



# The No *Child* Left Behind Act



## Policy Guidelines for Local School Boards

### Resource Document #2 updated as of 8/27/02

The No Child Left Behind resource documents are jointly developed by NSBA's Office of General Counsel, Advocacy, and Federation Member Services departments.

Julie Underwood,  
General Counsel  
703-838-6710  
junderwood@nsba.org

Karla Schultz, Manager,  
Resource Exchange  
Network, Educational  
Services  
703-838-6200  
kschultz@nsba.org

Reggie Felton  
Director, Federal  
Relations  
703-838-6782  
rfelton@nsba.org

**National School  
Boards Association**  
1680 Duke Street  
Alexandria, VA 22314  
703-838-6722  
[www.nsba.org](http://www.nsba.org)

The following policy guidelines have been developed to facilitate implementation of the No Child Left Behind Act (NCLBA) in school districts around the nation. While the Act addresses a large number of issues and topics, the policy guidance outlined here relates only to those sections of the legislation around which there is the greatest potential for misunderstandings and legal conflicts among school districts, teachers, students, and families. The actions described in these policy statements are not necessarily required by law; however, they are intended to help school districts achieve some of the major goals and objectives of NCLBA and will help to promote and facilitate the outcomes the legislation was designed to achieve. As with other federal legislation, the school board's specific responsibility with regard to implementation of the NCLBA is the development of structure, policy, oversight, and vision to support the achievement of district students and ensure compliance.

### Table of Contents

General Student Testing and District Accountability Requirements .....	2
Student Discipline and Safety .....	3
Employment and Hiring Restrictions .....	4
Employee Liability .....	5
Responsibilities Regarding Limited English Proficient Students .....	5
Responsibilities Regarding Title I Schools and Students .....	6
Responsibilities Regarding Homeless Students .....	6
Religion in Schools .....	7
Community Access to School Facilities .....	7
Military Access to Students .....	8
Student Privacy .....	8
Sex Education Programs and Curriculum .....	9

■ Copyright © 2002 National School Boards Association. All rights reserved. Permission granted to NSBA federation members to reprint NSBA *No Child Left Behind Act: Policy Guidelines for Local School Boards*, August 2002.

## General Student Testing and District Accountability Requirements

1. School districts will prepare and disseminate an annual district report card to parents, schools, and the general public that summarizes the academic performance of district schools and students. The following data are to be included:

- student academic achievement on state assessments, disaggregated by subgroups:
  - economically disadvantaged students
  - students from each major racial and ethnic group
  - children with disabilities
  - LEP students
  - student gender
  - student's migrant status
- student achievement at the basic, proficient, and advanced levels on state assessments
- secondary school graduation rates (disaggregated by subgroup)
- the number, percentage, and names of schools identified for improvement
- how students in each school performed on the state assessment compared to the school district and state as a whole
- the percentage of students who were not tested (disaggregated by subgroup)
- the professional qualifications of district teachers

2. School districts will collect and disseminate research-based information on effective school reform and improvement models, and recommend successful strategies to all schools that are in need of improvement in their district.

3. School districts should grant decision-making authority over the selection of school improvement strategies and technical assistance providers to school staff who are able to most closely evaluate the needs of the students in their school.

4. School districts will examine district rules, regulations and procedures, and modify as necessary, so that principals and teachers will have the flexibility and authority they need to effectively identify, secure, and take advantage of private and public resources and opportunities that are designed to promote student achievement.

5. School districts will support the improvement efforts of local schools by targeting district resources in a manner consistent with individual school priorities and needs, and by providing effective oversight to ensure that the improvement models and strategies selected by each failing school are appropriately aligned with state assessments in terms of the content knowledge and skills that are measured.

6. School districts will educate district employees, families, and other members of the public about the meaning of key phrases and terms in the legislation: *adequate yearly progress (AYP)*, *school improvement*, *corrective action*, *safe harbor*, *restructuring*, and, *highly qualified*. The district should also publicize the dates and timelines for implementation of the changes that directly relate to testing, instruction, curriculum, student achievement, and employee qualifications.

7. School districts will develop and disseminate “fair and equitable procedures for serving students” who qualify for public choice transportation services and supplemental services. These procedures should specify eligibility criteria, selection priorities, and step-by-step procedures for families to follow in order to secure these services for their children.

8. School districts will develop guidelines for implementing public choice in the district—including a list of designated

## The No *Child* Left Behind Act

choice schools—and use all means available to ensure that school staff and families know and understand eligibility requirements, restrictions on service, and required procedures.

9. School districts will issue transportation service guidelines to schools and families. These guidelines must address, among other things, the following: (1) restrictions that may be imposed by local health and safety codes; (2) the priority given to the lowest achieving students and those with the lowest income; (3) limitations on the district’s obligation to provide transportation; (4) the implications of any conflicting laws or regulations that apply to the district (e.g., districts under a desegregation plan or districts in states with laws that expressly prohibit choice); and, (5) conditions under which transfers will be allowed between districts.

