



STATE OF TENNESSEE
DEPARTMENT OF EDUCATION
NINTH FLOOR, ANDREW JOHNSON TOWER
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-0375

BILL HASLAM
GOVERNOR

KEVIN HUFFMAN
COMMISSIONER

PARENTAL NOTIFICATION UNDER The Elementary and Secondary Education Act (ESEA)

The Elementary and Secondary Education Act (ESEA) 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 required notices that must be made to parents by school districts or individual public schools.

- **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, and teacher quality 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, SEC. 1111(h)(1) and (h)(2)).
- **Teacher qualification.** 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)). 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)). (ESEA Title I, Part A, SEC. 1111(h)(6)(A) and (h)(6)(B)(ii)).
- **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, SEC. 1111(h)(6)(B)(i)).
- **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 Educational 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. (ESEA Title VI, Part C, SEC. 411(c)(1); (d)(1) – (2)).

- **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, SEC. 1114).
- **Parental involvement policy.** A district receiving Title I funds and each school served under Title I must jointly develop jointly 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. 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. (20 U.S.C. §6318(b), (c)). (ESEA Title I, Part A, SEC. 1118).
- **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)).
- **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); 20 U.S.C. §7012(a) – (d)). (ESEA Title I, Part A, SEC. 1112(g)(1) – (4)).
- **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, SEC. 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, SEC. 722 (g)(3)(B)).

- **Student privacy.** 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. 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)). (ESEA Title II, Part F, SEC. 1061(c))
- **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, SEC. 9401(b)(3)(B)(ii)).
- **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)(A) – (B)).
- **ESEA Flexibility Waiver.** Communicate to parents, including parents of students with disabilities and English learners, the implications of the SEA's ESEA flexibility plan for LEAs, schools, teachers, and students.