

WAIVING ENGLISH LEARNER SERVICES: WHO DOES IT AND WHY?

STATE POLICY FORCES AND STRUCTURAL FACTORS IN OREGON, TEXAS, AND MICHIGAN

What Does It Mean to Waive English Learner (EL) Services?

Federal law gives students and families the right to waive EL services. Waiving EL services entails opting out of specialized English language supports and specialized instruction. In some states, this means no longer being enrolled in a separate English Language Development (ELD) class, while in other states, it may mean waiving extra language support provided in regular classrooms. Students who waive services are still formally classified as ELs and still take an annual English proficiency exam.

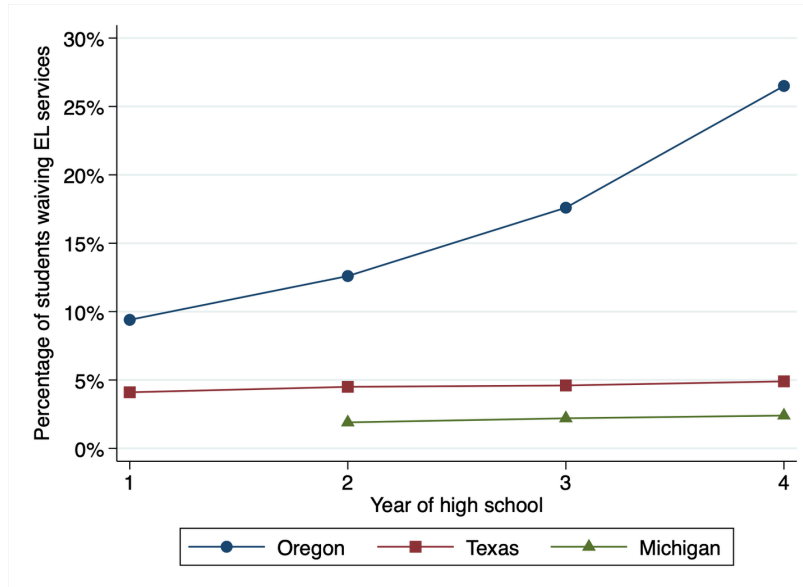
Why Study Waiving?

Waiving EL services may influence students' course schedules, which may, in turn, shape their academic paths. For instance, waiving EL services could restrict students' access to opportunities to learn English. On the other hand, not taking ELD courses may create more flexibility in scheduling, allowing students to enroll in other classes, some of which may be required for graduation.

What Does This Brief Explore?

This brief analyzes the prevalence of waiving EL services in Oregon, Texas, and Michigan. We focus on high school, where waiving was most common. We also explore characteristics of students who waived EL services. We follow cohorts of first-time 9th graders throughout their time in high school, observing whether they waived services in each year. In Oregon, data includes cohorts of students who entered 9th grade in 2013/14, 2014/15, and 2015/16. In Texas, data includes the 2015/16 9th grade cohort, and in Michigan, data includes the 2011/12 9th grade cohort.

Figure 1. More students waived EL services in Oregon than in Texas and Michigan



Data: Oregon Department of Education, 2013/14-2018/19, Texas Department of Education 2015/16-2018/19, and Michigan Department of Education, 2011/12-2014/15

Rates of Waiving EL Services Differ by State and Grade

As Figure 1 shows, high school students in Oregon, Texas, and Michigan waived EL services at different rates, with Oregon showing a much higher prevalence of waiving. Averaging across the high school years, 2.1% of EL-classified students in Michigan and 4.7% in Texas waived services, compared to 14.3% in Oregon. Waiver rates also changed by grade level, especially in Oregon. In 9th grade, 9.3% of EL students in Oregon waived services, but this percentage grew significantly each year, reaching 26.3% by students' fourth year of high school. In contrast, waiver rates in Michigan and Texas remained relatively stable across high school grades.

State Policies May Explain Variation in the Prevalence of Waiving

In Oregon, at the time of this study, EL services at the high school level typically included standalone ELD courses, and these courses counted as electives rather than core content needed for graduation. Since ELD courses were not required for graduation, some high school students—especially those nearing graduation—may have waived EL services to make room for required classes. In contrast, in Texas, ELD courses did, at times, count toward graduation credits, potentially decreasing any incentive to opt out. Finally, in Michigan, many students did not take separate ELD courses. Instead, federally-required English language instruction was often provided within general education classes through pull-out support. Because EL services typically did not take up an extra class period in Texas and Michigan, waiving these services may not have significantly altered students' schedules, thus potentially limiting the perceived benefit of waiving.

