

May 2015 Monthly Newsletter



Brustein & Manasevit answers question about OCR and DOJ guidance

What our lawyers told us about the January 7, 2015 joint guidance from Office for Civil Rights (OCR) and the U.S. Department of Justice's (DOJ) Civil Rights Division. See page 2.



Proposed reauthorization of ESEA moving more EL responsibilities to Title I

House bill, "Student Success Act (SSA)" and Senate bill, "Every Child Achieves Act (ECAA) mean Title I and Title III will jointly work to meet needs of ELs. How this affects parent notices. See page 3.



New TransACT subscriber website built on "Ruby on Rails" launched May 18

\$300,000 worth of improvements are included in the new website (after login). This means a faster, more reliable customer experience, and new District Master's authoring capability. See page 4.

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TransACT responds to January 7, 2015 joint guidance from the U.S. Department of Education's Office for Civil Rights (OCR) and the U.S. Department of Justice's Civil Rights Division by editing two (2) parent notices.

Here's what you need to know:

1. TransACT requested a legal opinion from its law firm (Brustein & Manasevit) to determine if specific documents in the TransACT collection were in conflict with the new January 7, 2015 guidance from USED and DOJ.
2. As a result of the legal opinion, two notices, Important Information: Please Read and Important Information: Please Complete, had instructions to parents that could conflict with the new USED and DOJ guidance.
3. TransACT has temporarily removed these two notices (and translations) from its parent notice collections. The TransACT team is in the process of creating replacement notices that will meet the new USED and DOJ requirements.

Background:

On January 7, 2015 the U.S. Department of Education's Office for Civil Rights (OCR) and the U.S. Department of Justice's Civil Rights Division issued joint guidance, two factsheets, and a toolkit related to serving English Learners (ELs). One factsheet specifically addresses one of the ten common civil rights issues identified in the guidance. It is described as being "about schools' obligations under federal law to communicate information to limited English proficient parents in a language they can understand." (<http://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>).

It is significant that of the ten common civil rights issues related to ELs and their parents identified in the joint guidance, these two agencies chose this one issue, communicating with parents in a language they understand, as worthy of its own fact sheet. With this in mind, TransACT has been reviewing its parent notifications in light of this new guidance and factsheet.

Our internal review of our TransACT Parent Notices and the new guidance led us to solicit a legal opinion from Brustein & Manasevit to determine if they were still allowable for schools and districts to distribute to parents. Two notices, Important Information: Please Read and Important Information: Please Complete included language that needed to be updated.

These notices were originally created based on language in the Elementary and Secondary Education Act as Amended by the No Child Left Behind Act of 2001 which states that districts and schools are required to provide information to parents "to the extent practicable" in a language they can understand. These notices were created to use with less common languages where it was not "practicable" to provide translation/interpretation.

The legal review we received concluded that, based on the factsheet (note the third question), the new guidance (page 38), and a review of recent OCR resolution agreements, "TransACT's notices that instruct parents to 'have someone help them' read and respond to the notices will likely lead to compliance findings." With this in mind, TransACT has removed these notices from its parent notice collections and is in the process of creating new notices to replace these that will meet all compliance requirements.

If you have any questions, please contact us at 425.977.2100 or email at support@transact.com. We appreciate your understanding while we create and translate these new notices. Existing subscribers will be notified when the new notices are available. All edits will be provided to existing subscribing customers without additional cost.

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Proposed reauthorization of ESEA moving more EL responsibilities to Title I

In February, the House Education and the Workforce Committee took up the long overdue task of reauthorizing the Elementary and Secondary Education Act (ESEA) as amended by the No Child Left Behind (NCLB) Act of 2001.

The Senate Health, Education, Labor, and Pensions (HELP) committee had done the same, starting in January and then again introducing a bipartisan bill in April. The House and Senate bills both move some or all responsibilities for English Learners from Title III to Title I.

Here's what you need to know:

1. The House bill, the Student Success Act (SSA), moves "Title III" into Title I and is found in the SSA at "Title I, Subtitle C, Subpart 4 - English Language Acquisition, Language Enhancement, and Academic Achievement." Under the SSA the funding for EL formula grants is directly tied to Title I as a percentage of the total Title I allocation, not as a separate funding stream.
2. The Senate bill, the Every Child Achieves Act (ECAA), maintains a separate funding stream for Title III. It also maintains the requirement to assess the English language proficiency (ELP) of all ELs under Title I. However, it strikes EL parent notification, EL parent participation, and ELP Standards out of Title III and moves it to Title I.
3. The Title III supplement not supplant requirement still includes "federal, state, and local funds". Because of the 'federal' clause, whatever is required by Title I is not an allowable expenditure under Title III.
4. No matter how you look at either of these bills, there is an apparent shift that will require Title I and Title III directors to work more closely together to meet the needs of ELs; and Title I will be required to take even more responsibility for serving ELs.

Reauthorization Progress:

Both the House and Senate reauthorization bills have been passed through committee. The House bill went to the floor for discussion, but was not brought to a vote and it is uncertain if and when this might happen. The Senate bill has not seen floor time yet, but the Chairman of the HELP committee, Senator Lamar Alexander, has said that he would like it scheduled for floor discussion before the Memorial Day recess. This did not happen.

Typically, both bills would need to be passed in their respective chambers and then go to a joint conference committee. If a compromise bill can be agreed upon in the joint conference committee and passed, then the bill would be sent to the President for his signature.

