Attachment B

Title III Parent Notification Requirements and AMAO Accountability Consequences

Not Meeting AMAOs (consecutive years)			
Year 1	Year 2	Year 3	Year 4
Parents must be notified within 30 days of LEA notification of failure to meet AMAOs.	Parents must be notified within 30 days of LEA notification of failure to meet AMAOs.	Parents must be notified within 30 days of LEA notification of failure to meet AMAOs.	Parents must be notified within 30 days of LEA notification of failure to meet AMAOs.
	LEA must develop an improvement plan that addresses the objective(s) not met and the factors that prevented the LEA from achieving the objective(s).	LEA will implement improvement plan.	
	TEA will provide technical assistance to the LEA to enable the LEA to meet the AMAOs	TEA will monitor the implementation of the LEA improvement plan.	TEA will: 1) require the LEA to modify the curriculum, program, and method of instruction; OR 2) determine whether the LEA will continue to receive Title III funds and require that the LEA replace educational personnel relevant to the LEA's failure to meet AMAOs.
	TEA will develop, in consultation with the LEA, professional development strategies and activities that the LEA will use to meet AMAOs.	TEA will continue to implement professional development strategies, if appropriate.	
	TEA will develop, in consultation with the LEA, a plan to incorporate strategies and methodologies, based on scientifically based research, to improve the specific program or method of instruction provided to LEP students.	TEA will continue to incorporate strategies and methodologies to improve the program of method of instruction provided to LEP students, if appropriate.	

Not Meeting AMAOs – Year 1

If AMAO performance targets are not met the first year of implementation, then parents must be notified within 30 days of the LEA being notified by the state of failure to meet AMAOs. Parents must be notified each year that the AMAOs are not met [P.L. 107-110, Section 3302(b)(c)].

SEC. 3302. PARENTAL NOTIFICATION.

(a) IN GENERAL- Each eligible entity using funds provided under this title to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform a parent or the parents of a limited English proficient child identified for participation in, or participating in, such program of —

(1) the reasons for the identification of their child as limited English proficient and in need of placement in a language instruction educational program;

(2) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;

(3) the method of instruction used in the program in which their child is, or will be, participating, and the methods of instruction used in other available programs, including how such programs differ in content, instruction goals, and use of English and a native language in instruction;

(4) how the program in which their child is, or will be participating will meet the educational strengths and needs of the child;

(5) how such program will specifically help their child learn English, and meet age appropriate academic achievement standards for grade promotion and graduation;

(6) the specific exit requirements for such program, the expected rate of transition from such program into classrooms that are not tailored for limited English proficient children, and the expected rate of graduation from secondary school for such program if funds under this title are used for children in secondary schools;

(7) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and

(8) information pertaining to parental rights that includes written guidance —

(A) detailing —

(i) the right that parents have to have their child immediately removed from such program upon their request; and

(ii) the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and

(B) assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the eligible entity.

(b) SEPARATE NOTIFICATION- In addition to providing the information required to be provided under subsection (a), each eligible entity that is using funds provided under this title to provide a language instruction educational program, and that has failed to make progress on the annual measurable achievement objectives described in section 3122 for any fiscal year for which part A is in effect, shall separately inform a parent or the parents of a child identified for participation in such program, or participating in such program, of such failure not later than 30 days after such failure occurs.

(c) RECEIPT OF INFORMATION- The information required to be provided under subsections (a) and (b) to a parent shall be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

Not Meeting AMAOs – Year 2 and Year 4

If the LEA fails to meet the AMAO targets for 2 consecutive years and 4 consecutive years, further consequences are outlined in statute below [P.L. 107-110, Section 3122(b)]

SEC. 3122. ACHIEVEMENT OBJECTIVES AND ACCOUNTABILITY.

(b) ACCOUNTABILITY-

(1) FOR STATES- Each State educational agency receiving a grant under subpart 1 shall hold eligible entities receiving a subgrant under such subpart accountable for meeting the annual measurable achievement objectives under subsection (a), including making adequate yearly progress for limited English proficient children.

(2) IMPROVEMENT PLAN- If a State educational agency determines, based on the annual measurable achievement objectives described in subsection (a), that an eligible entity has failed to make progress toward meeting such objectives for 2 consecutive years, the agency shall require the entity to develop an improvement plan that will ensure that the entity meets such objectives. The improvement plan shall specifically address the factors that prevented the entity from achieving such objectives.

(3) TECHNICAL ASSISTANCE- During the development of the improvement plan described in paragraph (2), and throughout its implementation, the State educational agency shall —

(A) provide technical assistance to the eligible entity;

(B) provide technical assistance, if applicable, to schools served by such entity under subpart 1 that need assistance to enable the schools to meet the annual measurable achievement objectives described in subsection (a);

(C) develop, in consultation with the entity, professional development strategies and activities, based on scientifically based research, that the agency will use to meet such objectives;

(D) require such entity to utilize such strategies and activities; and

(E) develop, in consultation with the entity, a plan to incorporate strategies and methodologies, based on scientifically based research, to improve the specific program or method of instruction provided to limited English proficient children.

(4) ACCOUNTABILITY- If a State educational agency determines that an eligible entity has failed to meet the annual measurable achievement objectives described in subsection (a) for 4 consecutive years, the agency shall —

(A) require such entity to modify the entity's curriculum, program, and method of instruction; or

(B)(i) make a determination whether the entity shall continue to receive funds related to the entity's failure to meet such objectives; and

(ii) require such entity to replace educational personnel relevant to the entity's failure to meet such objectives.

Title III statute in its entirety can be accessed at http://www.tea.state.tx.us/nclb/statute/TitleIIIStatute.htm.