicap, creed, national origin, marital status or financial hardship.

Annual Notices Recommended to be Posted

While the policies below are not tied to specific statutory notice requirements, they contain important notification information for parents/guardians.

1. [824 \(Maintaining Professional Adult/Student Boundaries\)](#)
2. [236.1 \(Threat Assessment\)](#)
3. [810.2 \(Transportation - Video/Audio Recording\)](#)
4. [816 \(District Social Media\)](#)
5. [823 \(Opioid Antagonist\)](#)