

July 18, 2002

To: Schools Legal Services Clients
From: Peter C. Carton
Re: Annual Notices to Parents
Effects of Federal "No Child Left Behind Act"

A number of member districts have asked us to review the omnibus No Child Left Behind Act, with attention to possible new required notifications to parents. The task is made more difficult by the lack of federal or state regulations explaining what the law means. For instance, no one has yet defined the term "highly qualified teacher," although the California Department of Education has drafted some wording for federal regulatory approval.

We discuss here the few items which we believe should be added to the annual notice package, in contrast to those that may one day become necessary due to a future program or site-specific occurrence.

Program or Site-specific Notices

The federal law contains some notice requirements which may be triggered by future events at a given school or district. Those events are almost always program-specific, and may never occur. We do not recommend districts send a blanket notice in the annual package as to those events. Rather, the district should direct program staff to monitor those events.

Examples of a notice which would not normally belong in the annual notice packet would include:

1. The notice to parents when a school is identified under Title I as "PI," or, performance improvement. We can provide assistance if necessary in drafting a notice tailored to the specific facts.
2. The programmatic notice at the start of the year directed to parents of English language learners.

Additional Items for Annual Notice Package

We believe the following three items are mandatory and should be included in the annual notice package, starting with the 2002-2003 school year. We understand that some districts

are choosing to send a separate letter to parents with item "B," the teacher qualifications notice.

A. [High Schools] Military Recruiters ("No Child Left Behind Act of 2001" §9528)

Federal law permits military recruiters access to the names, addresses and telephone numbers of secondary school students. Parents may request that this information not be released without prior written parental consent. A request that this information not be released without prior written parent consent must be submitted, in writing, to *[District Address]*

B. [All Students] Teacher Qualifications ("No Child Left Behind Act of 2001" §1111)

Federal law requires parents be informed of their right to request information regarding the professional qualifications of their child's teacher, including, at a minimum, whether the teacher has met state credential or license criteria for the grade level and subject matter 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; and whether the child is provided services by paraprofessionals, and, if so, their qualifications. Parents must be notified if their child is taught by a teacher who is not "highly qualified" for four consecutive weeks.

C. [All Students] Revised Health Policy Statement ("No Child Left Behind Act of 2001" §1061)

Federal law requires parents be informed of the District's current privacy policy and dates of any activities related to surveys.

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We anticipate that the process of development of federal and state regulations may well establish additional requirements for annual notices to all parents. We will continue to monitor those activities in Washington and in Sacramento. Of course, if you have any questions, please let us know.

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