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PARENTAL NOTIFICATION

Under the Elementary and Secondary Education Act (ESEA)

The Elementary and Secondary Education Act (ESEA) makes it clear that Congress expects Local Education Agencies (LEAs) and schools receiving federal funds to ensure that parents are actively involved and knowledgeable about their schools and their children's education. The law requires schools to give parents many different kinds of information and notices in a uniform and understandable format and, to the extent practicable, in a language that the parents can understand. Listed below are some of these required notices that must be made to parents by school districts or individual public schools.

- **Written complaint procedures.** LEAs disseminate free of charge to parents of students, and to appropriate private school officials or representatives, adequate information about the State Education Agency's (SEA) written complaint procedures for resolving issues of violation(s) of a Federal statute or regulation that applies to Title I, Part A programs. [34 CFR §200.11(d).]

- **Student privacy.** Districts must give parents annual notice at the beginning of the school year of the specific or approximate dates during the school year when the following activities are scheduled or expected to be scheduled:
 - ✓ activities involving the collection, disclosure or use of personal student information for the purpose of marketing or selling that information;
 - ✓ administration of surveys containing request for certain types of sensitive information;
 - ✓ any non-emergency, invasive physical examination that is required as a condition of attendance, administered by the school, scheduled in advance and not necessary to protect the immediate health and safety of student.

A district must develop and adopt policies regarding the rights of parents to inspect:

- ✓ third party surveys before they are administered or distributed to students;
- ✓ measures to protect student privacy when surveys ask for certain sensitive information;
- ✓ parental right to inspect any instructional materials;
- ✓ administration of physical examinations or screening of students;
- ✓ collection, disclosure or use of personal information from students for the purpose of marketing or selling that information; and
- ✓ the parental right to inspect any instrument used to collect personal information before it is distributed to students.

Districts must give parents annual notice of an adoption or continued use of such policies and within a reasonable period of time after any substantive change in such policies. [20 U.S.C. §1232h(c)(2).] [ESEA Title II, Part F, §1061(c).]

• **Public release of student directory information.** Under the Family Education Rights and Privacy Act (FERPA), an LEA must provide notice to parents of the types of student information that it releases publicly. This type of student information, commonly referred to as “directory information,” includes such items as names, addresses, and telephone numbers and is information generally not considered harmful or an invasion of privacy if disclosed. The notice must include an explanation of a parent’s right to request that the information not be disclosed without prior written consent.

Additionally, §9528 requires that parents be notified that the school routinely discloses names, addresses, and telephone numbers to military recruiters upon request, subject to a parent’s request not to disclose such information without written consent.

A single notice provided through a mailing, student handbook, or other method that is reasonably calculated to inform parents of the above information is sufficient to satisfy the parental notification requirements of both FERPA and §9528. The notification must advise the parent of how to opt out of the public, nonconsensual disclosure of directory information and the method and timeline within which to do so. [ESEA §9528.]

• **Military recruiter access to student information.** Districts receiving federal education funds must notify parents of secondary school students that they have a right to request their child’s name, address and telephone number not be released to a military recruiter without their prior written consent. Districts must comply with any such requests. [20 U.S.C. §7908(a)(2).] [ESEA §9528.]

• **Teacher qualifications.** At the beginning of each school year, a district that receives Title I funds must notify parents that they may request information regarding the professional qualifications of their children’s classroom teachers. If a parent requests the information, it must include at least:

- ✓ whether the teacher has met state qualifications and licensing criteria for the grade levels and subject areas taught;
- ✓ whether the teacher is teaching under emergency or other provisional status;
- ✓ the baccalaureate degree major of the teacher and
- ✓ any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.

The information must also disclose whether the child is provided services by paraprofessionals, and if so, their qualifications. [20 U.S.C. §6311(h)(6).]

Title III requires that each eligible entity receiving a subgrant under §3114 shall include in its plan a certification that all teachers in any language instruction educational program for limited English proficient children that is, or will be, funded under this part are fluent in English and any other language used for instruction, including having written and oral communication skills. [ESEA Title III, Part A, §3116(c).]

