

Notifications to Parents/Option to Waive Services

Parents can opt to not have their children enrolled in an EL program. Before this decision which so seriously impacts a child is made, the parent should be informed of the benefits of EL services and of the potential difficulties that often accompany the lack of EL services. After this information is provided in a language the parent can understand using a review of the placement or annual English language proficiency assessment results, (translated or interpreted, as needed by the parent) the parent may choose either to enroll the student in EL services or to waive EL services. If parent decides to waive ESL services, the school corporation should keep written documentation of that decision with the parent's signature and date the decision was made.

Additionally, a student has the right to receive EL services at the elementary or secondary school in which they would normally attend. Schools districts with a low incidence of English learners may decide to only provide specified EL staff at certain buildings and may request that English learners attend those buildings to receive direct services. However, if a parent chooses to not participate in this model but rather wishes to receive services at the school in which the student would normally attend, then the school district must develop a plan to provide services for this student, which might differ from the plan provided at the buildings with specified EL staff. For more information, please review the *Service Model Guidance* found [HERE](#)

When a parent declines participation, the district retains a responsibility to ensure that the student has an equal opportunity to have his or her English language and academic needs met. Districts can meet this obligation in a variety of ways (e.g. adequate training to classroom teachers on second language acquisition; monitoring the educational progress of the student).

<http://www2.ed.gov/about/offices/list/ocr/qa-ell.html>

Students not served by district programs are still required to complete state required assessments and are counted in the district's progress towards meeting academic and graduation outcomes.

Federal regulations require the annual assessment of Limited English proficient (LEP) children until they demonstrate proficiency in English. Parents who refuse direct language development services for their child must be aware that:

- a) The student will still be tested until s/he reaches English proficiency (scores at Level 5 on the spring annual English Proficiency test); and
- b) The student will have an Individual Learning Plan (ILP) and will receive appropriate adaptations/modifications to classroom instruction and assessments based on the student's language level in order to ensure student's meaningful participation and learning in academic subject areas; and
- c) The student will receive appropriate allowed accommodations for Limited English proficient (LEP) students of Levels 1-4 on all standardized testing (ISTEP+, End of Course assessments [ECA], and IREAD3).

The Refusal of Direct Services Form is a separate document and is used only after:

- a) The parent contacted the school wishing to refuse direct services for the child; and
- b) A conversation/consultation about how language development program will benefit the student has occurred between the parent and EL staff, and the parent's concerns have been addressed; and
- c) The parent still refuses direct services.