10. School districts will issue supplemental service guidelines to both families and potential providers. These guidelines must address, among other things, the following: (1) criteria used to select supplemental providers; (2) a list of approved providers, their services and qualifications, and evidence of their effectiveness; (3) the reporting requirements and other obligations that the legislation imposes on supplemental service providers; (4) student eligibility requirements; and, (5) other terms, conditions, and limitations under which the program will operate in the district.

11. School districts will require that each school identify an individual responsible for overseeing and monitoring the performance of the supplemental provider(s) that is (are) assisting students in their school. School districts will provide these individuals with the training and information they need to perform this monitoring task effectively.

## ■ *Student Discipline and Safety*

1. School districts will identify the creation and maintenance of safe and disciplined classrooms as a high priority for district and school staff. District- and school-level safety and discipline policies and regulations will be revised, and district resources will be re-deployed as necessary to reflect the high level of importance the district attaches to this objective.

2. School districts will develop clear standards for student conduct that are designed to ensure that the environment within each district school and classroom supports student learning. Consequences for violating these standards will be identified, as well as the procedures that school staff, families, and students must follow in order to resolve problems as they develop.

3. School districts will educate the school community and the public on how their state has defined the terms “persistently dangerous school” and “victim of a violent criminal offense.” School districts will require school staff to assess and report to designated district staff, on an ongoing basis, whether their school fits the definition or is in danger of becoming so defined. In addition, the district will require that school staff inform the appropriate district staff immediately whenever a student becomes the victim of a violent criminal offense while in or on the grounds of the public school he or she attends.

4. School districts will develop an intervention plan that is to be implemented in persistently dangerous district schools. The plan should describe, for example, the resources available, the identity, roles, and responsibilities of key personnel, and the organizational, administrative, and legal actions that will be taken to address the problem. Additionally,

the plan should be based on criteria established by the state, and with the input of local law enforcement personnel, parents, and other members of the community.

5. The school district will inform the parent of every child who attends a school that has been defined as “persistently dangerous” that the school has been designated as such and that they have the right to transfer their child to a safe public school, including a public charter school. The notice, which will be in writing, will also indicate that the child is entitled to free transportation services.

6. The school district, or designated staff, will contact, in writing and by telephone, the parent of any child who is the victim of a violent criminal offense while on the grounds of his or her school. The parent will be informed of the right to transfer their child to a safe school elsewhere in the district, and that free transportation will be provided by the district.

## ■ **Employment and Hiring Restrictions**

1. School districts will ensure that all employee manuals and personnel documents are revised immediately to reflect: (1) the education and experience required of all new instructional employees; (2) the credentials that existing instructional employees must acquire; (3) the timetable for satisfying the new requirements; and (4) the consequences for employees who fail to comply.

2. School districts will notify all current employees of such employee manuals and personnel documents revisions and the implications for existing personnel.

3. School districts will inform families of students in Title I schools of their right to know the professional qualifications of their child’s teacher and will describe where and how they can get this information.

4. School districts will monitor Title I schools to ensure staff provide timely notice to the families of all students who are taught for four or more consecutive weeks by a teacher who does not meet the formal definition of “highly qualified.”

5. School districts will review staffing patterns within the district annually to ensure that poor and minority students are not taught—at higher rates than are other children—by inexperienced, unqualified, or out-of-field teachers. If staffing patterns indicate that this is occurring, the district leadership will develop strategies to correct the problem.

**Employee Liability**

1. School districts will provide all school employees with an explanation of the legal protections that have been afforded them in terms of actions they may take to maintain order, discipline, and an appropriate educational environment. Examples of approved actions should be provided (e.g., as part of a professional development workshop) to help ensure that staff will respond both effectively and legally in future altercations or conflicts with students. In addition, rules relating to parental or district notification of actions taken, written documentation, and other procedures should be developed and staff trained in implementing them appropriately.
2. School districts will inform all school and district employees of limitations on these rights. Specifically, employees will be informed that they can be held liable for harm if they engage in willful or criminal conduct, are grossly negligent, or behave recklessly or with flagrant indifference to the rights and safety of the person they harm.

**Responsibilities Regarding Limited-English Proficient Students**

1. School districts will instruct district personnel in charge of curriculum and instruction to promptly develop programs for limited-English proficient (LEP) students that emphasize English language instruction, and that have a primary goal of mainstreaming LEP students into regular classroom settings.
2. School districts will instruct all schools in their district to notify the families of students placed in an LEP program as soon as this occurs. Notification should include: (1) an explanation of why their child has been placed in the program; (2) a description of the program their child is in, as well as a description of all other types of available language programs; (3) notice of a parent's right to choose among instructional programs if more than one is available; (4) an explanation of how the current program will help their child to develop academically, learn English, and achieve the standards necessary for grade promotion and graduation; and (5) notice of a parent's right to have his or her child moved from an LEP program to a regular program if they so desire.
3. School districts must provide required parent notifications in a uniform format that is comprehensible to families, and, to the extent possible, in a language that can be understood by families.