• **Non-highly qualified teachers.** A Title I school shall provide each individual parent timely notice that the parent’s child has been assigned, or has been taught for four or more consecutive weeks, by a teacher who is not highly qualified. [20 U.S.C. §6311(h)(6)(B).] [ESEA Title I, Part A, §1111(h)(6)(A) and (h)(6)(B)(ii).]

• **Report cards on statewide academic assessment.** Each school district that receives Title I, Part A funds must prepare and disseminate an annual report card. Generally, the state or district must include on its report card information about public schools related to student achievement, accountability, teacher qualifications and other required information, as well as any other information that the state or district deems relevant.

These report cards must be concise and presented in an understandable and uniform format accessible to persons with disabilities and, to the extent practicable, provided in a language that parents can understand. In Tennessee, these requirements are met through our State's report card. [ESEA Title I, Part A, §1111(h)(1) and (h)(2).]

• **Individual achievement on state assessment.** A school 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. [20 U.S.C. §6312(c)(1)(N).] [ESEA Title I, Part A, §1111(h)(6)(B)(i).]

All schools must provide to parents, teachers and principals the individual student interpretive, descriptive and diagnostic reports, which allow specific academic needs to be understood and addressed, and include information on the students achievement on academic assessments aligned with State academic achievement standards. [ESEA §1111(b)(3)(C)(xii).]

• **National Assessment of Education Progress.** Districts, schools and students may voluntarily participate in the National Assessment of Educational Progress (NAEP). Parents of children selected to participate in any NAEP assessment must be informed before the assessment is administered that their child may be excused from participation for any reason, is not required to finish any assessment and is not required to answer any test question. A district must make reasonable efforts to inform parents and the public about their right to access to all assessment data (except personally identifiable information), questions and current assessment instruments. [ESEA Title VI, Part C, §411(c)(1); (d)(1)–(2).]

• **Parental involvement.** A district receiving Title I funds and each school served under Title I must develop jointly with, agree on 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 ESEA. [ESEA Title I, Part A, §1118(a)(2).] [20 U.S.C. §6318(b); (c).]

Parents shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school. [ESEA Title I, Part A, §1118(b)(1).]

Schools 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 timely information about the programs, a description and explanation of the curriculum, forms of academic assessment and expected levels of student proficiency;
- ✓ if requested, provide opportunities for regular meetings to discuss decisions related to the education of their children; and
- ✓ develop a school-parent compact that outlines the responsibilities of each party for improved student academic achievement. [ESEA Title I, Part A, §1118(c).]

Title III requires that each eligible entity receiving a subgrant under §3114 submit a plan to the SEA that describes how the eligible entity will promote parental and community participation in programs for limited English proficient children. [ESEA Title III, Part A, §3116(b)(4).]

Title III-funded LEAs are required to implement an effective means of outreach to parents of limited English proficient children to inform such parents of how they can be involved in the education of their children and be active participants in assisting their children to learn English, achieve at high levels in core academic subjects, and meet the same State content and achievement standards all children are expected to meet. [ESEA Title III §3302(e).]

- **Schoolwide programs.** A district must inform eligible schools and parents of schoolwide program authority under which such schools may consolidate funds from federal, state and local sources to upgrade the entire educational program of the school. The school must serve an eligible attendance area in which at least 40% of the children in the area or enrolled in the school are from low-income families. [20 U.S.C. §6312(c)(1)(A).] [ESEA Title I, Part A, §1114.]
- **Progress review.** Each LEA shall publicize the results of the annual progress review to parents, teachers, principals, schools, and the community so that the teachers, principals, other staff, and schools can continually refine, in an instructionally useful manner, the program of instruction to help all children served under Title I to meet the challenging State student academic achievement standards. [ESEA §1116(a)(1)(C)]
- **Limited English proficiency programs.** A school district that uses federal funds to provide a language instruction education program for children with limited English proficiency must no later than 30 days after the beginning of the school year inform the parents of each child identified for participation or participating in such a program:

