

## April 2015 Monthly Newsletter



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## TRANSACT SUBSCRIBERS: What You Need to Know About Upcoming ESEA/NCLB Reauthorization

Based on what we know today, the upcoming ESEA/NCLB reauthorization will impact the content, translations and RoadMaps for the TransACT® ESEA/NCLB parent notices collection.

What does that mean for TransACT subscribers?

### Five things you need to know:

1. Please relax. Our job at TransACT is to stress out over the upcoming reauthorization and update the required parent notices, translations and RoadMaps. TransACT will update the TransACT ESEA/NCLB parent notices as soon as the reauthorization requirements and guidance from USED are clear and actionable. We expect this process to take about 90-days from release of USED guidance.
2. ESEA/NCLB is still the law and required parent notices must be sent to parents accordingly. Use the current TransACT ESEA/NCLB notices until they are updated.
3. Dr. David Holbrook, Executive Director of Federal Programs at TransACT will lead content updates for the TransACT notices. Many of you know Dr. Holbrook from his roles at the Wyoming Department of Education. The project will also include the involvement of Forest Hertlein, Ph.D., who contributed to the content of the current ESEA/NCLB collection in 2003.
4. The law firm of Brustein and Manasevit will provide guidance to TransACT, and in many cases, have hand's-on review of the notices.
5. TransACT will create an Advisory Board to review content. The advisory Board will consist of experts from SEAs, ESAs and LEAs. This process will provide a quality control mechanism. If you are interested in participating in an advisory capacity, please sign up [here](#).

### What's New For ESEA/NCLB Reauthorization?

Efforts related to the much awaited and long overdue reauthorization of the Elementary and Secondary Education Act (ESEA) as amended by the No Child Left Behind Act of 2001 have begun anew in the U.S. Congress. TransACT is following this in order to make sure that when the law does change, we can make the appropriate changes to our services. Staying on top of the changing and challenging federal education law arena is one thing we are committed to do in order to maintain a quality service for you.

### Here are highlights from Capitol Hill to keep you up to date.

In early January, Senator Lamar Alexander, Chairman of the Senate Health, Education, Labor, and Pensions (HELP) Committee submitted a draft ESEA reauthorization bill for consideration and comment. Three hearings were held in the Senate related to reauthorization, the first focusing on assessment/testing, the second on the support of teachers and principals, and the third focusing on innovations to better meet student needs.

Alexander's draft bill, tentatively titled "Every Child Ready for College or Career Act of 2015," (<http://www.help.senate.gov/imo/media/AEG15033.pdf>) provided two options to choose from for assessment and placed responsibility for accountability more heavily with States by removing references to Adequate Yearly Progress (AYP) under Title I and Annual Measureable Achievement Objectives (AMAOs) under Title III. Under the draft bill, States would be responsible for developing their own statewide accountability system. The Alexander bill repeals the Highly Qualified Teacher requirements under Title II, but still maintains a requirement for teachers to obtain State certification or licensure.

Senator Alexander's timeline included having a bill ready for the HELP Committee to consider by the end of February. Due to some significant pushback in the Senate related to a lack of bipartisanship in the drafting of a reauthorization bill, Senator Alexander has started working with the Ranking Democrat on the HELP committee, Patty Murray to draft a bipartisan bill. They hope to have this bill ready for HELP Committee review the week of April 13th.

The House of Representatives is also moving forward with reauthorization of the ESEA. The House Education and the Workforce Committee re-released their version of their bill called the "Student Success Act" (originally introduced and passed by the House in the previous congressional session on a party-line vote). The "Student Success Act" (SSA) was passed through committee and brought to the floor for debate and a vote during the last week of February. There were a number of amendments proposed during the committee mark-up, some adopted.

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And prior to the vote on the floor there were more than 100 additional amendments proposed. Most weren't considered, but of those that were, a few were adopted. Due to some opposition to this bill, especially from conservative Republicans, and issue related to a vote needed to fund Homeland Security, the House failed to bring the bill to a vote. It hopes to revive it in mid to late April, about the time the Senate hopes to have a bill in committee.

The SSA has some similarities to the Alexander bill and some differences. Like the Alexander bill, it eliminates AYP and places responsibility for accountability more heavily with States. Both bills also eliminate the Title I 1003(g) School Improvement Grants (SIG).

