

# Intradistrict Communication

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TO: All School Administrators

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SUBJECT: Navigating Parental Exclusion Requests with the WIDA Access

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The annual administration of the WIDA Access is mandated by the federal government, which uses this assessment to hold schools accountable for providing an equitable education for multi-language learners. This accountability stems from the 1974 Supreme Court case *Lau v. Nichols* where a California school district was sued because it was not providing language services to many of its ML students. This Supreme Court case essentially preserves a student's civil right to an equitable education and the federal government has chosen to use the WIDA Access as a way to hold school districts accountable for providing an equitable education to English learners.

The WIDA Access is federally mandated, which means that parents cannot opt their students out of taking the test. Because of the part this assessment plays in a student's educational rights, parents do not have the power to revoke a student's civil right to take the WIDA Access. Thus, the state was required to remove the WIDA Access from the parental exclusion form a few years ago.

So, what happens when a parent insists that their child not take the WIDA Access? USBE has provided the following [guidance](#):

“Parents/guardians can elect to exclude students out of language services, but they cannot exclude students from WIDA ACCESS. LEAs must provide the student with the opportunity to test. LEAs should document everything if parents/guardians refuse to allow their student to test. Parents/guardians always have the ultimate right, but LEAs cannot provide parents/guardians a testing exclusion form to sign in order to opt the student out of testing. The only way a student can be deemed proficient and be reclassified as a former EL is by taking ACCESS.”

The following are the recommended procedures to follow when a parent/guardian wants to opt their student out of the WIDA Access:

- The school administration should discuss any or all of the attached [talking points](#) with the student's parent.
- If the parent still insists that their child not participate in the WIDA Access, then the school should document the parent's refusal using their school opt out log already available to school test coordinators to note the parental exclusion.
- Schools may accept a parental exclusion in writing, but they cannot provide an opt out form to exclude students from the WIDA Access.

Please contact Ben Jameson in Assessment, Research & Accountability with any questions or concerns regarding these procedures.