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ATTORNEYS AT LAW

Required Annual Notices under Federal and Indiana Law Effective September 1, 2020

Several federal and state statutes require school corporations and/or local educational agencies (LEAs) to give certain notices periodically to parents, students, community members, and/or the governing body. This list is meant to serve as a reference guide; it does not contain specific language required in the notice or the time and manner of the requirements (see specific statutes in footnotes for further detail). Also note that these notices do not necessarily have to be in policy or student handbook and can be provided in different ways:

1. Anti-Bullying (must be part of discipline rules and have link to resources posted on website).¹
2. Anti-Harassment/Non-Discrimination.²
3. Asbestos.³
4. Criminal Organizations Policy posting.⁴
5. Discipline: Suspension/Expulsion Procedures.⁵
6. FERPA/Records/Directory Information.⁶
7. Free and Reduced Lunch Eligibility Criteria.⁷
8. For parents of children with disabilities, a copy of procedural safeguards (under IDEA and Section 504).⁸
9. Indoor Air Quality (IAQ) Coordinator's contact information.⁹
10. Local School Wellness Policy (required if participating in National School Lunch program or similar programs),¹⁰ including notification of the

¹ I.C. 20-33-8-13.5; I.C. 20-19-3-11.5(d).

² Please make sure that the revised policy, or at least the portion on the Title IX Coordinator contact information, is prominently displayed on the school website, provide the link to employment applicants and to the teacher's union (perhaps as the next Discussion meeting). 42 U.S.C. § 2000d; 34 C.F.R. § 100.6(d); 20 U.S. Code § 1681; 34 C.F.R. § 106.9; 29 U.S.C. § 794; 34 C.F.R. § 104.8; 29 U.S.C. Chapter 14; 34 C.F.R. § 110.25; 42 U.S.C. Chapter 126; 28 C.F.R. § 35.106; 20 U.S.C. § 7905; 34 C.F.R. § 108.9; 28 C.F.R. § 35.107; 34 C.F.R. § 106.8.

³ 40 C.F.R. §§ 763.84(c), (f); 40 C.F.R. 763.93(g)(2).

⁴ I.C. 20-26-18-3.

⁵ I.C. 20-33-8-12.

⁶ 34 C.F.R. § 99.7(a)(2); 34 C.F.R. § 99.37(a).

⁷ 7 C.F.R. § 245-5.

⁸ 20 U.S.C. § 1415(d)(1)(a); 34 C.F.R. § 300.504(a); 511 IAC 7-37-1; 34 CFR 104.36.

⁹ 410 IAC 33-3-1.

¹⁰ 42 U.S.C. § 1758b(b)(4).

process to request meal modifications that accommodate children with disabilities and for resolving disputes.¹¹

11. Meningococcal Disease (administration required to inform parents of disease and vaccine).¹²
12. McKinney Vento Act notification of education rights to homeless students.¹³
13. Option to opt out of releasing student information to military recruiters.¹⁴
14. Pesticides.¹⁵
15. Pupil Protection Rights Amendment notification of policies on surveying students, instructional materials, physical examinations, personal information used for marketing, etc., and when surveys or examinations may be held.¹⁶
 - i. Notification of parental rights to inspect instructional materials used in connection with instruction on human sexuality.¹⁷ (This Indiana statute also requires school to send two consent forms to the parent giving them a chance to opt-out of human sexuality instruction. The parent has 21 days to respond to the first consent form, then the school must send a second form. The parent has 10 days to respond to that form. If no response is received, the student will receive the instruction on human sexuality.)
16. Restraint & Seclusion (distribution of policy to parents and public).¹⁸
17. Social Media (dependent on e-rate funding under the Children's Internet Protection Act (CIPA), only required if not in policy).¹⁹

¹¹ 7 C.F.R. §§ 15b.25, 15b.6 (b); <https://fns-prod.azureedge.net/sites/default/files/cn/SP59-20160s.pdf>.

¹² I.C. 20-30-5-18.

¹³ 42 U.S.C. § 11432(e)(3)(C)(i).

¹⁴ 20 U.S.C. § 7908.

¹⁵ 357 IAC 1-16.

¹⁶ 20 U.S.C. § 1232h(c)(2).

¹⁷ The Pupil Protection Rights Amendment is federal law; however, there is an almost-identical Indiana statute at I.C. 20-30-5-17 which includes state-specific language on informing parents about their right to inspect instructional materials used in connection with instruction on human sexuality.

¹⁸ I.C. § 20-20-40-13(E).

¹⁹ 20 USCA § 6301.

18. Teacher performance evaluation aggregate data reported to school board.²⁰
19. Unpaid Meal Charges Policy.²¹
20. Various parental notice requirements required by the Every Student Succeeds Act, including annual report cards; progress reviews; schools identified for school improvement, corrective action, or restructuring; parental involvement policies; state education agency complaint procedures; teacher and paraprofessional qualifications; identification of teachers that do not meet the state's certification qualifications; student achievement information; an informational meeting on Title I, Part A; and a variety of information about the status of English Language Learners.²²
21. Various parental notice requirements required by the Every Student Succeeds Act when the local educational agency receives notice from the State that it has been identified for comprehensive support or improvement.²³

²⁰ IC 20-28-11.5.

²¹ See <https://fns-prod.azureedge.net/sites/default/files/cn/SP46-2016os.pdf>.

²² See pp. 34-39 here: <http://www.ed.gov/programs/titleiparta/parentinvguid.doc>

²³ 34 C.F.R. §200.37(b)(4)(iv).