

Appendix O: Parental Engagement

Parental Rights for English Language Learners

Home Language Survey: When the parents enroll their child in a public school, they are asked to complete a home language survey that helps the school identify potential English learners (ELs) and also learn the parents' preferred language of communication. The "Home Language Survey" asks questions about the language(s) children have been exposed to in the home environment and the language(s) children use at home and at school. If a language other than English is indicated for any of the questions, the student should be screened for English language proficiency to determine whether or not the student qualifies for an ELE program. Home language surveys will be made available in the native language of the family if needed so that parents are able to complete the form accurately. Additionally, parents will be informed of services in the school, district, and community that that will help their children be successful in their academic journey.

Parent Notification Letters: School districts must identify ELs and inform the parents about the results in a timely manner. Parent notification forms should be sent home within thirty days from the beginning of the school year and within two weeks if the student enrolls in the school district during the school year. Parent notification letters should also be sent home annually thereafter to communicate the progress the child is demonstrating at acquiring English and their current EL status. Should the child meet the exit criteria and reclassified as former ELs, then the parents will be notified again regarding the next steps, how the district will monitor the student's progress and plan an instruction program that will ensure a successful transition to the regular education environment.

Waiver Requests: Parents must be informed about their right to apply for a waiver and provided with program descriptions in their preferred language.

Opt out Requests: Parents of ELs may notify the districts of their wish to have their child "opt out" of specialized language programs. Although submitting an "opt out" request is a parental right the district should explain to the parent that a parent's choice to "opt out" means their child will not receive separate English as a Second Language (ESL) instruction focused on language development, but the district is still obliged to monitor the student's progress, provide instructional support to ensure that the student has access to the curriculum and meet the same standards as the native English speaking peers. The obligation of the districts for "opt out students are as follows:

- making all accommodations and modifications to instruction that are necessary to ensure the student has full access to the general academic program;
- reporting the student to SIMS as an EL until such time as the student attains English proficiency;
- assessing the English Language Proficiency of the student on the annual English proficiency assessment;
- monitoring of the student's academic progress without benefit of participation in the specialized EL program each school until such time as the student attains English proficiency; and
- Notifying parents of the above.

Districts may not recommend that parents opt out for any reason. Parents are entitled to guidance in a language that they can understand about their child's rights, the range of services that their child could receive, and the benefits of such services. School districts should appropriately document that

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the parent made a voluntary, informed decision to opt their child out. Since “opt-out” students are still ELs, parents should expect from the district the annual parent notification forms informing them about state mandated English proficiency test ACCESS results and also other information regarding the students’ academic progress in their preferred language.

Translation Services

The number of the students whose home language is other than English is significantly higher than the number of ELs enrolled in the Massachusetts’ elementary and secondary education public schools. Some students with a non-English home language are proficient in English when they come into the school system. Others are students that have reached English proficiency in the state’s ELE programs and transitioned into regular education classes. Therefore, language assistance of the type discussed herein should be provided to **all parents** whose preferred language is not English even if their child is proficient in English.

When parents first enroll their child in the state’s public schools, it is the district’s responsibility to administer home language surveys and determine the child’s eligibility for English Learner Education. The Home Language Survey also provides the districts the opportunity to learn what the parents’ preferred language is for further communications regarding the student’s education. Districts are required to translate important information provided to all parents for those who are not proficient in English. It is not practicable for the district to provide a written translation because it is not a common language or, the district may use a cover page explaining in the uncommon language how a parent may have the document translated orally. Essential information that needs to be provided in the parent’s preferred language includes:

- registration and enrollment in school and school programs
- language assistance programs
- notices required by special education laws and regulations
- IEP meetings
- grievance procedures and notices of discrimination
- parent handbooks
- student discipline policies and procedures
- report cards and progress reports
- parent-teacher conferences
- information regarding enrichment programs, extra-curricular, honors and advanced placement offerings
- requests for parent permission for student participation in school activities
- such other information provided to native English-speaking parents such as invitations to join school-related councils or groups

To provide parents with effective communication, interpreters or translators must understand and be able to express in both languages any specialized terms or concepts used in the communication at issue. It is also important that translators or interpreters have an understanding of the ethics of interpreting and translating, and the need for confidentiality.

Some of the practices in the districts to provide language assistance to the parents whose preferred language of communication is not English include asking students, siblings or friends to facilitate the communication or using web-based automated translation to translate the documents. Districts should approach to these solutions with caution. In most cases relying on students, siblings or

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friends would not be appropriate for translations that require confidentiality (e.g., parent-teacher conferences, participation to school programs etc.). Moreover translators and interpreters should also be competent to interpret in and out of the language, or to translate documents that require the knowledge of specialized terms of concepts in both languages. Likewise, web-based translation services might not provide accurate translation of the documents in different languages and therefore, do not help the school districts meet the obligation to communicate effectively with parents whose preferred language of communication is not English. Utilization of such services is appropriate only if the translated document accurately conveys the meaning of the source document, including accurately translating technical vocabulary. Thus, to ensure that essential information has been accurately translated and conveys the meaning of the source document, the school district would need to have a machine translation reviewed, and edited as needed, by an individual qualified to do so. Additionally, the confidentiality of documents may be lost when documents are uploaded without sufficient controls to a web-based translation service and stored in their databases. School districts using any web-based automated translation services for documents containing personally identifiable information from a student's education record must ensure that disclosure to the web-based service complies with the requirements of the Family Educational Rights and Privacy Act.

It is also the district's responsibility to provide parents and guardians of EL students, with report cards and progress reports in the same manner and with the same frequency as general education reporting. Progress reports and reports cards should also include information regarding the student's progress in becoming proficient in using English language.

Access to Curricular and Extracurricular Activities

Districts must ensure that ELs across all levels of language proficiency can access and fully engage with the rigorous grade-level standards. School leaders and teachers are responsible for making the challenging academic standards accessible to students who must learn rigorous academic content while learning the language in which the content is taught. Instructional content for ELs is expected to be age-appropriate and standards based. Students should be awarded credit that will count towards graduation and promotion upon a successful completion of the coursework.

ELs should have access to all educational program opportunities and they can participate in all of the instructional programs or extracurricular activities available within the school for which they qualify. Their level of English proficiency does not determine participation to academic programs and services including career and technical education programs, counseling services, special education services, gifted and talented programs, performing and visual arts, athletics and any elective classes offered in the school. For instance unless a particular GATE (Gifted and Talented Education) program or advanced course is demonstrated to require proficiency in English for meaningful participation, schools must ensure that evaluation and testing procedures for GATE or other specialized programs do not screen out ELs because of their limited English proficiency.

ELs who may have a disability, like all other students who may have a disability and may require services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973, must be located, identified and evaluated for special education and disability-related services in a timely manner. To avoid inappropriately identifying EL students as

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students with disabilities because of their limited English proficiency, EL students must be evaluated in an appropriate language based on the student's needs and language skills.

ELs have also a right to, in a language they can understand, receive any guidance and counseling supplied by the district, including, e.g., academic, psychological, college and career counseling as supplied by the school psychologist, school adjustment counselor/social worker, guidance counselor or career counselor.

Additional Information and Complaints

Districts and parents can contact (781) 338-3584 to learn more about school districts' obligations and recommended practices relative to ELs.

Through its Problem Resolution System (PRS), the Department handles complaints that allege a school or a district is not meeting legal requirements for education. Program Quality Assurance Services (PQA) is the unit that manages the PRS. Anyone, including parents, students, educators, community members, and agency representatives, can contact PQA for assistance. For more information about filing a complaint, please visit <http://www.doe.mass.edu/pqa/prs/>