

## English as a Second Language Parent Notification Guidance

[Tennessee State Board Rule 0520-01-19-04](#) defines what is required for the parent notification letters for English Learners (ELs). These notification letters provide information about English as a Second Language (ESL) programs as required by the Every Student Succeeds Act (ESSA).<sup>i</sup>

Local education agencies (LEAs) are required to communicate information related to identification, screening, and service delivery to the parent(s) or guardian(s) of EL students in the language and method that the parent(s) or guardian(s) can understand, to the extent practicable.<sup>ii</sup>

Parent(s) or guardian(s) shall be informed of the ESL program type to be used, the length of time expected for completion of ESL services, how the EL student was assessed for entrance to services, and options related to program types, if available.<sup>iii</sup>

Parents or guardians of EL students shall be informed of:<sup>iv</sup>

- (a) Their right to waive placement of their student in ESL programs;
- (b) Their right to waive Direct ESL Service at any time; and
- (c) The scaffolding and accommodations to be provided in the general education setting via Indirect ESL Services if the parent(s) or guardian(s) waive Direct ESL Services.

Under federal law, parents have the right to be informed of:<sup>v</sup>

- The reasons for the identification of their child as an EL and the need for placement in an ESL program,
- Their child's level of English language proficiency, how levels are assessed, and the status of their child's academic achievement,
- The method of instruction used in the ESL program in which their child is, or will be, participating,
- If multiple ESL programs are available in the LEA, information must be provided on how the programs differ in content and instructional goals,
- How the ESL program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation,
- The specific exit requirements for the ESL program, the expected rate of transition of ELs from ESL programs into general education classrooms, and the expected rate of graduation from secondary school,
- In the case of a child with a disability, how the ESL program meets the objectives of the individualized education program (IEP) of the child; and,
- The option that parents must decline to enroll their child in the ESL program or to choose another program or service delivery model if more than one program or model is offered by the LEA.

## Best Practices

LEAs should determine each family's language needs through a survey or interview. Each LEA should have a process for determining which parents are Limited English Proficient (LEP) and what their individual language needs are.<sup>vi</sup>

To the extent practicable, all notifications sent to parents must be translated into a language that the parents can understand.<sup>vii</sup> If written translations are not practicable, LEAs must offer LEP parents free oral interpretation of the written information.

Parents must be informed of the right to refuse the placement of their children in ESL programs, and each LEA shall provide the parent(s) or guardian(s) the option to waive Direct ESL Services before services are provided, or at any time during the school year. If the parent(s) or guardian(s) waives Direct ESL Services for the student, the general education classroom teacher shall be responsible for providing Indirect ESL Services in the form of linguistically appropriate accommodations and scaffolding within the general education setting as described in the student's Individual Learning Plan (ILP).<sup>viii</sup>

LEAs must provide parents with sufficient information about the program(s) of ESL services offered so that the parents may make an informed decision. Notification of ESL services must be sent to parents on an annual basis. LEAs must provide notices within 30 calendar days from the beginning of the school year to all parents of EL students regarding the EL student's identification and placement in a language instruction educational program. For those students who have not been identified as ELs prior to the beginning of the school year but are identified as ELs during such school year, the LEA shall notify the children's parents during the first two weeks of the child being placed in a language instruction educational program.<sup>ix</sup>

LEAs should conduct a meeting to explain the ESL program to parents who wish to waive services. If a meeting is not practicable, then the LEA should make every effort to contact the parents to explain the ESL program. Before making this impactful decision, parents should be informed of the benefits of ESL services and of the potential difficulties that often accompany the lack of ESL services.<sup>x</sup> This information must be provided in a language the parent can understand. If parents decide to waive services after reviewing information, the LEA must keep written documentation of the decision including the parent's signature and the date the decision was made. Parents may opt back into ESL services at any time.

LEA staff shall not persuade parents or guardians to waive services for any reason.<sup>xi</sup>

All parents of ELs, not just newly enrolled students, must be notified annually of the student's placement or continued participation in a language instruction program.

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<sup>i</sup> 20 U.S.C. § 6312(e)(3)(A-B)

<sup>ii</sup> Tenn. R. & Regs. 0520-01-19-.04(1)

<sup>iii</sup> Ibid.

<sup>iv</sup> Tenn. R. & Regs. 0520-01-19-.04(2)

<sup>v</sup> U.S. Dep't. of Just. & U.S. Dep't. of Educ., Information for Limited English Proficient (LEP) Parents and Guardians and for Schools and School Districts that Communicate with Them, (Jan. 7, 2015), <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>.

<sup>vi</sup> U.S. Dep't. of Just. & U.S. Dep't. of Educ., Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, (Jan. 7, 2015), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>

<sup>vii</sup> Tenn. R. & Regs. 0520-01-19-.04(1)

<sup>viii</sup> Tenn. R. & Regs. 0520-01-19-.03(7)(c-d)

<sup>ix</sup> 20 U.S.C. § 6312(e)(3)(A-B)

<sup>x</sup> U.S. Dep't. of Just. & U.S. Dep't. of Educ., Information for Limited English Proficient (LEP) Parents and Guardians and for Schools and School Districts that Communicate with Them, (Jan. 7, 2015), <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>.

<sup>xi</sup> Ibid.