To: All LEAs, Superintendents, IU Executive Directors, Principals, ESL Coordinators

From: Ray A. Young, Chief Division of Instructional Quality

Date: May 22, 2017

Re: Parent’s Right to Decline English Language Development (ELD) Services (aka ESL)

In accordance with federal law related to the rights of an English Learner (EL), the Pennsylvania Department of Education (PDE) has amended its opt-out policy addressing the right of a parent to decline specialized, separate ELD services for a child. Pennsylvania will no longer limit the right of an EL student to opt-out of these services for religious reasons only. All LEAs must recognize a parent’s unqualified right to decline enrollment in specialized, separate EL services for a child. Accordingly, a parent of an EL student may choose to decline a child’s placement in an ELD program or opt-out of specific components of that program. A parent’s decision to decline an ELD program or opt-out of specific components of it must be fully informed and voluntary. **LEAs may not recommend that a parent opt a child out of ELD programs or specific ELD services for any reason.**

 PDE understands that this is a major change for EL student services in the commonwealth. PDE will work to ensure the right of the parent of an EL student to opt-out as it assists LEAs with their continued responsibilities of educating EL students. PDE is currently revising its Basic Education Circular (BEC) to address the policy change. An [LEA guidance document](http://www.education.pa.gov/Teachers%20-%20Administrators/Curriculum/English%20As%20A%20Second%20Language/Pages/ELDProgram.aspx#tab-1) and a [parental waiver form](http://www.education.pa.gov/Teachers%20-%20Administrators/Curriculum/English%20As%20A%20Second%20Language/Pages/ELDProgram.aspx#tab-1) and [parental reinstatement request form](http://www.education.pa.gov/Teachers%20-%20Administrators/Curriculum/English%20As%20A%20Second%20Language/Pages/ELDProgram.aspx#tab-1) necessary for LEAs to administer this change are posted on the ESL webpage.

An LEA who receives a request from a parent to have a child opt-out of ELD program services, may contact one of the following individuals for assistance and support:

 Eugenia Krimmel ekrimmel@pa.gov 717-783-6763

 Robert Measel romeasel@pa.gov 717-783-6595