

## NEWS & INSIGHTS

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# Schools should use the summer to review required notices

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It's once again time for school districts to review their annual notices, and the [Saxton & Stump Education Group](#) can help you navigate complete state and federal compliance.

Each year, your school district must comply with the laws that require districts to provide students, parents, and the public with certain required notices. Many of these notices need to be provided at the beginning of the school year, making the slower summer months the best time to review compliance. Fortunately, federal agencies often create “model” notices that can be easily tailored for your school district.

Make sure you review your annual notices as some requirements have changed. All notices must be written in a language that parents can understand, and can be provided via general mail, email, or a publication on your website. We recommend that your school district maintain an annual notices page on your website for easy maintenance and year-round access.

## *Every Student Succeeds Act*

The Elementary and Secondary Education Act most recently reauthorized the Every Student Succeeds Act of 2015 (ESSA), which requires state education agencies, school districts, and individual schools to provide numerous notices to parents and the public. Under ESSA, school districts must publish state and local report cards on their website. A link to [Pennsylvania's report cards](#) will suffice to comply with this requirement.

ESSA requires that all school districts that receive Title I funds have a written family and parent engagement policy. It requires districts to involve family members and parents in developing district plans. Additionally, it requires districts to provide technical assistance to schools as they plan and implement effective family and parent involvement activities to improve student academic achievement and school performance. It also requires districts to implement an effective means of outreach to parents of English language learners, including holding regular meetings for those parents.

## *Family Educational Rights and Privacy Act*

The Family Educational Rights and Privacy Act (FERPA) requires school districts to provide parents or guardians and eligible students with annual notices of their rights to:

- Inspect and review education records
- Amend education records
- Consent to disclose personally identifiable information in education records
- 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. This statement should define a school official and what constitutes a legitimate educational interest, providing the basis for accessing a student's educational records.

Additionally, school districts **must** make a public notice indicating the information that has been designated as directory information, and that the directory information may be disclosed by the district. The notice should also instruct how parents and guardians may opt out of allowing the district to disclose their directory information. This means that under FERPA, school districts must provide notice of their practice of routinely releasing the names, addresses, and phone numbers of secondary students to military recruiters and higher education institutions unless

parents opt out in writing. School districts may provide this notice as part of their general FERPA notice, and **must** provide it annually.

The U.S. Department of Education recommends that school districts post [all FERPA notices](#) on their websites.

## *Child nutrition programs*

If your school district participates in the National School Lunch Program, the School Breakfast Program, or the Special Milk Program, you must provide both parents and the public with the criteria of eligibility for free and reduced-price meals and/or free milk. This information be provided at approximately the beginning of each school year. School districts must also provide parents with an [application form](#), the link to which can be posted on the district's website.

School districts may not disclose a child'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. Additionally, the amended Healthy, Hunger-Free Kids Act of 2016 requires school districts to inform and update the public about the content and implementation of their local school wellness policies. School districts are also required to periodically measure and report on the implementation of their wellness policies, including:

- The extent to which schools under the jurisdiction of the local school district are in compliance with its local school's wellness policy
- The extent to which the local school wellness policy of the local district compares to model local school wellness policies
- The progress made in attaining the goals of the local school wellness policy

School districts must also implement procedures to enable parents and guardians to request modifications to meals for students with disabilities and to resolve disputes regarding this matter. Notification of those procedures must be readily posted for parents.

## *Asbestos Hazard Emergency Response Act*

The act requires school districts to inspect their buildings for asbestos-containing building material, and to 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 activities, and post-response actions, including periodic re-inspection and surveillance activities.

## *Bloodborne pathogens*

A school district with at least one employee with occupational exposure to bloodborne pathogens must establish a written Exposure Control Plan designed to eliminate or minimize employee exposure. The plan must be made accessible to employees, and it must be reviewed and updated at least annually to reflect new or modified tasks and procedures.

## *McKinney-Vento Homeless Assistance Act*

The act requires school districts, through their homeless student liaisons, to provide public notice of the education rights of homeless students enrolled in their district. Notices are to be disseminated in places where homeless students receive services under this act, including schools, family shelters, and soup kitchens. The notice must be in a manner and form that is understood by homeless students and their parents/ guardians, including in their native language to a feasible extent.

## *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. 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, ethnicity, national origin, sex, gender, disability, or age, and that they provide equal access to the Boy Scouts and Girl Scouts and other designated youth groups.

The notice must include the identity and contact information of the coordinators designated to handle complaints under Title IX, Section 504, the Americans with Disabilities Act, and the Age Discrimination Act. School districts are required to identify the name or title, office address, and telephone number of the employee responsible for coordinating their compliance efforts, including the investigation of any complaints. The 2020 Title IX regulations also require notification to all applicants for admission and employment and all unions. Districts are required to prominently post the contact information for their Title IX coordinator on their website.

## *Individuals with Disabilities Education Act – procedural safeguards and Child Find*

The Individuals with Disabilities Act (IDEA) requires school districts to give parents of a child with a disability a copy of the district's procedural safeguards one time per year, and also at:

- The 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
- The request of a parent

Notices must be made in a manner that is understood by the parent, and in their native language to the extent feasible.

Pennsylvania's Child Find statute also requires school districts to ensure that all children with disabilities who need special education and related services are identified, located, and evaluated. School districts must provide annual public notification, published or announced in newspapers, electronic media, and other media to adequately notify parents throughout the school district of child identification activities and of the procedures followed to ensure confidentiality of information pertaining to students with disabilities or eligible young children.

### *Protection of Pupil Rights Amendment – surveys and collection of personal information*

The Protection of Pupil Rights Amendment (PPRA) requires school districts to adopt several policies regarding surveys of students, instructional materials, physical examinations, and personal information used for marketing. A school district must notify the parent of a student at approximately the beginning of each school year of activities that may be scheduled:

- Involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information
- Conducting any survey relating to personal information about the students
- Involving any nonemergency, invasive physical examination of a student

### *Children's Internet Protection Act*

The Children's Internet Protection Act requires school districts to provide reasonable public notice and at least one public hearing or meeting to address and communicate their internet safety measures.

Federal and state laws contain many nuances and continuous updates. If you have any questions about your district's annual notice compliance, contact any of the attorneys in the [Saxton & Stump Education Group](#) to find out the answer.

Enjoy the summer!

## **Related People**

[Dr. Leigh E. Dalton](#)

## **Related Services and Industries**

[Education](#)

[Title IX](#)