

NOTICE: Individuals with Disabilities Education Act (IDEA) Notice of Procedural Safeguards

POLICY: MTSBA Model Policy 2161 and 2161P

Districts must provide the parents of a child with a disability a copy the parents' rights one time every year and:

1. initial referral;
2. parent request for evaluation;
3. filing of a request for due process by either parent or district;
4. deciding to impose discipline that constitutes a change of placement; and
5. parent request.

NOTICE: Student Non-Discrimination Requirements

POLICY: MTSBA Model Policies 2162, 3210, 3225, 3226, and 3233

District notice must include the identity and contact information of the coordinators the district has designated to handle complaints under Section 504, Title II, Title IX and the Age Discrimination Act as well as the procedure for how a student or their family may file or report sexual harassment and how the school will respond.

1. Section 504 of the Rehabilitation Act—prohibiting discrimination based on disability
2. Americans with Disabilities Act—prohibiting discrimination based on disability
3. Title IX of the Education Amendments—prohibiting discrimination based on sex
4. Age Discrimination Act—prohibiting discrimination based on age
5. Equal Access—providing equal access to public facilities to youth groups
6. Equal Education – prohibiting discrimination based on membership in a protected class

NOTICE: Title I Parent and Family Engagement

POLICY: MTSBA Model Policy 2160

Schools receiving federal ESEA funds are required to have a parent and family engagement policy. The policy can be used as the basis for the joint development of a policy, as required by the federal legislation. The policy must include some parental involvement in its development at the local level.

NOTICE: Family Educational Rights and Privacy Act (FERPA)

POLICY: MTSBA Model Policies 3600, 3600P, 3600F1 and 3600F2

Districts must provide parents and eligible students with annual notice of the following:

1. the right to inspect and review education records;
2. the right to know about their student's name and pronoun use;

3. the right to amend education records;
4. the right to consent to disclose personally identifiable information in education records;
5. the right to file a complaint with the Family Compliance Office;
6. the procedure to request and review education records in the district;
7. a statement that records may be disclosed to school officials without prior written consent; and
8. the definitions of "school official" and "legitimate educational interest".

Districts must also provide notice regarding directory information:

Disclosure of directory information about students most often occurs through yearbooks, programs for athletic events, plays, music performances and graduation, honor roll lists, and the like. The district's directory information notice must include a list of the information it has designated as directory information and when and how parents and eligible students can opt out of allowing the district to disclose that information. Districts may choose to satisfy the ESEA notification requirement that they release names, addresses and phone numbers of secondary students to military recruiters, unless the parents opt out, in their FERPA notice.

Included in these policies are two Montana notices. The first is notification of possible disclosure of student information by the Office of Public Instruction to the Montana Commissioner of Higher Education and Montana Department of Labor and Industry for research purposes after entering into agreement with the Commissioner and Department. Further, if the Superintendent of Public Instruction offers a statewide assessment that serves as a college entrance exam, the student's personally identifiable information may be released to colleges, state contracted testing agencies, and scholarship organizations with student consent.

A School District will also include information about the missing children electronic directory photograph repository permitting parents or guardians to choose to have the student's photograph included in the repository for a given school year; and information about the use of the directory photographs if a student is identified as a missing child.

Districts can select how to provide notice to parents/eligible students, as long as the method is reasonably likely to provide them with the required information. Many districts place the information in student handbooks.

NOTICE: Pupil, Parent, and Family Rights

POLICY: MTSBA Model Policies 2132 and 2158

The federal Protection of Pupil Rights Amendment and Montana parental rights laws requires districts to notify parents of the policies regarding district efforts to engage with families and collaborate on issues such as involvement in their student's education, opportunities for students, location of policies and handbooks, availability of education resources, and methods to review surveys of students, instructional materials, educational opportunities, and personal information used for marketing. This notice also provides notice of parent's rights to opt out of the listed district services, courses, or offerings.

NOTICE: Clubs and Activities

POLICY: MTSBA Model Policies 3233, 3510 and 3550

Montana parental rights laws requires districts to notify parents how they can learn about student clubs, groups, and activities; methods for students to participate in these opportunities; and steps to opt out of such offerings.

NOTICE: Uniform Complaint Procedure

POLICY: MTSBA Model Policy 1700

Montana law requires districts to adopt and make available a Uniform Complaint Procedure.

NOTICE: McKinney-Vento Homeless Assistance Act

POLICY: MTSBA Model Policy 3125 and 3125F

The district's designated homeless student liaison must provide public notice of the education rights of homeless students. The district is required to disseminate the notices in places where homeless students receive services, such as schools, family shelters and other programs that make food or meals available to the homeless population.

NOTICE: Student Nutrition, Immunization, Health, Human Sexuality, and Wellness

POLICY: MTSBA Model Policies 2510, 2335, 3410, 3413 and 8200

Districts that participate in the National School Lunch program, the School Breakfast program or the Special Milk Program must provide parents and the public with information about free and reduced-price meals and/or free milk, at a point near the beginning of the school year.

Districts must inform and update the public about the content and implementation of their school wellness policy at the beginning of the school year - to families of children attending its schools and other school community members and by posting its school wellness policy and the district's assessment of the policy's implementation on the district or school website.

Districts must inform families of curriculum and events providing instruction or information about human sexuality and explain methods to opt out of such courses, classes, or events.

Districts must inform families of their rights regarding immunization and health screenings including exemptions permitted under law for immunizations and methods to opt out of health screenings provided by the district.

NOTICES: Employee Non-discrimination

POLICY: MTSBA Model Policies 5002, 5010, 5012, 5125

1. Section 504 of the Rehabilitation Act—prohibiting discrimination based on disability
2. Americans with Disabilities Act—prohibiting discrimination based on disability
3. Title IX of the Education Amendments—prohibiting discrimination based on sex
4. Age Discrimination Act—prohibiting discrimination based on age
5. Equal Employment – prohibiting discrimination based on membership in a protected class
6. Whistleblowing Protection – prohibiting retaliation against employees who report policy violations

District notice must include the identity and contact information of the coordinators the district has designated to handle complaints under Section 504, Title II, Title IX and the Age Discrimination Act and the procedure for how the employee may file or report sexual harassment and how the school will respond. These notices are commonly provided through the employee handbook and a poster placed in the employee's workspace or break area.

NOTICES: Family Medical Leave Act (FMLA), and Uniformed Services Employment and Reemployment Rights Act (USERRA), Fair Labor Standards Act (FLSA)
POLICY: MTSBA Model Policies 5328, 5322 and 5336

1. FMLA – outlining the employees' rights to extended leave for medical or family reasons
2. USERRA— prohibiting discrimination based on military service or status
3. FLSA – outlining the employees' rights on wages and overtime protection

District notice must include an explanation of employee rights under federal laws Fair Labor Standards Act, Family Medical Leave Act, and Uniformed Services Employment and Reemployment Rights Act. These notices are commonly provided through the employee handbook and a poster placed in the employee's workspace or break area.

NOTICE: Asbestos Hazard Emergency Response Act (AHERA)
POLICY: MTSBA Policy 8420

The law requires that districts annually notify parents, teachers, other building occupants and employee organizations in writing of the availability of the district's asbestos management plan and planned or ongoing inspections, reinspection, response actions and post-response actions.

Montana School Boards Association has designed the materials enclosed to provide helpful information regarding areas of the law and best practices concerning the administration and governance of Montana K-12 public schools. MTSBA does not intend these materials to be a rendering of legal advice. The reader of these materials should request legal advice on specific legal inquiries.