

# English Learners (ELs) Whose Parents Have Waived English As a Second Language (ESL) Services

Parents have a right to waive ESL services for their children who qualify for such services, but they may not waive English Language Proficiency testing for that child. All children who are non-English language background as determined by the home language survey should be assessed in a timely fashion for English language proficiency unless they have documentation that they have exited from an alternate language program and have been classified as fluent English proficient by another school district. Determination of English language proficiency testing should occur as soon as possible so as to provide ESL services if necessary and to avoid disruption to the student's schedule. No Child Left Behind requires this to take place within 14 days from the date of enrollment (Sec. 3302 (b) and (c)) if the enrollment takes place after the school year begins and within 30 days if this happens before the school year begins.

When a non-English language background student tests as Limited English Proficient (LEP, referred to as ELs or ELLs in TN) on the state approved English language proficiency test, the school district must offer ESL services. A parent may refuse these services and waive the student's right. Before this decision which so seriously impacts a child is made, the parent should be informed of the benefits of ESL services and of the problems that often accompany the lack of ESL services. After this information is provided in a language the parent can understand, (translated or interpreted, as needed by the parent) the parent may choose either to enroll the student in ESL services or classes or to waive ESL services. If parent decides to waive ESL services, the district should keep written documentation of that decision with the parent's signature and date that the decision was made. The child must still be counted as an EL and included in the district's count of EL students for funding and accountability purposes. These students are entitled to the same accommodations on the Tennessee Comprehensive Assessment Program (TCAP Achievement) as EL students who are receiving ESL services. The English Linguistically Simplified Assessment (ELSA) is the TCAP Achievement Assessment for grades 3-8 with linguistic simplification so that the content in math, science and social studies may be assessed rather than the English skill. The ELSA is the appropriate achievement assessment for ELLs.

All ELs, whether they are participating in the ESL program or not, are reclassified as transition 1 status based on the same exit criteria. Because of this, all EL students, including those whose parents have waived ESL services, must be assessed with the English Language Development Assessment (ELDA ).

If you have questions regarding this, please contact Jan Lanier at [jan.lanier@tn.gov](mailto:jan.lanier@tn.gov) or 615-532-6314 or [steven.nixon@tn.gov](mailto:steven.nixon@tn.gov) or 615.253-4515.