- ✓ the reasons for the identification of the child as limited English proficient;
- ✓ the child's level of English proficiency;
- ✓ how that level was determined and the status of the child's academic achievement;
- ✓ methods of instruction used in the program in which their child is participating and methods of instruction used in other available programs;
- ✓ how the program will meet the educational strengths and needs of their child;
- ✓ how the program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation;
- ✓ the specific exit requirements for the program;
- ✓ in the case of a child with a disability, how the program meets the child's IEP objectives; and
- ✓ information about parental rights detailing the right of parents to have their child immediately removed from such program upon their request and the options that parents have to decline to enroll their child in such program or to choose another available program or method of instruction.

For a child not identified as limited English proficient prior to the beginning of the school year, the district must notify parents within the first two weeks of the child being placed in such a program. [20 U.S.C. §6312(g); §7012(a)-(d).] [ESEA Title I, Part A, §1112(g)(1)-(4).]

Each eligible entity using Title III funds to provide a language instruction education program, and that has failed to make progress on the annual measurable achievement objectives shall separately inform the parents of children identified for participation in such program, or participating in such program, of such failure not later than 30 days after such failure occurs. All required information shall be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand. [ESEA, Title III, Part C, §3302(b)(c).]

• **Homeless children.** To be eligible for funds, the school must provide written notice, at the time any child seeks enrollment in such school, and at least twice annually while the child is enrolled in such school, to the parent or guardian or unaccompanied youth that, shall be signed by the parent or guardian or unaccompanied youth; that sets forth the general rights provided; and specifically states:

- ✓ the choice of schools homeless children are eligible to attend;
- ✓ that no homeless child is required to attend a separate school for homeless children;
- ✓ that homeless children shall be provided comparable services, including transportation services, educational services, and meals; and
- ✓ that homeless children should not be stigmatized by school personnel; and
- ✓ provides contact information for the local liaison for homeless children and the State Coordinator for Education of Homeless Children and Youths;
- ✓ provide assistance to the parent or guardian or unaccompanied youth to exercise the right to attend their choice of schools as provided for in subsection (g)(3)(A); and
- ✓ coordinate with the local education agency with jurisdiction for the school selected, to provide transportation and other necessary services. [42 U.S.C. §11432(e)(3)(C),(E).] [ESEA Title X, Part C, §722(e)(3)(C)(I)-(iv).]

If the district sends a homeless child to a school other than the school of origin or the school requested by the parent or guardian, the district must provide the parents a written explanation for, including notice of the right to appeal, the decision. The information must also be provided whenever a dispute arises over school selection. [ESEA Title X, Part C, §722(g)(3)(B).]

Each LEA liaison for homeless children and youth shall ensure the parents or guardians of homeless children and youth are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children. [ESEA Title X, Part C, §722(g)(6)(A)(iv).]

Public notice of the educational rights of homeless children and youths is disseminated where such children and youths receive services under this Act, such as schools, family shelters, and soup kitchens. [ESEA Title X, Part C, §722(g)(6)(A)(v).]

• **Safe and drug-free schools programs.** A district receiving safe and drug-free school program funds must inform and involve parents in violence and drug prevention efforts. The district must make reasonable efforts to inform parents of the content of safe and drug-free school programs and activities other than classroom instruction. If a parent objects in writing, the district must withdraw the student from the program or activity. [20 U.S.C. §7116(b); 20 U.S.C. §7163.]

• **21st Century Community Learning Centers.** A program or activity funded as part of a 21st Century Community Learning Center providing before and after school activities to advance student academic achievement must undergo periodic evaluation to assess its progress toward achieving its goal of providing high quality opportunities for academic enrichment. The results of evaluations shall be made available to the public upon request, with public notice of such availability provided. [ESEA §4205(b)(2).]

• **Waiver request.** If a school district requests the U.S. Secretary of Education to waive any provision or regulation of the ESEA, it must provide notice and information about the waiver to the public in the manner in which is customarily provides public notice. [20 U.S.C. §7861(b)(3)(B).] [ESEA Title IX, Part D, §9401(b)(3)(B)(ii).]