### Responsibilities Regarding Title I Schools and Students

1. Schools that receives Title I funds must provide each parent information on the achievement level of their child on each of the state academic assessments as soon as is practicably possible after the test is taken.
2. A school that receives Title I funds must also give timely notice that to families that their child has been assigned or has been taught for four or more consecutive weeks by a teacher who is not highly qualified.
3. A district receiving Title I funds and each school served under Title I must jointly develop with and distribute to parents of children participating in Title I programs a written parental involvement policy. If a school or district has a parental involvement policy that applies to all parents, it may amend the policy to meet the requirements under the NCLBA. Schools receiving Title I funds must:
  - hold at least one annual meeting for Title I parents
  - offer a flexible number of meetings
  - involve parents in an ongoing manner in the planning, review and improvement of Title I programs
  - provide Title I parents with information about the programs, a description and explanation of the curriculum, forms of academic assessment and if requested opportunities for regular meetings to discuss the education of their children
  - develop a school-parent compact that outlines the responsibilities of each party for improved student academic achievement

### Responsibilities Regarding Homeless Students

1. School districts will develop and disseminate policy guidelines to each school that detail the rights of homeless students and the responsibilities that schools have to meet their needs and eliminate barriers to school attendance. This information will be disseminated in writing and by other means designed to raise awareness of these rights and responsibilities among school staff, homeless families and students, members of the public, and homeless service providers.
2. School districts will develop guidelines that emphasize the right of homeless students to: (1) an equal access to all educational programs and services, including transportation, that non-homeless students enjoy; (2) continue to attend school in their school of origin for the duration of homelessness; (3) attend regular public school with non-homeless students; and, (4) continue to receive all services for which they are eligible (i.e. special education, gifted and talented, and LEP).

■ **Religion in Schools**

1. School districts will certify, each year, that district schools do not prevent or otherwise deny students their right to participate in constitutionally protected prayer.
2. School districts will conduct awareness-raising activities around this requirement and educate staff, families, and students, about the parameters of acceptable religious speech and actions.
3. School districts will distribute religion guidelines to all schools. These guidelines, which should be approved by attorneys for the district, will clarify and explain the rights of students in each of the following contexts: (1) private religious activity—such as bible reading, religious discussions with fellow students, and group prayer—at school; (2) participation in before- or after-school events with religious content; (3) religion in school curriculum and instruction; (4) written expressions of religious beliefs by students in homework, art work, and other assignments; (5) distribution of religious literature on campus; (6) religiously-based excuses for non-participation in school programs and activities; (7) release time for students who desire to attend religious events or activities off-campus; (8) student attire that includes a religious theme or message; (9) access to school media for publicizing events; and, (10) access to school facilities.

■ **Community Access to School Facilities**

1. School districts will determine whether to adopt a “designated open forum” or “limited public forum” policy regarding youth and community groups’ meeting on school premises or in school facilities before or after regular school hours. Once the district adopts a facility use policy, it will inform school officials that they are required to apply the policy equitably to all groups, including the Boys’ Scouts or other affiliated groups. (Equal Access Act)

## ■ **Military Access to Students**

1. School districts will request parents of students in grades 9 - 12 complete a form indicating whether they grant permission for their child's name, address, and telephone number to be released to military recruiters. The notification should advise parents that, in the event they fail to complete and return this form to their child's school, all requests for this information by the military will be honored.
2. School districts will inform all high school principals in the district that they are prohibited from excluding military recruiters from their campuses if they do not similarly exclude prospective employers or post-secondary institutions from recruiting students.

## ■ **Student Privacy**

1. School districts will develop guidelines for school-based research that balance researchers' need for information that will be ultimately used to help schools, with students' right to privacy. The school board should designate a group or district office responsible for approving research requests and outline the basis on which approval will be granted.
2. School districts will notify parents if their child will be monitored and or surveyed by researchers. Notification should include the dates of planned research activities. Opportunities and procedures for excluding individual students must be provided.
3. School districts will notify parents, on an annual basis, of the administration of health and physical screenings, and must afford parents the opportunity to exclude their child if they so desire.
4. School districts will notify parents of their right to review all curriculum materials and survey instruments and procedures prior to them being used with their child. The district will develop processes and procedures that facilitate families' abilities to exercise this right.
5. School districts will prohibit district and school personnel from divulging students' names and addresses to businesses or organizations that plan to use this information for commercial or other purposes unless: (1) the purpose has been approved by the district, and, (2) parents have given their express permission, in writing, for this information to be divulged.

## ■ **Sex Education Programs and Curriculum**

1. School district leadership will inform, in writing, district curriculum specialists, those who teach sex education, school nurses, and other school staff of new restrictions and prohibitions regarding the distribution of contraceptives and the development and distribution of materials that may promote or encourage sexual activities. All professional development activities and materials for teachers and other school staff should be revised to reflect these new guidelines.
2. School districts will target federal funds toward the development or purchase of new, age-appropriate sex education curriculum that emphasizes abstinence if such curriculum is not currently being used in the district.