

NO CHILD LEFT BEHIND ACT OF 2001

549

Notice to Parents Required by No Child Left Behind Act of 2001 (“NCLB”)

*NOTE: This list of parental notice requirements may not be exhaustive. The only notices applying to districts that do **not** receive Title I funds are those regarding student privacy. The notices described in this administrative procedure are paraphrased; please see the specific NCLB section cited for the exact requirements.*

Improving Basic Programs Operated by Local Educational Agencies

1. As required by NCLB § 1111 (h)(6)(A): At the beginning of each school year, a district 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 district will provide the parents on request, information regarding the professional qualifications of the student’s classroom teachers, including, at a minimum, the following:
 - a. Whether the teacher has met the state qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
 - b. Whether the teacher is teaching under emergency or other provisional status.
 - c. The teacher’s baccalaureate degree major and any other graduate certifications or degrees.
 - d. Whether paraprofessionals provide services to the student and, if so, their qualifications.
2. As required by NCLB § 1111 (h)(6)(B)(i): Districts must provide parents information on the level of achievement of the parent’s child in each of the state academic assessments.
3. As required by NCLB § 1111 (h)(6)(B)(ii): Districts must provide parents timely notice that the parent’s child has been assigned, or has been taught for four (4) or more consecutive weeks by, a teacher who is not highly qualified.

Limited English Proficient Students

1. As required by NCLB § 1112(g)(1)(A) and (g)(2) and § 302(a): Districts must inform a parent of a limited English proficient child identified for participation or participating in such a program, of the reasons for their child being identified, their child’s level of English proficiency, instructional method, how their child’s program will meet the child’s needs, how the program will help the child learn English, exit requirements for the program to meet the objectives of any limited English proficiency, and information regarding parental rights.

2. As required by NCLB § 11 12(g)(1)(B) and § 3 302(b): Each district using Title I funds to provide a language instruction educational program, that has failed to make progress on the annual measurable achievement objectives described in § 3122 for any fiscal year for which part A is in effect, shall separately inform the parents of a child identified for participation or participating in such a program, of such failure not later than thirty (30) days after such failure occurs.
3. As required by NCLB § 11 12(g)(4) and § 3 302(e): Each district shall implement an effective means of outreach to parents of limited English proficient students to inform the parents regarding how they can be involved in their child's education and be active participants in assisting their child to attain English proficiency, achieve at high levels in core academic subjects, and meet challenging state academic achievement standards and state academic content standards expected of all students. In addition, the outreach shall include holding and sending notice of opportunities for regular meetings for formulating and responding to parent recommendations.

Academic Assessment and Local Agency and School Improvement

1. As required by NCLB § 111 6(b)(6): Districts shall promptly provide to parents of each student enrolled in an elementary school or a secondary school identified for school improvement under § 111 6(b)(1)(E)(I), for corrective action under § 111 6(b)(7)(C)(I), or for restructuring under § 11 16(b)(8)(A)(I):
 - a. An explanation of what the identification means and how the school compares in terms of academic achievement to other district schools and the state educational agency;
 - b. The reasons for the identification;
 - c. An explanation of what the school identified for school improvement is doing to address the problem;
 - d. An explanation of what the district or state educational agency is doing to help the school address the achievement problem;
 - e. An explanation of how the parents can become involved in addressing the academic issues that caused the school to be identified for school improvement; and
 - f. An explanation of the parents' option to transfer their child to another public school under paragraphs (1)(E), (5)(A), (7)(C)(i), (8)(A)(i), and subsection (c)(10)(C)(vii) (with transportation provided by the agency when required by paragraph (9)) or to obtain supplemental educational services for the child in accordance with subsection (e).
2. As required by NCLB § 111 6(b)(8)(c): Whenever the school fails to make adequate yearly progress and/or is restructured, the district shall provide the teachers and parents with an adequate opportunity to comment and participate in developing any plan.

3. As required by NCLB § 11 16(e)(2)(A): The district shall provide annual notice to parents of:
 - a. The availability of supplemental education services;
 - b. The identity of approved providers of those services within the district or whose services are reasonably available in neighboring districts; and
 - c. A brief description of those services, qualifications, and the demonstrated effectiveness of each such provider.

Parental Involvement

1. As required by NCLB § 1118(b): Parents shall be notified of the parental involvement policy, in an understandable and uniform format and, to the extent practicable, 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.
2. As required by NCLB § 1118(c): Each school shall:
 - a. Convene an annual meeting at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation and to explain the requirements of the NCLB and the right of the parents to be involved;
 - b. Offer a flexible number of meetings;
 - c. Involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs, including the planning, review, and improvement of the school parental involvement policy and the joint development of the school-wide program plan under § 11 14(b)(2);
 - d. Provide parents of participating children:
 - Timely information about programs under this part;
 - A description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet; and
 - If requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible.

