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January 31, 2018

**MEMORANDUM**

**TO:** Superintendents and State Charter School Administrators

**FROM:** Sam Ornelas, Director, Title I Bureau 

**RE:** **Every Student Succeeds Act (ESSA) Parent Notification Requirements**

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The federal Every Student Succeeds Act (ESSA) requires that local educational agencies (LEAs) provide notice to parents in the following areas.

**Academic Achievement and Educator Qualifications**

At the beginning of each school year, a LEA that receives Title I funds shall notify the parents of each student attending any school receiving Title I funds that the parents may request, and the LEA will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including at a minimum:

- Whether the student's teacher:
  - has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
  - is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and
  - is teaching in the field of discipline of the certification of the teacher; and
- Whether the child is provided services by paraprofessionals and, if so, their qualifications.

Section 22-10A-16 NMSA 1978 expands this requirement to all public schools and adds a requirement to include in the notice information regarding the qualifications of school principals and the teacher's degree major and any other license or graduate degree held by the teacher.

In addition to the information parents may request above, a school that receives Title I funds shall provide to each individual parent of a child who is a student in such school, with respect to such student:

- information on the level of achievement and academic growth of the student, if applicable and available, on each of the State academic assessments required under ESSA, and
- timely notice that the student has been assigned, or has been taught for 4 or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

Information on level of achievement may be satisfied through the individual student reports provided by assessment vendors.

For questions regarding the teacher and paraprofessional requirements please contact the Professional Licensure Bureau at 505-827-1430.

### **Testing Transparency**

At the beginning of each school year, a LEA that receives Title I funds shall notify the parents of each student attending any school receiving Title I funds that the parents may request, and the LEA will provide the parents on request (and in a timely manner), information regarding any State or LEA policy regarding student participation in any assessments mandated by section 1111(b)(2) of the ESSA and by the State or LEA.

Each LEA that receives Title I funds shall make widely available through public means (including by posting in a clear and easily accessible manner on the LEA's website and, where practicable, on the website of each school served by the LEA) for each grade served by the LEA, information on each assessment required by the State to comply with section 1111, other assessments required by the State, and where such information is available and feasible to report, assessments required districtwide by the LEA, including:

- the subject matter assessed;
- the purpose for which the assessment is designed and used;
- the source of the requirement for the assessment; and
- where such information is available—
  - amount of time students will spend taking the assessment, and the schedule for the assessment; and
  - time and format for disseminating results.

In the case of a LEA that does not operate a website, such LEA shall determine how to make the information described above widely available, such as through distribution of that information to the media, through public agencies, or directly to parents.

For questions regarding this requirement please contact the PED Assessment Bureau at [ped.assessment@state.nm.us](mailto:ped.assessment@state.nm.us) or 505-827-5861.

## **English Language Instruction**

Each LEA using funds under Title I or Title III to provide a language instruction educational program as determined under Title III shall, not later than 30 days after the beginning of the school year, inform parents of an English learner identified for participation or participating in such a program, of:

- the reasons for the identification of their child as an English learner and in need of placement in a language instruction educational program;
- the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;
- the methods of instruction used in the program in which their child is, or will be, participating and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;
- how the program in which their child is, or will be, participating will meet the educational strengths and needs of their child;
- how such 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, including the expected rate of transition from such program into classrooms that are not tailored for English learners, and the expected rate of graduation from high school (including four-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates for such program) if funds under this part are used for children in high schools;
- in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child, as described in section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)); and
- information pertaining to parental rights that includes written guidance—
  - detailing the right that parents have to have their child immediately removed from such program upon their request;
  - detailing the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and
  - assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the eligible entity.

For those children who have not been identified as English learners prior to the beginning of the school year but are identified as English learners during such school year, the LEA shall notify the children's parents during the first two weeks of the child being placed in a language instruction educational program.

The notice and information provided to parents shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

In addition to the above notice requirements, each LEA receiving Title I funding shall implement an effective means of outreach to parents of English learners to inform them how they can be

involved in the education of their children, and be active participants in assisting their children to:

- attain English proficiency;
- achieve at high levels within a well-rounded education; and
- meet the challenging State academic standards expected of all students.

Implementing an effective means of outreach to parents shall include sending notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under Title I or Title III.

In implementing ESSA programs note that a student shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.

For questions regarding this requirement or for a sample letter please contact Kirsi Laine in the PED Language and Culture Bureau at [Kirsi.laine@state.nm.us](mailto:Kirsi.laine@state.nm.us).

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