

ENGLISH LANGUAGE DEVELOPMENT (ELD) PROGRAM LEA Guidance Document

Parental Right to Refuse English Language Development Services

Refusal of English Language Development (ELD) programs and/or services indicates an informed, voluntary decision by the parent to not have the child placed in any separate, specialized ELD service or instructional program. A “waiver” indicates a desire by the parent to waive the child from participation in all or some of the English Language Development programs or services offered by the school.

LEA Obligations Under the Parent Refusal of ELD Program Scenario

Specialized services or instruction are those only provided for English Learners, for example ELD pull out classes, ESL tutoring, after school English tutoring for ELs or content classes consisting of only ELs. This does not include a class composed of ELs and non-ELs in which ELD is supported through content instruction.

LEAs may not recommend that a parent opt a child out of EL programs or services for any reason.

LEAs must...

- inform parents within 30 days of the beginning of the school year or 14 calendar days within the school year of their child’s EL identified status in the parents’ preferred language
- describe in sufficient detail to the parents the ELD program recommended for their child and the advantages to their child in terms of English language acquisition and academic success
- inform parents of their right to decline ELD programs or services in whole or in part, and supply the parents with the state-required ENGLISH LANGUAGE DEVELOPMENT PROGRAM Parental Waiver Form
- ensure that parents do not opt their children out of any ELD programs or services based on schedule conflicts with other programs (such as special education programs); insufficient space in the available ELD programs; or insufficient offerings within the ELD program
- annually test opt-out ELs with the state-required WIDA ACCESS for ELs 2.0 test until the student attains English proficiency by meeting the state exit criteria and is reclassified non-EL status
- maintain the student’s EL status on all reporting even though the student’s parents declined services
- provide English language development instruction within the general education content area instruction to meet the needs of the opt-out EL student.
- notify parents if their child is struggling in general education classes and recommend the ELD program and services again.
- present the ELD Program Inclusion Form to parents who wish to opt their child back into the school’s ELD programs and services.

LEAs must have policies and procedures in place for all of the above actions. ***If you have any further questions, please contact Bob Measel romeasel@pa.gov or Eugenia Krimmel ekrimmel@pa.gov.***