



## Every Student Succeeds Act of 2015

*What should you expect during the transition time?*

Now that the holidays are past, we absorb the big news that reauthorization of the Elementary and Secondary Education Act has taken place. Dr. David Holbrook gets us caught up to speed (see page 2).



## OCR Compliance Findings

*TransACT Helps Satisfy OCR Compliance Requirements*

In cases where parent communication violations have been found, TransACT Parent Notifications have been used as part of district Resolution Agreements with OCR (see page 3).

## Presentation at the National Title I Conference

*"Federal Monitoring of English Learners:*

*Results vs. Compliance"*

Are you traveling to Houston later this month for the National Title I Conference? If so, please take some time to join Dr. David Holbrook and Terry Richard for their conference session on Friday, January 29<sup>th</sup> (see page 4).



## In this Edition

Every Student Succeeds Act of 2015

OCR Compliance Findings - TransACT Can Help

Presentation at the National Title I Conference

TransACT® for English Learners

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## Every Student Succeeds Act of 2015

### *What should you expect during the transition time period?*

*By Dr. David Holbrook*

Now that the holidays are past, we are absorbing the big news that reauthorization of the Elementary and Secondary Education Act has taken place. With the start of the second half of the school year, we are faced with the daunting and often amorphous task of transitioning to a new federal law, the "Every Student Succeeds Act" (ESSA).

***Exactly how all aspects of the transition to ESSA will take place is still being determined, but it appears that full implementation of ESSA is slated for the 2017-2018 school year.***

***Based on my experience as a state Federal Programs Director, I believe we should expect that states will face some complex challenges during the transition.***

The ESSA clearly states that for the non-competitive formula grants (Title I, Title II, Title III, etc.) the date ESSA goes into effect is July 1, 2016 (page 8). This is the date when the first round of federal education funds under ESSA are allocated to States. In addition, ESEA Flexibility waivers will expire on August 1, 2016 (page 7).

However, the ESSA (pages 9-10) also says that Title I, Section 1111 (c) and (d), the accountability and school improvement sections, "shall take effect beginning with the school year 2017-2018." In addition, the ESSA (pages 10-11) indicates that schools in improvement, corrective action, or restructuring (in states without ESEA Flexibility) and priority and focus schools (in states with ESEA Flexibility) shall continue to implement applicable improvement interventions until either the 2017-2018 school year or until the state's accountability plan is approved.

This is further impacted by Congress' passage of a budget bill shortly after the passage of ESSA. On page 981 of that budget bill it says "non-competitive formula grant programs authorized by the [Elementary and Secondary Education Act] for use during the academic year 2016-2017 shall be administered in accordance with the ESEA as in effect on the day before the enactment of the Every Student Succeeds Act." This effectively cements full implementation of ESSA to the 2017-2018 school year and keeps at least some aspects of NCLB alive during the transition.

So what does all this mean? It means that while ESSA has passed, it won't be fully implemented until the 2017-2018 school year. Therefore, the 2016-2017 school year will be a time of transition when many aspects of NCLB will continue to be in place.

Exactly what parts of NCLB will remain in effect and how those parts will be administered has yet to be determined. What we do know from a 'Dear Colleague Letter' (DCL) issued by the US Department of Education (USED or ED) on December 18, 2015 is that Assessment Peer Review will move forward. In addition, the DCL states that, "ED will not require States to submit [Title I] AMOs (for school years 2014-2015 or 2015-2016) in January 2016 for ED's review and approval, nor will ED require States to report performance against AMOs for the 2014-2015 or 2015-2016 school years. Additionally, ED will not require States to hold districts accountable for their performance against AMAOs 1, 2, and 3 under Title III of the ESEA for the 2014-2015 or 2015-2016 school years." States and districts will continue to be required to report performance data and publish report cards, but no accountability consequences will be required.

### **Join the ESSA National Advisory Board**

TransACT is forming an ESSA National Advisory Board to evaluate the impact of the new law on compliance matters and further develop our Roadmap and tools to support states' needs. If you hold a state or district leadership position and are interested in being part of this National Advisory Board, email me at [david@transact.com](mailto:david@transact.com) and let me know. I'll add you on the list of potential participants in this exciting opportunity.

Stay tuned, TransACT will provide updates and additional information when it is available. If you have questions, contact us at 425.977.2100 or email at [support@transact.com](mailto:support@transact.com).

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## OCR Compliance Findings

### *TransACT Helps Satisfy OCR Compliance Requirements*

The US Department of Education's Office for Civil Rights (OCR) conducts reviews of district practices related to English Learners (ELs) to ensure compliance with Civil Rights requirements. An EL compliance review may be initiated by OCR or may be the result of a complaint alleging a violation of EL Civil Rights within a state, district, or school. In cases where parent communication violations have been found, TransACT Parent Notifications have been used as part of district Resolution Agreements with OCR.

#### Here's what you need to know:

1. TransACT has worked with a number of districts with OCR, DOJ, and ESEA compliance findings related to parent notifications.
2. TransACT Parent Notifications have been used as part of the resolution of these compliance findings.
3. If you are faced with a parent notification finding, be it from OCR or another compliance monitoring agency, give TransACT a call. We're here to take the worry out of parent notification compliance requirements.