Education of Homeless Children and Youths

1. As required by NCLB § 722(e)(3)(C): The district shall provide written notice, at the time any homeless child or youth seeks enrollment in the school and at least twice annually while the child or youth is enrolled in the school, to the parent or guardian of the child or youth (or, in the case of an unaccompanied youth, the youth) that:
Shall be signed by the parent or guardian;
 - a. Sets forth the general rights provided under this subtitle;

- b. Specifically states:
- The choice of schools homeless children and youths are eligible to attend;
 - That no homeless child or youth is required to attend a separate school for homeless children or youths;
 - That homeless children and youths shall be provided comparable services, including transportation services, educational services, and meals through school meals programs;
 - That homeless children and youths should not be stigmatized by school personnel;
- c. Includes contact information for the local liaison for the homeless children and youths.
2. As required by NCLB § 722(g)(2)(B)(iii): In the case of an unaccompanied homeless youth, the district shall ensure that the homeless liaison assists in placement or enrollment decisions, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal.
3. As required by NCLB § 722(g)(6)(A)(iv): Each district shall ensure that public notice of the educational rights of homeless children is disseminated where such children and youths receive services under this Act, such as schools, family shelters, and soup kitchens.

Homeless Student Dispute Resolution Process

The following procedures are established to promptly resolve disputes regarding the educational placement of students experiencing homelessness. A student is considered homeless under the McKinney-Vento Homeless Assistance Act if the student lacks a fixed, regular, and adequate nighttime residence.

If a dispute arises regarding the educational placement of a homeless student in a particular school, or if a school or the Mountain View School District #244 denies a child homeless status, then a written notice of explanation of such decision shall be promptly provided to the parent/guardian of the student, or to the student, if unaccompanied by a parent/guardian. Such notice shall be in language the parent/guardian or unaccompanied student can understand, shall include a description of how to dispute the decision, and shall include a summary of the dispute resolution process.

In addition, the Mountain View School District #244 shall promptly refer the parent/guardian or unaccompanied student to the homeless liaison selected by Mountain View School District #244, who shall carry out the dispute resolution process as expeditiously as possible. The Mountain View School District #244 homeless liaison shall advise the parent/guardian of the student's rights, and assist in the dispute resolution process. With respect to unaccompanied students, the homeless liaison shall ensure that the dispute resolution process is followed with respect to such student.

During the pendency of the dispute resolution process, the student shall be immediately enrolled in the school of choice selected by the parent/guardian, or by the student, if unaccompanied by a parent/guardian. Enrollment shall include all educational services for which the student is eligible, such as attending classes and full participation by such student in all school activities.

If agreement cannot be reached between the parties regarding the educational placement of the student, then the Mountain View School District #244 shall promptly seek further assistance and review from the Idaho State Department of Education, who shall appoint a qualified individual to further assist in the dispute resolution process and determine how the student's best interests will be served.

The written findings, conclusions, and recommendation of the reviewer shall be provided to the Mountain View

School District #244 Board of Trustees for consideration at the next scheduled meeting. The board of trustees may accept or reject the recommendation, and such determination shall constitute final resolution of the dispute.

Persistently Dangerous Schools

Proposed by the Idaho Department of Education, Bureau of Federal Programs.

If the district is identified as a persistently dangerous school,¹ the district must, in a timely manner:

1. Notify parents of each student attending the school that the state has identified the school

The Department of Education gathers school district data through the annual SDFS evaluation, (a process for gathering individual school building data and adding criminally injurious conduct would need to be developed.) A persistently dangerous school **must meet all of the following criteria for three consecutive years**:

- ◆ Student suspension or expulsion for criminally injurious conduct (Defined by Idaho Criminal Code, Section 72-1003(7)(a) -homicide, rape, robbery, aggravated battery, aggravate assault, assault with intent to commit a serious felony, battery with intent to commit a serious felony, administration of poison with intent to kill, and mayhem)and
- ◆ Weapons-related violations, ID Code 1 8-3302D(2)(a)(b), or criminally injurious conduct committed by a student or a non-student on school property,

Any school that has suspended or expelled 1% of the students body or 5 students, whichever number is higher, for weapon-related offenses or criminally injurious conduct for three or more consecutive years will be determined persistently dangerous.

Schools with more than 500 students may use the formula in the Appendix to calculate their current rate of violence-related suspensions / expulsions. Schools with 500 or fewer students may use the number 5 as the threshold criteria. Any school meeting one or both of these criteria a second consecutive year will be required to identify the problems and implement a corrective action plan to ensure a safe school environment for students.

2. Offer all students the opportunity to transfer to a safe public school within the district. If there is not another school in the district, the district is encouraged, but not required, to explore other options such as an agreement with a neighboring district to accept transfer students.
3. For those students who accept the offer, complete the transfer. In addition a district must also:
 1. Develop a corrective action plan; and
 2. Implement the plan in a timely manner.

Parental notification regarding the status of the school and the offer to transfer students may be made simultaneously.

Student Privacy

1. As required by NCLB § 1061 (c)(2)(A): The student privacy policies developed by the district shall provide for reasonable notice of the adoption or continued use of such

policies directly to the parents of students enrolled in schools served by the district. At a minimum, the district shall:

- a. Provide such notice at least annually at the beginning of the school year and within a reasonable period of time after any substantive change in such policies; and offer an opportunity for the parent to opt the student out of any activity affected by the policy.
2. As required by NCLB § 1061 (c)(2): All districts shall provide reasonable notice of such existing policies to parents and guardians of students, e.g., *“The Board has adopted and continues to use policies regarding student privacy, parental access to information, and administration of certain physical examinations to minors. Copies of those policies are available on request.”*

Legal Reference: McKinney-Vento Homeless Assistance Act,
Title VII, Subtitle B, as
Amended by the No Child Left Behind Act
Section 33-1404, Idaho Code

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