PARENTAL NOTIFICATION
Under the Elementary and Secondary Education Act (ESEA)

The Elementary and Secondary Education Act (ESEA) as amended in Dec. 2015 by the Every Student Succeeds Act (ESSA) makes it clear that Congress expects local educational 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.

Teacher Qualifications and Highly Effective Teachers

At the beginning of each year, an LEA shall notify parents that they may request, and the LEA will provide, information regarding whether professionals are highly effective, including the qualifications of the student's teachers and paraprofessionals. This includes information about whether the student's teacher:

1) has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
2) is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived;
3) is teaching in the field of discipline not of the certification of the teacher; and
4) is teaching alongside paraprofessionals and, if so, the paraprofessional's qualifications [ESSA § 1112(e)(1)(A)].

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; and
- ✓ any nonemergency, 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;
- ✓ 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. 1232g].*

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, ESSA 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 [*§8025*].

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 ESSA. 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 *[20 U.S.C. 1232g] [ESEA §8025].*

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 *[ESEA §8528(a)(2)(B)].*

Parent and Family Engagement

A district receiving Title I funds must develop jointly with, agree on with, and distribute to, parents and family members of participating children a written district-level parent and family engagement policy. Each school served under Title I must also develop jointly with, agree on with, and distribute to, parents and family members of participating children a written school-level parent and family engagement policy. If an individual school or district has a parent and family engagement policy that applies to all, it may amend the policy to meet the requirements under the ESEA *[ESEA Title I, Part A, §1116(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, §1116(b)(1)].*

Schools must:

- ✓ hold at least one annual meeting for Title I parents;
- ✓ offer a flexible number of meetings;
- ✓ involve parents and families in an ongoing manner in the planning, review, and improvement of Title I programs;
- ✓ provide Title I parents and families 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, §1116(c)]*.

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 the state's report card** *[ESEA Title I, Part A, §1111(h)(1) and (h)(2)].*

Achievement on State Assessment

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 student's achievement on academic assessments aligned with state academic achievement standards *[ESEA §1111(b)(2)(B)(x)].*

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 all assessment data (except personally identifiable information), questions, and current assessment instruments *[ESEA Title VI, Part C, §411(c)(1); (d)(1)–(2))].*

Schoolwide Programs

An eligible school operating a schoolwide program shall make the comprehensive plan available to the LEA, parents, and the public. The information contained in such plan shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand *[20 U.S.C. §6314][ESEA Title I, Part A, §1114].*

English Learner Programs

A school district that uses federal funds to provide a language instruction education program for English learners 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 an English learner;
- ✓ 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 an English learner 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 *[ESEA Title I, Part A, §1112].*

Homeless Children

To be eligible for McKinney-Vento funds, the school must provide written notice at the time any child seeks enrollment in the school, and at least twice annually while the child is enrolled in the 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.

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 *[ESSA Title IX, 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 *[ESSA Title IX, 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 the McKinney-Vento Act, such as schools, family shelters, and soup kitchens *[ESSA Title X, Part C, §722(g)(6)(A)(v)].*

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, §8401(b)(3)(B)(ii)].*