

Provisions related to a parent's right to refuse specialize ELD services and programs

Presented by the Pennsylvania Department of Education



What we're going to cover:

- 1** Federal requirement to allow parental refusal
- 2** Federal rules governing the process for declining ELD programming
- 3** Federal rules governing district responsibilities for *opted-out* students
- 4** PDE support/guidance for districts



1

Federal requirement to allow parental refusal

The federal government released what is known as a “Dear Colleague” letter on Jan 7th, 2015 which outlined districts’ responsibilities for meeting the needs of EL students.

The letter can be found at

<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>

Section G of the letter explains the requirements for “meeting the needs of EL students who opt out of EL programs or particular EL services”.

In the first paragraph, it states:

Although school districts have an obligation to serve all EL students, parents have a right to decline or opt their children out of a school district’s EL program or out of particular EL services.



2

Federal rules governing the process for declining ELD programming

- A parent’s decision to opt their child out of a formal ELD program must be informed and voluntary.
 - A district may not recommend that a parent decline programming or make any scheduling or placements contingent on a parent declining programming.
 - The district must provide a detailed description of the ELD program and services to the parent in a language or through a mode of communication that they understand.

Districts must:

- Adequately document the process.
- Documentation must demonstrate that the decision was informed and voluntary. This should include:
 - The results of the ELD screening, the rationale for the identification, and the child’s English language needs that were provided to the parent(s);
 - The program description that was provided to the parent(s) (or a dated summary of the description if it was explained to them verbally) including the various components of the program, its benefits, and an explanation and evidence of its effectiveness; and
 - A checklist and/or form signed by the parent(s) that demonstrates that they understand the benefits of the ELD program and that they have willingly decided to opt their child out of part or all of it.



Federal rules governing district responsibilities for *opted-out* students

Even though a student may be opted out of the formal, specialized ELD program, the district is not released from its obligation to take steps required by Title VI and the “appropriate action” required by the EEOA to provide these EL students access to its educational programs.

Districts must:

- Monitor the opted out student periodically and notify the parent if he/she begins to struggle.
- Offer the parents of struggling opted out ELs further opportunities to enroll their child in the ELD program.
- Document the monitoring and parent notifications for the above.
- Ensure that opted out students’ needs are met in the general education classroom. This can be accomplished in several ways including:
 - Providing adequate training in second language acquisition and ESL strategies for general education teachers.
 - Making it possible for the ESL teacher and the general education teacher to consult with each other or co-plan.
- Assess the student using the ACCESS for ELLs® each year until he/she attains proficiency and is exited.
- Report the student to the state as an EL.



Federal rules governing district responsibilities for *opted-out* students



