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PARENTAL NOTIFICATION UNDER NCLBA

Tennessee Department of Education Office of Federal Programs

The No Child Left Behind Act (NCLBA) makes it clear that Congress expects 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 requirements. (It includes only those notices that must be made to parents by school districts or individual public schools.)

- **Report cards on statewide academic assessment.** No later than the beginning of the 2002-03 school year, school districts that receive Title I funds must prepare and distribute to parents an annual district report card showing the number and percentage of schools identified for school improvement; how long the schools have been so identified; and how students achieved on a statewide academic assessment compared to students in the state as a whole. For each school in the district, the report card must show whether the school has been identified for school improvement and how the achievement of the school's students on the statewide assessment and other indicators of adequate yearly progress compare to those in the district and the state as a whole. 20 U.S.C. §6311(h)(2). For each school served under Title I, the district must determine and publicize annually whether the school is making adequate yearly progress. 20 U.S.C. §6316(a)(1)(C). In Tennessee, these requirements are met through our State's report card.
- **Teacher qualification.** At the beginning of each school year, a district that received Title I funds must notify parents that they may request information about the professional qualifications of their children's classroom teacher(s). 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. 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). A Title I school must also give 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); 20 U.S.C. §6312(c)(1)(N).
- **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. §6311(h)(6)(B); 20 U.S.C. §6312(c)(1)(N).
- **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 give the parent(s) of each child identified for participation or participating in such a program the following information: why the child is placed in the program; the child's level of English proficiency, how that level was determined and the status of the child's academic achievement; methods of instruction in the program in which their child is placed and those of other available programs; how the program will meet the educational needs of their child; how the program will help their child learn English and meet the educational needs of 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. 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); 20 U.S.C. §7012(a) – (d).

- **Schools identified for improvement, corrective action or restructuring.** A school district receiving Title I funds must promptly notify parents of each student enrolled in an elementary or secondary school identified for improvement, corrective action or restructuring that the school has been so identified, an explanation of what the identification means, how the school compares in terms of academic achievement with other schools in the district and in the state, the reasons for the identification, what the school is doing to address low achievement, what the district and state will do to help the school, how the parents can become involved in addressing the school's academic issues, and an explanation of the parents' option to transfer their child to another public school or to obtain supplemental educational services for the child. If a school is subject to restructuring, the district must promptly notify the teachers and parents and provide them an opportunity to comment before an action is taken and to participate in developing any restructuring plan. 20 U.S.C. §6316(b)(6) – (8).
- **Supplemental educational services.** If a school fails to make adequate yearly progress according to certain statutory timetables, the district must make supplemental educational services available to eligible children in the school. The district must provide annual notice to parents of the availability of these services, the identity of approved providers of these services and a brief description of the services, qualifications and demonstrated effectiveness of each provider. 20 U.S.C. §631(e)(2).
- **Parental involvement policy.** 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 NCLB. 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 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; and develop a school-parent compact that outlines the responsibilities of each party for improved student academic achievement. 20 U.S.C. §6318(b), (c).
- **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.
- **National Assessment of Education Progress.** Districts, schools and students may voluntarily participate in the National Assessment of Educational Progress. 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. 20 U.S.C. §9010 (c)(1)(A), (d)(2).
- **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).
- **Homeless children.** To be eligible for federal funds for programs assisting the education of homeless children, a district must provide written notice to the parents of each child enrolled in a separate school for homeless children of the choice of schools that homeless schools, and that homeless children must be provided transportation services, educational services and meals through school meal programs comparable to those offered to other children in the school attended. The notice must also include contact information for the local liaison for homeless children and the state coordinator for education of homeless children. If the district sends a homeless child to a school other than the school of origin or the school requested by the parent, 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. 42 U.S.C. §11432(e)(3)(C), (E); 11432(g)(2)(B), (E).
- **Student privacy.** A district must develop and adopt policies regarding the rights of parents to inspect third party surveys before they are 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. 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. 20 U.S.C. §1232h(c)(2).

- **Waiver request.** If a school district requests the U.S. Secretary of Education to waive any provision or regulation of the NCLB, 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).
- **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 providing high quality opportunities for academic enrichment. If a district provides such programs or activities, it must notify the public that the results of any such evaluation are available upon request. 20 U.S.C. §7175(b)(2)(B).
- **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).