Shifting of EL Responsibilities:

There are a lot of similarities in the EL activities required in each bill. Even though they move things around, both bills retain most of the requirements that are currently outlined in Title I and Title III of the ESEA/NCLB.

There are two major things that are eliminated in both bills. One is Part B of Title III, which is the provision for Title III grants to become competitive, rather than formula, if allocations for Title III fall below \$650 million (this has never happened). The other is Title III accountability, called Annual Measurable Achievement Objectives (AMAOs), which require measures of ELs progress toward ELP, attainment of ELP, and academic achievement. Accountability for ELs is still required, but it is not as clearly spelled out. It is found under Title I as part of the requirements for a State's accountability system.

There are some significant differences between the ways the two bills handle EL activities. The SSA eliminates Title III as a separate funding stream under ESEA and merges it under Title I, tying funding directly to Title I. How this will impact the way EL programs are implemented is unclear, but making it a part of Title I definitely places more responsibility for these programs under that title. The ECAA retains Title III as a separate funding stream under ESEA, but strikes ELP standards, EL parent notification, and EL parent participation out of Title III and moves it to Title I. This is significant because the ECAA retains the 'federal' supplement not supplant clause under Title III. This means that the EL activities that were moved to Title I would not be allowable expenditures under Title III.

For now, rest assured knowing that the ESEA/NCLB requirements will continue in place until this law is reauthorized. Based on the bills that have been drafted, much of what is required under ESEA/NCLB will still be required after reauthorization, including parental notification.

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New TransACT subscriber website built on “Ruby on Rails” launched May 18, 2015

\$300,000 worth of improvements are included in the new website (after login). This means a faster, more reliable customer experience, and new District Master’s authoring capability.

On Wednesday, May 18, TransACT launched a new subscriber-only website that incorporates dozens of customer-requested improvements. It offers many improvements, most notably a complete software code revision using the Ruby on Rails platform, providing a faster, more efficient customer experience.

Your TransACT parent notices and translations are available in this new system and ready to use today.

Surprisingly, as a subscriber, you may not notice big changes. We wanted to make significant software architecture changes, bug fixes and a dozens of enhancements while keeping a familiar customer experience. Mission accomplished. The new website represents a substantial investment (\$300,000) by the company to stay up-to-date with the newest technologies, and to bring the best user experience available to our 3,500 school district customers nationwide.

So what’s new?

- Improved Navigation – allows subscribers to easily view and print the document and translations they need and access advanced document management tools.
- New “District Masters” functionality provides subscribers with the ability to upload and manage their own “District” documents and translations, and distribute them directly to the classroom via the TransACT website. Classroom teachers and administrators now have capacity to access their own “District” translation library of parent letters, notices and forms and have them integrated directly into the TransACT website. All districts will be given a free trial subscription to District Masters. Look for the trial offer in your email next week.
- Improved features, reporting and functionality, and easier access to your custom translations.

“This project would not have been possible without the feedback and continued loyalty from our customers. We are really excited to complete this project and deliver a superior user experience to all of our customers,” said Monica Munar, Vice President of TransACT.

“Our customers deserve the best user experience possible, and this new release gives them the best our talented team of developers can offer. We are proud of this work. Our web infrastructure is now ready for growth for the next five years and beyond,” said Richard Passovoy, President/CEO of TransACT.

Please login to www.transact.com to experience the new features.

For more information about the company or the new website, please contact Emily Passovoy, Marketing Manager at 425.977.2118 or emily@transact.com, or go to www.transact.com.

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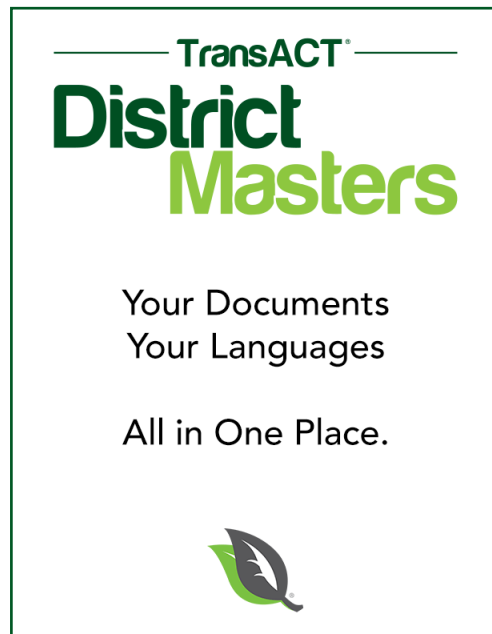
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TransACT Releases New Self-Service Translation Management System

New “District Masters” functionality provides subscribers with the ability to upload and manage their own “District” documents and translations, and distribute them directly to the classroom via the TransACT website.

Classroom teachers and administrators now have capacity to access their own “District” translation library of parent letters, notices and forms and have them integrated directly into the TransACT website. All districts will be given a free 90-day trial subscription to District Masters. Look for the trial offer in your email next week.

For pricing or a demo, please contact Emily Passovoy at 425.977.2118 or emily@transact.com, or go to www.transact.com/districtmasters.



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TransACT Family of Services

With flexible purchasing options and collections to fit your needs, subscribing or upgrading your current TransACT subscription is easy and affordable.

Contact Emily Passovoy at 425.977.2118 or emily@transact.com for a demo and pricing.



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.



We Want 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.



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.

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