The Alexander bill offers more flexibility with Title I funds to serve all students in a Title I school and the SSA eliminates the 40 percent poverty threshold to operate a schoolwide program under Title I. Where the Alexander bill offers two options for assessment, the SSA maintains the current testing schedule, but places school improvement decisions with States. Another difference is that the SSA places under Title I, the separate funding streams for Migrant Education, Neglected and Delinquent, and English Language Acquisition (currently Title III) programs. These programs maintain their separate funding streams, but are included as part of Title I. While the Alexander bill basically maintains funding at the current level, the SSA actually reduces the overall funding authorization levels. The SSA also repeals the Highly Qualified Teacher requirements under Title II and reportedly enables "federal, state, and local policies to move away from onerous and meaningless burdens to strategies that will reassure parents their students' teachers are effective in the classroom." The SSA requires a teacher evaluation system, but allows for states or districts to create these within a set of five parameters. For more information on the SSA, please visit: [http://edworkforce.house.gov/uploadedfiles/the\\_student\\_success\\_act\\_summary\\_2015\\_for\\_introduction.pdf](http://edworkforce.house.gov/uploadedfiles/the_student_success_act_summary_2015_for_introduction.pdf)

### So, what happens next?

The process to reauthorize ESEA will take place something like this:

- Both the House and the Senate education committees will need to get their bills passed out of committee (already done in the House) and onto the floor where they will be discussed/debated and potentially amended/marked up. The Senate needs 60 votes to proceed, which is considered a major hurdle there. A major hurdle in the House is the pushback from conservative Republicans. The lack of bipartisanship has been a hurdle in both the House and the Senate.
- If both chambers are able to get successful approval of their respective bills, then they go into a joint conference committee.
- The joint House/Senate conference committee will likely include meetings with the Obama administration, which has already threatened to veto the SSA.
- If all goes well, a final bill is produced, goes to a vote, passes, and is sent to the President for his signature.

Given the stage that we are in, we can expect that things may look somewhat like the two bills that are currently available for review, but in the end, it may also look significantly different in some areas.

### Invitation from David Holbrook, Ph. D.

To keep up to date on our actions in response to reauthorization, please read my [bi-monthly blog](#) or follow us on [twitter](#).

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## U.S. Departments of Education and Justice Issue Joint Guidance for Serving English Learners

On January 7, 2015 the U.S. Department of Education's Office for Civil Rights and the U.S. Department of Justice's Civil Rights Division issued joint guidance, two fact sheets, and a toolkit related to serving English Learners (ELs).

We now have practical information, support and guidance related to requirements to serve ELs from many sources, including Title VI of the Civil Rights Act of 1964, related...

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## U.S. Departments of Education and Justice Issue Joint Guidance for Serving English Learners

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court cases, the Equal Education Opportunities Act, and Title III of the Elementary and Secondary Education Act (ESEA) as amended by the No Child Left Behind Act of 2001.

How does this impact TransACT parent notices?

### Top 3 things you need to know:

1. Parent communication (including notification in a language the parents can understand) is such a critical issue that a separate fact sheet was created that specifically addresses this issue.
2. TransACT has modified existing parent notices to ensure that they are in compliance with this new OCR and DOJ joint guidance.
3. The new TransACT for English Learners Parent Notices Collection includes new documents as well as revisions of existing notices that provide documentation of a district's EL program implementation. This collection provides documentation for much of what is covered in this new guidance. See <http://www.parentnotices.com/english-learners>.

The new TransACT® for English Learners collection includes new parent notices, revisions to existing notices, and 10 companion languages. This collection provides ready-to-use parent notices and critical documentation of a district's implementation including much of what is covered in this guidance. To find out more about this new option, [click here](#).

### Connecting the dots: How does TransACT align with USED and DOJ guidance?

The first section of the USED and DOJ guidance outlines a district's obligations to serve ELs. One of the new notices created for the TransACT for ELs collection is titled, "District Legal Obligations to Provide an English Language Development Program." This notice outlines the legal requirements to provide services to ELs and also provides information related to some of the common issues identified, including "Providing EL Students with a Language Assistance Program," "Staffing and Supporting an EL Program," and "Evaluating the Effectiveness of a District's EL Program."

Another new notice created for the TransACT for ELs collection is titled, "Explanation of Consequences for not Participating in English Learner Program." This notice directly addresses the issues in the guidance related to "Meeting the Needs of EL Students Who Opt Out of EL Programs or Particular EL Services," including the requirement that these students continue to be assessed annually for English proficiency until they reach the proficient level. Recent Civil Rights monitoring indicates that districts are required to document that they have informed parents of the requirement for their student(s) to continue to be assessed for English proficiency if they choose to have their student opt out of the EL program provided by the district.

The last issue discussed in the "Common Civil Rights Issues" section is "Ensuring Meaningful Communication with Limited English Proficient Parents." This section emphasizes the need to communicate with parents in a language they can understand and directly relates to what TransACT does. Based on information provided in this section, TransACT has modified some of its existing parent notices to ensure that they are in compliance with this guidance.

TransACT has been in the business of helping districts with this obligation for more than 21 years and we will continue to keep abreast of developments and provide you with the most up-to-date parent notices.

For more information about the TransACT English Learner Parent Notices [click here](#).

