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MEMORANDUM

TO: Superintendents and State Charter School Leaders

FROM: Kirsi Laine, Director, Student, School, and Family Support Bureau

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RE: Title I Parents Right-to-Know Requirements

The federal Elementary and Secondary Education Act (ESEA) as amended by Every Student Succeeds Act (ESSA) in section 1112 (e) requires that local educational agencies (LEAs) provide notice and outreach to parents in the following areas.

Academic Achievement and Educator Qualifications

At the beginning of each school year, an 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 qualifications 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.
- 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 teachers, such as 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 student in such school, with respect to the 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 ESEA as amended, and
- timely notice that the student has been assigned or has been taught for four 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.

For questions regarding teacher and educational assistant (paraprofessional) licensure requirements, please contact the [Professional Licensure Bureau](#).

Testing Transparency

At the beginning of each school year, an 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 ESEA as amended and by 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 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:

- subject matter assessed;
- purpose for which the assessment is designed and used;
- 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 an 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 [Assessment Bureau](#).

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, no later than 30 days after the beginning of the school year, inform parents of an English learner student identified for participation or participating in such a program, of:

- reasons for the identification of their child as an English learner and in need of placement in a language instruction educational program;
- child's level of English proficiency, how such a level was assessed, and the status of the child's academic achievement;

- 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 a program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation;
- specific exit requirements for the program, including expected rate of transition from such a 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 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 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 learner students prior to the beginning of the school year but are identified as English learner students 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.

A sample initial parent notification for program placement and a sample annual parent notification letter for program placement can be found on the [Language and Culture Division's website](#).

Parental Participation

Each LEA receiving Title I funds shall implement an effective means of outreach to parents of English learner students to inform them how they can be:

- involved in the education of their children; and
- 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 holding, and 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.

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.

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

Please note, all districts and charter schools have an obligation to communicate meaningfully with parents or guardians who are not proficient in English. The Office for Civil Rights is responsible for enforcing Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 C.F.R. Part 100, which prohibits discrimination on the basis of race, color, or national origin in programs and activities that receive Federal financial assistance from the U.S. Department of Education. For the State's guidance on providing language assistance to parents or guardians, please see the [Language Assistance to Parents or Guardians guide](#) in the [Parent Portal](#) of the NMPED website.

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