



219 North Main Street, Suite 402
Barre, VT 05641 (p) 802-479-1030 | (f) 802-479-1835

Information to be included in School Reports, Handbooks and Other Notices

This document provides information on requirements for local school districts to publish annual school reports and other information that must or should be included in school handbooks or other documents. Most statutory references to information or notices that must be provided to parents do not specify the format of the information or notice nor do they specify, for example, that it must be included in the student handbook. The statutory or regulatory source of the requirement and whether a particular format or mailing is directed in the underlying legal requirement are provided. This list likely is underinclusive. It will be reviewed annually and updated/ supplemented as needed. Information about omissions from or possible additions to this list is most welcome and should be submitted to the AOE's General Counsel at (802) 479-1030 or aoe.edinfo@vermont.gov.

Also included for informational purposes is a summary of education related legislation that passed during the 2016 Legislative Session Information, and has now become law (or has passed both houses of the legislature, and is awaiting action by the Governor).

School Reports to Parents and Communities

Annual Student Performance Results

16 V.S.A. §165(a)(2) requires that each school report to its community, on a format selected by the school board on the following:

1. Progress of students generally toward meeting academic standards,
2. Progress toward meeting the goals of the continuous improvement plan developed for that year,
3. Contextual information about student performance,
4. Availability of career counseling and technical center program information,
5. Information on district students with respect to student attendance, discipline and drop-out and graduation rates for secondary schools, and
6. Data allowing comparison with other schools on cost-effectiveness.

Financial and Other Information

16 V.S.A. §563(10) and (11) require annual reporting to voters on various financial and other matters. More specifically, subsection (10) requires a report on the conditions and needs of the district school system including the following be provided at least 10 days before the school district's annual meeting:

1. Superintendent's report,
2. Supervisory union treasurer's report,

3. School district treasurer's report for the previous school year,
4. Balance of any reserve funds,

16 V.S.A. §563, Subsection (11) requires the distribution, at least 10 days in advance of the budget vote, of a proposed budget for the upcoming year that includes:

1. All revenues from all sources and expenses, including as separate items any supervisory union assessment,
2. Any amount of deficit for the most recently closed fiscal year and how it was or will be remedied,
3. Anticipated homestead tax rate and the percentage of household income used to determine the income sensitivity in the district, broken down to include rates attributable to supervisory union assessments,
4. The definition of "education spending," the number of pupils and equalized pupils, and the amount of spending per equalized pupil in the preceding three years, and
5. If a union school district, the amount of the assessment to the member districts and the amount of the assessments per equalized pupil in the preceding three years.

Information to be included in the Student Handbook or Otherwise Provided to Parents

These are listed in order from the requirements that are most clearly set forth in statute to those that might be advisable to include in some form of notice to parents or students. State items are listed first. Federal items are listed second:

State Items

Harassment, Hazing and Bullying

On May 29, 2015, Secretary Holcombe issued a revised Harassment, Hazing and Bullying Prevention Model Policy and reminds school boards of their obligation to develop and adopt harassment, hazing and bullying prevention policies. The Secretary emphasizes the school board's duty under 16 V.S.A. §§ 570a, 570b and 570c to *annually* designate two or more people to receive reports of harassment, hazing and bullying at each school. The names and contact information of the designated employees, for receiving an HHB incident report, should be included in the school's handbook to parents and students.

16 V.S.A. §570 requires school boards to develop and adopt harassment, hazing and bullying prevention policies that shall be *at least as stringent* as the model policies developed by the Secretary.

16 V.S.A. §570(c) requires school boards annually, prior to the commencement of curricular and co-curricular activities, to provide to students and their parents or guardians notice of the harassment, hazing and bullying policies and procedures. The notice to students should be age appropriate and should include examples. The notice must "appear in any publication of the

school district that sets forth the comprehensive rules, procedures and standards of conduct for the school.”

[Secretary Holcombe’s Memorandum](#) on the Harassment, Hazing and Bullying Prevention Model Policy as well as a [copy of the HHB Policy](#), are available on the AOE website.

School Comprehensive Plan for Responding to Student Misbehavior

16 V.S.A. §1161a(a) requires schools to adopt a comprehensive discipline plan. Among the requirements is that the plan must include “procedures for informing parents of the school’s discipline policies, for notifying parents of student misconduct, and for working with parents to improve student behavior.” 16 V.S.A. §1161a(a)(3).

