

October 26, 2023 Office Hour Topics:

Parent Opt Out

The Every Students Succeeds Act (ESSA) states that parents have the right to opt their child out of programs or particular services for Multilingual Learners (MLs). However, parents cannot opt-out of ML designation, or the annual summative English Language Proficiency (ELP) assessment designed for students with a language proficiency designation of Non English Proficient (NEP) or Limited English Proficient (LEP). The parent's decision must be voluntary and based on a full understanding of the child's rights, the range of services available in the district, and the benefits of such services. **If a parent decides to opt their child out of enrollment into a Language Instruction Educational Program (LIEP) or a particular ML related service, that student retains their ML designation and coded with the appropriate language proficiency and program designation in Data Pipeline.**

- Districts remain obligated to take affirmative steps and appropriate action required by civil rights laws to provide students who opted-out of an LIEP or services meaningful access to educational programs. If a student does not demonstrate appropriate growth in ELP or maintain appropriate academic levels, districts must annually inform parents and encourage opting into programs and services for multilingual learners.
- Districts may not recommend parents opt their child out of an LIEP or services for any reason. In addition, they must provide documentation for legal compliance with the requirements of the opt-out decision-making process. Parents must be notified in writing of their child's rights before voluntarily waiving them. The opt-out notification must be provided in a language that parents understand.
- Districts must periodically monitor the opted-out student's academic progress. All students identified as NEP or LEP, take an annual assessment to measure how language instruction and supports are helping them attain English. As such, when districts identify students as NEP or LEP in accordance with Standardized Identification Procedures, and when students are not enrolled in an LIEP due to parent opt-out, they are expected to take the summative English language proficiency assessment (ACCESS or Alternate ACCESS) annually until summative assessment scores and a collection of local academic evidence indicate that the student should be redesignated and coded as Fluent English Proficient (FEP).
- [U.S. English Learner Toolkit](http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html) (www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html)

Written Parent Notification must be communicated in a language parents can understand. Statutory Components must be included in the Notification. Visit the US Department of Education English Learner Toolkit Chapter 7, page 4 for more information.

Parent Opt Out Requirements requires district to collect a parent's signature and maintain this document in the student's records. Visit the US Department of Education English Learner Toolkit Chapter 7, page 7 for more information and to view a sample form.



Seal of Biliteracy

The Seal of Biliteracy is a credential given by a Colorado school or district recognizing students who have studied and attained proficiency in two or more languages by high school graduation. A Seal of Biliteracy encourages students to pursue biliteracy skills that are attractive to future employers and college admissions office. The following is guidance provided by the Senate Bill 17-123 to guide districts through implementing the pathway of the Seal of Biliteracy for high school diplomas.

Colorado Senate Bill 17-123 authorizes the Local Educational Agency (LEA) to grant a Seal of Biliteracy for high school diplomas for graduating high school students who attain proficiency or higher in one or more world languages in addition to attaining proficiency or higher in English. To meet Colorado Seal of Biliteracy for High School Diplomas, a graduating student must meet requirements outlined on the [Seal of Biliteracy for High School Diplomas Minimum Requirements document](http://www.cde.state.co.us/cde_english/minimumrequirements) (www.cde.state.co.us/cde_english/minimumrequirements).

[View a list of CDE Approved World Language Assessments](https://drive.google.com/file/d/1rgStyn5wlv_VjNdOgvbZtwrJWhvT4yCd/view)
(drive.google.com/file/d/1rgStyn5wlv_VjNdOgvbZtwrJWhvT4yCd/view)

Districts that would like CDE to review their award criteria for the Colorado Seal of Biliteracy for High School Diplomas in any of their high schools and/or want their district listed on the CDE Seal of Biliteracy website must complete an application. In order to update and compile all of the Seal of Biliteracy data in one location, districts already implementing the Colorado Seal of Biliteracy and listed on the website are also asked to complete the digital application.

[Application to Post District Criteria for Colorado Seal of Biliteracy for High School Diplomas](https://docs.google.com/forms/d/e/1FAIpQLSdRfSNBECczbXMJa2TlkXRzclZ2_pfqz8KT2a7N_RUg9ygYA/viewform)
(docs.google.com/forms/d/e/1FAIpQLSdRfSNBECczbXMJa2TlkXRzclZ2_pfqz8KT2a7N_RUg9ygYA/viewform)