The joint guidance document can be found here: <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>

The fact sheet about schools' obligation to serve ELs under federal law can be found here: <http://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-el-students-201501.pdf>

The fact sheet about schools' obligations under federal law to communication information to limited English proficient parents in a language they can understand can be found here: <http://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>

And the English Learner Toolkit can be found here: <http://www2.ed.gov/about/offices/list/oela/eltoolkitchap1.pdf>

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## Plyler v. Doe and Recently Arrived Immigrant Children Issues. What you need to know about the Plyler letter.

There is growing concern surrounding a recent influx of children from Central America who have recently crossed the U.S. – Mexico border. The U.S. Departments of Education and Justice issued an updated, joint “Dear Colleague” letter on May 8, 2014 related to the public education rights of undocumented children.

Top 3 things you need to know:

1. If your district has the potential to enroll undocumented children, your staff needs to be aware of the issues surrounding these children.
2. Your district cannot engage in practices that discourage undocumented children from enrolling in school.
3. TransACT has updated its existing parent notification used with district staff that outlines the issues related to undocumented students and their parents/guardians. This update includes new links to resources and new information.

### Here’s what’s happening:

Over a period of about 10 months, ending mid-August 2014, more than 55,000 unaccompanied children had crossed the border and were referred to the U.S. Department of Health and Human Services (HHS). That’s more than double the number of such children that were apprehended for all of 2013.

Under U.S. law, the HHS is required to care for unaccompanied children that cross the border into the United States. These children are typically placed in an HHS shelter, where they are not enrolled in public schools, but are provided educational services by the HHS shelter providers. Later, they may be released to an appropriate sponsor, usually a parent, relative, or family friend. While residing with their sponsor, these children are eligible to enroll and receive educational services through the public school system.

This surge in unaccompanied children from Central America illegally crossing the U.S. – Mexico border has resulted in an increase of inquiries to the U.S. Departments of Education and Justice (USED and DOJ), including inquiries concerning the rights these children have to public education. According to U.S. law and associated court cases, such as Plyler v. Doe, all children in the U.S. have a right to public education regardless of their or their parents’ actual or perceived national origin, citizenship, or immigration status.

In response, TransACT has reviewed and updated its Plyler letter for school and district staff that is found in the GenEd collection / School, Office & Classroom folder / Front Office Admin section. The letter now has up-to-date information as well as the links provided below.

For more information about the TransACT GenEd Parent Notices Collection, [click here](#).

The USED and DOJ updated, joint Dear Colleague letter, dated May 8, 2014 is available at: <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf>

In addition, the USED has posted guidance and questions/answers on its web site at: <http://www2.ed.gov/policy/rights/guid/unaccompanied-children.html>

A Frequently Asked Questions document at: <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201405.pdf>

And two Fact Sheets at:

Fact Sheet #1: <http://www2.ed.gov/policy/rights/guid/unaccompanied-children.pdf>

Fact Sheet #2: <http://www2.ed.gov/policy/rights/guid/unaccompanied-children-2.pdf>

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## TransACT Celebrates 21 Years of Serving K12

It's been said that the first 21 years define a person's character. I'd like to think the same can be said for a company.

As a family company based out of Seattle, WA, serving our customers and staying true to our core values remains our highest priority; Stewardship, Service Before Self, Personal Accountability, Promises Made, Promises Kept, and Young Spirit, Old Fashioned Values.

One of our promises is to continuously update our existing collections to meet the needs of our customers, and develop new content to align with new compliance requirements. With the release of the new TransACT for English Learners Collection, TransACT now has five core parent notices collections available in more than 21 languages. We invite you to take a look at the other collections TransACT has to offer:



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## New: TransACT for English Learners Collection

TransACT has released a new parent notices collection that aligns with the new USED-DOJ guidance for serving English Learners. This collection is available in the following 10 languages: Arabic, Chinese, French, Haitian Creole, Hmong, Korean, Russian, Somali, Spanish, and Vietnamese.



If you'd like more information on the new TransACT for English Learners Collection, please contact Emily Passovoy at 425.977.2118 or [emily@transact.com](mailto:emily@transact.com).



### Get More Language Support

Did you know that TransACT has the ability to support more than 170 different languages? If you need access to languages that aren't currently available in your subscription, we can help. Contact Emily Passovoy at 425.977.2118 or [emily@transact.com](mailto:emily@transact.com).



### We Need Testimonials!

Love TransACT? We'd love to share your story with thousands of districts across the US.

Contact Emily Passovoy, Marketing Manager, at 425.977.2118 or [emily@transact.com](mailto:emily@transact.com).



### Summer Webinar Series - Coming Soon

Basic user training will be offered again this summer. The training schedule will be released by June 2015.

If you need assistance now, please contact your Account Manager at 425.977.2100 or [support@transact.com](mailto:support@transact.com).