Technical Center Offerings

16 V.S.A. §1541a(b) provides that high schools are to give technical centers the names and addresses of students and their parents so that they may be contacted and notified of technical center offerings.

Wellness Programs

16 V.S.A. §216 requires the Secretary of Education to prepare and update a list of school and community programs which have the potential to improve childhood wellness and the list is to be made available to all school districts and community organizations that request it. Current information about [wellness information](#) is available on the Agency’s website.

Periodic Release Time Courses

16 V.S.A. §1053 requires schools, at the request of a religious group, to publish “periodic release time religious education courses” to be “included in public school catalogs and listings of course offerings.” It is not clear whether such a provision would be constitutional under current First Amendment analysis.

Periodic hearing and vision screening

16 V.S.A. §1422 requires schools to test the hearing and vision of students pursuant to research-based guidelines, which can be found at the [Vermont Department of Health](#).

School Choice

Under 16 V.S.A. § 563(28), school boards must annually inform students and their parents or guardians of their options for school choice under applicable laws or policy. This includes the required notice under 16 V.S.A. § 822a.(c) regarding statewide public high school choice: “on or before February 1 each year, the board of a high school district shall define and announce its capacity to accept students under this section.”

Concussions and other head injuries

- Under 16 V.S.A. § 1431 the principal or headmaster of each public and approved independent school shall ensure that statewide [concussion and other head injury guidelines](#) are provided annually to each youth athlete and the athlete’s parents or guardians;

- Each youth athlete and a parent or guardian shall annually sign a form acknowledging receipt of the concussion and other head injury guidelines; and
- There are training requirements for all coaches and referees of a contest on how to recognize the symptoms of a concussion or other head injury.

Please familiarize yourself with these requirements at Under 16 V.S.A. § 1431(c) and more details regarding the required notice described above.

Seclusion and Restraint

State Board Rule 4500 defines the appropriate use of seclusion and restraint. Rule 4500 also sets forth the reporting requirements that flow from any use of seclusion or restraint in school (e.g. – teacher to administrator, administrator to superintendent, and school to parent/guardian of affected student). [Frequently asked questions about the rule](#) are available on the AOE website.

Flexible Pathways

Act 77 of 2013 expanded the availability of [“flexible pathways”](#) for students. Some features include (i) eliminating an age cap for the funding of the “high school completion program,” (ii) expanding opportunities for “dual enrollment;” (iii) beginning in November 2015 the Act 77 also requires the establishment of a personalized learning plan for every student in grades 7-12; and (iv) expands “early college” to all Vermont state colleges. While the law does not require that schools inform the education community of these opportunities, it is recommended that administrators do so through outreach by guidance offices and in collaboration with career and technical centers.

Federal Items

FERPA Policies

34 C.F.R. Part 99 (the federal regulations promulgated pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g *et seq.*) requires an annual notification to parents of their rights under the Act. Such notice must include that parents have the right to:

1. Inspect and review their children’s records,
2. Seek amendment of the record if it is inaccurate or misleading,
3. Consent to disclosure of personally identifiable student information except as provided in 34 C.F.R. §99.31, and
4. If they believe the Act has been violated, file a complaint with the Family Policy Compliance Office of the United States Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

In addition, the annual notice must include:

1. The procedure for exercising the right to inspect and review education records,
2. The procedure for requesting amendment of the records, and
3. The criteria the school uses for disclosing student records to persons within the school who have legitimate educational interests in reviewing the records.

Finally, if the school does disclose “directory information” (e.g. names and addresses of students, date of birth, field of study, academic or other honors attained, participation on sports teams, etc.), and most schools do in some form or another, the school must notify parents of:

1. The types of directory information that will be released,
2. The right to refuse to let the school release particular or all directory information on their own children, and
3. The period of time within which the parent has to notify the school that he or she does not wish to have the school designate some or all of the information about the parent’s child designated as directory information.