#### OCR Investigations

The Office for Civil Rights is charged with enforcing Title VI of the Civil Rights Act of 1964. Title VI includes the requirement for districts to provide a core EL program that is effective in helping ELs attain English proficiency and access academic content. This includes the provision of meaningful participation of ELs and their parents in the educational program offered by the district.

To ensure meaningful parental participation, OCR's investigations consider whether districts provide information to parents in a language they understand. This includes the requirement of "notifying [limited English proficient] LEP parents and guardians, in a language they will understand, of the availability of free language assistance services with respect to information about school programs and activities" (OCR letter to Tulsa Public Schools <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/07105002-a.pdf>).

#### TransACT Helps Satisfy OCR Compliance Requirements

Recently, Tulsa Public Schools used TransACT Parent Notifications in their Resolution Agreement with OCR. Their publically posted Resolution Agreement states that at a minimum their plan will provide to LEP parents language assistance that includes "[a] process for notifying LEP parents and guardians of the availability of free language assistance services with respect to information about school programs and activities." And "[t]he notification will be provided in the languages available to the District via 'TransACT Parent Notifications' and 'Language Line Services' (<https://www2.ed.gov/about/offices/list/ocr/docs/investigations/07105002-b.pdf>)."

While TransACT has helped districts satisfy compliance monitoring findings related to parent notifications, many districts have avoided these findings by proactively subscribing to TransACT Parent Notifications.

If you are facing a parent notification compliance finding, or are concerned that your district is not meeting this compliance requirement, contact us at 425.977.2100 or email at [support@transact.com](mailto:support@transact.com). We will be happy to work with you to ensure that your compliance needs are met.

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## Presentation at the National Title I Conference

### “Federal Monitoring of English Learners: Results vs. Compliance”

National Title I Conference 2016, Houston, TX

Are you traveling to Houston later this month for the National Title I Conference? If so, please take some time to join David Holbrook and Terry Richard for their conference session on Friday.

#### Here’s what you need to know:

1. Session title: Federal Monitoring of English Learners: Results vs. Compliance
2. Session date: Friday January 29, 2016, 1:30 - 2:30 PM, Room 371

#### Presenters:

##### David J. Holbrook, Ph.D.

Dr. Holbrook has nearly six years experience in Wyoming as Federal Programs Division Director, Title I Director and Title III Director where he helped districts understand and implement their core English learner (EL) programs and supplemental Title I and Title III EL services. Dr. Holbrook also trained with the U.S. Department of Education as a Title III consultant and helped monitor Title III in five states over a two year period.

##### Ms. Terry Richard

Terry Richard has over five years experience working with Title III and Title I, Part C Migrant Education Programs at the Delaware Department of Education. Before that she worked with ELs in Colorado. She is the President of the National Council of State Title III Directors.

#### Session Description

The U.S. Department of Education monitors states for compliance with the federal laws and regulations related to the grants they administer. Compliance with the requirements of grants, however, does not guarantee that the programs funded with those grants will produce positive results. What is monitored, while not guaranteeing success, is often a prerequisite for success and not having these things in place would more likely guarantee the grantee is unsuccessful. This presentation looks at monitoring findings and recommendations for English Learners (ELs) over five years of USED monitoring reports for four programs: Title I, Title III, Title I 1003(g) School Improvement Grants (SIG), and ESEA Flexibility. It presents the most common EL monitoring findings and recommendations and examines whether the items monitored are prerequisites for successful EL programs. Also examined are areas of concentration of EL findings as well as holes in USED’s monitoring related to ELs.

#### TransACT Booth #343

TransACT is sponsoring this year’s National Title I Conference. It is one of the many ways that TransACT proactively supports educators. Be sure to stop by and visit the TransACT staff at booth #343 in the exhibition hall.

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## TransACT® for English Learners

Take the mystery out of funding parent notices and translations!

TransACT has released a new parent notices collection that aligns with the new USED-DOJ guidance for serving English Learners that will equip you with:

- Compliance - English learner program notices and translations
- Communication - Title I & Title III communication to improve parent involvement
- Documentation - Provide evidence of program implementation

Three options available, aligned to your funding sources:

1. Combined Title III & General English Learners Collection
2. General English Learners Only Collection
3. Title III Only Collection

This collection is available in the following 10 languages: Arabic, Chinese, French, Haitian Creole, Hmong, Korean, Russian, Somali, Spanish, and Vietnamese.

For more information, go to [www.transact.com/EL](http://www.transact.com/EL).



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## TransACT Family of Services



### USED/DOJ Webinar Series: OCR Issue #9: Ensuring Meaningful Communication with Limited English Proficient Parents

Webinar series focusing on the recent guidance issued by USED and DOJ for serving English Learners. Presented by Dr. David Holbrook. Go to: [www.transact.com](http://www.transact.com).



### New! EduPortal® e-Convene™ - Free 30-Day Trial

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### New! TransACT® District Masters

Now you can upload and manage "District" documents and translations in a centralized location within your Parent Notices account, and distribute them directly to the classroom via the TransACT website. For more information, go to: [www.parentnotices.com/districtmasters](http://www.parentnotices.com/districtmasters)