Protection of Pupil Rights Act

The Protection of Pupil Rights Act, 20 U.S.C. §1232h (hereinafter “PPRA”), requires parental notification in a number of respects:

1. 20 U.S.C. §1232h(c)(2)(A)(i) requires local education agencies to notify parents annually, at the beginning of the school year and within a reasonable time after any amendment thereof, of the adoption or continued use of PPRA policies. These local policies must include the following:
 - The rights of parents to inspect surveys created by a “third party” (meaning not federally funded) before it is administered,
 - Procedures for such inspection of surveys,
 - Arrangements to protect student privacy with respect to surveys on sensitive matters,
 - The right to inspect any instructional materials used as part of the educational curriculum,
 - Procedures for inspecting the instructional materials,
 - The administration of any physical examinations or screenings,
 - The collection or disclosure of student information for marketing purposes,
 - The right of a parent to inspect any instrument used in the collection of personal information for marketing purposes before such information is collected or disclosed, and
 - Procedures for obtaining access to such instruments in a timely fashion.
2. 20 U.S.C. §1232h(c)(2)(A)(ii) requires an annual notice to parents of the right to opt out certain activities including collection of personal student information for marketing purposes, administration of certain surveys, and non-emergency invasive physical examinations or screenings.
3. c. 20 U.S.C. §1232h(c)(2)(B) provides that schools notify parents, at least annually at the beginning of the school year, of the specific or approximate dates when any of the following will occur: collection of information for marketing purposes, administration of

surveys containing sensitive questions, and any non-emergency, invasive physical examinations or screenings.

4. d. 20 U.S.C. §1232h(d) provides that schools must “give parents and students effective notice of their rights under this section [PPRA].”

Military/Postsecondary Recruiters

20 U.S.C. §7908(a)(2) requires schools to notify parents, presumably each year although the time period is not specified, that they may request that their child’s name, address and telephone listing not be released to military or postsecondary recruiters without prior written parental consent.

Section 504 Grievance Procedures

34 C.F.R. §§104.7 and 104.8 require schools to notify parents and others that the school does not discriminate on the basis of handicap; the school’s notice shall identify the responsible employee designated to coordinate compliance with Section 504 and of the availability of a grievance procedure to address complaints regarding Section 504 of the Rehabilitation Act.

Civil Rights Act Provisions

34 C.F.R. §100.6(d) requires “recipients” of federal funding to provide information to “beneficiaries” regarding the nondiscrimination requirements of the Civil Rights Act as applied to the recipient’s operations.

Title IX Grievance Procedures and Dissemination of Policy

34 C.F.R. §§106.9(b) and 106.9(a)(1) provide that recipients of federal funding publish their grievance procedures with respect to discrimination on the basis of sex and that each recipient “implement specific and continuing steps to notify students and parents of elementary and secondary school students that it does not discriminate on the basis of sex in the educational program or activity which it operates, and that it is required by title IX not to discriminate in such a manner.” The latter section requires publication of this notice in a variety of ways, including in bulletins, catalogs, or application forms.

Notices to Parents Under Elementary and Secondary Education Act

Local education agencies are required to notify parents in a variety of circumstances. Here are a few of the more significant ones:

1. 20 U.S.C. §6311(h)(2)(A)(i) requires local education agencies receiving Title I assistance to prepare and disseminate to all parents an annual “report card.” At minimum, it must contain the number and percentage of schools identified as needing improvement, for how long they have been so identified, and information on how students achieved on state assessments compared to students in the state as a whole. Please note, there should be no change in the reported scores from the 2013-2014 school year. The 2015-16 scores will be collected, and we will report scores to districts; at this time, USED is proposing that we will make the first determinations for school improvement support in summer 2017 based on the SBAC and graduation rate performance in 2016-17 but these regulations have not yet been confirmed. Superintendents are encouraged to stay abreast of ESSA related policy on the AOE’s website

2. 20 U.S.C. §6316(b)(6) requires a local education agency “promptly” to notify parents of children in attendance that its school has been identified as a school in need of improvement with an explanation of what it means and what will happen as a result.
3. 20 U.S.C. §6311(h)(6) requires notice by a school district receiving Title I funds at the beginning of the school year to the parents of each student regarding the qualifications of the school’s teachers. The notice is to include the rights of parents, upon request, to obtain information as to whether the child’s teacher has met state qualifications and licensing criteria, whether the teacher is teaching under a waiver or provisional license, and what the major of the teacher was in his or her baccalaureate degree. If the child receives services from a paraprofessional, the paraprofessional’s qualifications must also be furnished. And, the notice will also contain a statement as to whether the student will be taught by a teacher for four or more consecutive weeks who is not licensed as that term is defined under state and federal law. Finally, this notice must also alert parents to their right to obtain information as to the level of achievement of their child in each of the state’s academic assessments.
4. 20 U.S.C. §6312(g)(1) provides that parents of students who are of limited English proficiency are to be notified not later than 30 days after the beginning of the school year that their child has been identified as in need of services. The statute contemplates a very specific and detailed listing of information to be provided in an understandable manner to the parents of the child.
5. 20 U.S.C. §6318(a)(2) requires each local education agency with Title I schools to “develop jointly with, agree on with, and distribute to, parents of participating children a written parental involvement policy.” Again, the required content of the policy are spelled out in great detail in the statute.

Notices Under the Individuals with Disabilities Education Act

The federal special education law, 20 U.S.C. §§1400, *et seq.*, requires notice to parents in a variety of ways. However, the most prominent requirements are found in 34 C.F.R. §§300.111, 300.503 and 300.504

1. 34 C.F.R. §300.111 relates to “child find” activities. As interpreted in Vermont regulations, child find includes, among other activities, notifying the public of the availability of special education services for children with disabilities aged 3-21. Similar provisions address child find for students aged birth-3. *See* Rule 2360.3 and Rule 2360.5.2 of the Vermont State Board of Education Manual of Rules and Practices.
2. The provisions of §300.503 require written notice to a parent of a student with a disability within a reasonable period of time before the school district proposes to initiate or change the identification (eligibility), evaluation or educational placement of the student or the provision of a free, appropriate, public education to the student, or whenever it refuses to do the same. The content of the notice is, again, very detailed. *See* Rule 2365.1.1 of the Vermont State Board of Education Manual of Rules and Practices.

3. The requirements of §300.504 involve the provision of a notice of “procedural safeguards” whenever a child is initially referred for a special education evaluation, whenever an Individual Education Plan meeting is called, whenever a reevaluation is sought, and whenever a due process complaint has been filed.

2016 Legislative Session

The 2016 Legislative session adjourned on May 5, 2016. Here is a summary of various education bills that were passed by the Vermont Legislature and/or already enacted into law:

Education Related Bills Signed Into Law

[Act 119 \(H. 280\)](#). An act relating to amending the State Board of Education rules on school lighting requirements.

The “lighting bill” has amended State Board Rule 6140. This rule series is currently not in effect due to the suspension of the state school construction aid program. Rule 6140 now reads as follows:

“In all classrooms or other areas where instruction routinely takes place, the artificial illumination installed as part of a school construction project shall conform to the illumination guidelines for special applications or other areas as described by the most recent edition of the Illuminating Engineering Society of North America Lighting Handbook.”

[Act 93 \(H. 529\)](#). An act relating to State aid for school construction repayment obligations.

This bill suspends the refund of school construction aid until FY 2020 when a district sells a building (during the implementation phase of Act 46 of 2015). The bill makes it easier for districts to sell older buildings that are no longer in use where state construction aid might have been provided.

Education Related Bills Signed by the Governor

(but not assigned an act number, at date of publication)

[H. 859](#) – The “Special Education” Bill

The special education bill provides needed updates to the special education law, causes a review of the current special education funding formula, and provides consulting services to supervisory unions on special education best practices. The bill updates the payment provisions of the State’s Special Education funding system to align with current law. The bill also directs the Agency of Education to procure services for evaluation the special education funding system and recommend options for a different system. A report to the legislature (due 10/1/17) will identify patterns and differences in special education delivery across the state.

[H. 95](#) – Study of Restorative Justice Practices

This bill requires the Agency of Education to “explore the use of restorative and similar practices regarding school climate and culture, truancy, bullying and harassment, and school discipline. The Agency shall consider the research that demonstrates that restorative approaches lead to reductions in absenteeism, suspensions, and expulsions and to improved educational outcomes.”

H. 875 – State Budget Bill (FY 2017)

The Agency of Education appropriations passed as proposed in the State Budget for FY 2017. The Agency will incorporate what were formerly two separate appropriations (Act 117 and Tobacco) into the two main Agency appropriations. This will simplify accounting processes and make it easier for program directors to track funds under their management. The Flexible Pathways appropriation from the Adult Education and Literacy Appropriation will also be kept separate. Flexible Pathways programs include High School Completion and Dual Enrollment and were unrelated to Adult Education.