Who waives? Patterns and structural factors

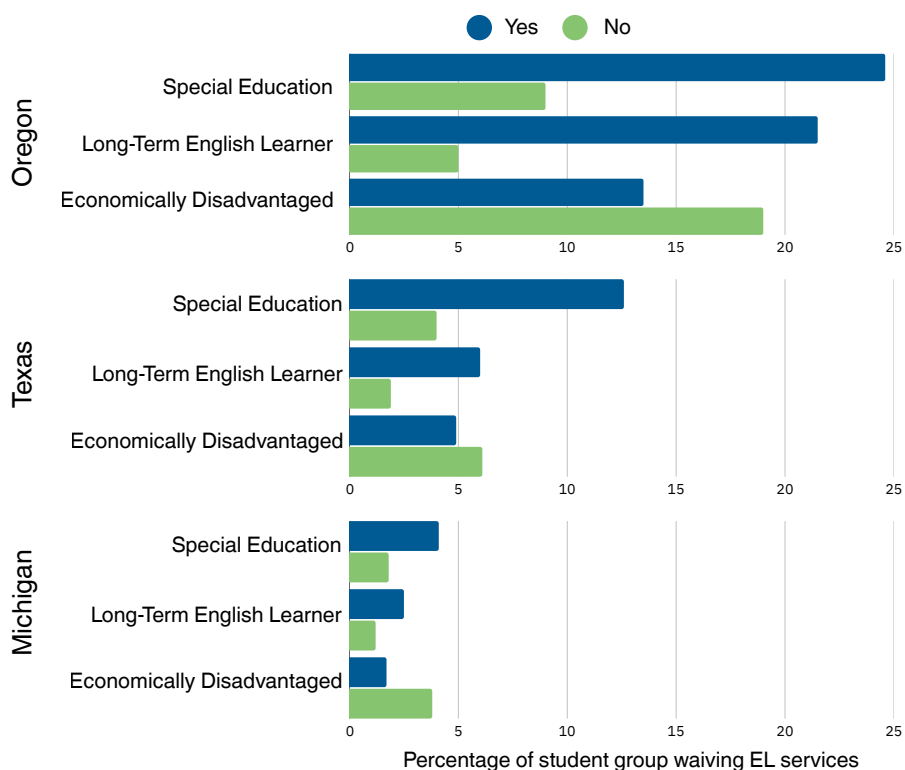
While EL populations in Oregon, Texas, and Michigan are quite different, the same subgroups of students were more likely to waive EL services. This pattern suggests that factors beyond individual choice—such as how EL services are structured, how schools balance different instructional priorities, and how families engage with school policies—may shape waiver decisions (see Figure 2).

EL students receiving special education services were more likely to waive EL services than their peers, with the highest rates in Oregon and lower rates in Texas and Michigan. This may be because schools and families prioritize disability-related learning services over EL-related services, despite the fact that schools must legally provide access to both.

Long-term English learners (LTELs)—students who have received EL services for seven or more years—waived services at higher rates than other EL students. LTEL students may feel frustrated by their continuing EL status and ELD classes, and these classes may not be designed for them. Waiving EL services may allow students to exit unwanted and unnecessary services and create room for core content, electives, and graduation requirements.

Economically disadvantaged students were less likely to waive EL services than their more advantaged peers. Families with more resources and knowledge of the school system may feel more confident requesting waivers, or they may be more aware of their right to waive EL services. Economically disadvantaged families, by contrast, may feel less able to shape their children's services.

Figure 2. Students in special education, long-term English learners, and students who were not economically disadvantaged were more likely to waive EL services in all three states



Data: Oregon Department of Education, 2013/14-2018/19, Texas Department of Education 2015/16-2018/19, and Michigan Department of Education, 2011/12-2014/15

The role of families, schools, and state policies in waiving decisions

Families must request EL service waivers in all three states, but schools and state policies play a major role in shaping the decision-making process. We examined the role that schools play in waiving EL services. In other words, were students more likely to waive services if they attended specific schools? The answer is yes, especially in Michigan. There could be a variety of reasons why students in a specific school might be more likely to waive EL services. For example, families' sense of the value of EL services could differ from one school to the next. Also, educators in specific schools might communicate with families about their right to waive services in different ways. In addition, families in specific schools might share more information with each other about waiving services. As noted earlier, state policies about how EL services are delivered also create different incentives to waive services in different states. Thus, families' decisions about whether to waive EL services are shaped by families, schools, and states.

Key Takeaways

- The rate of students waiving EL services varied substantially across states. The rate in Oregon was far higher than in Texas or Michigan, potentially due to differences in how ELD credits were awarded and how EL services were structured in each state.
- Across all three states, students who waived EL services tended to have similar characteristics. Specifically, students in special education, students who were considered long-term English learners, and students who were not economically disadvantaged were more likely to waive EL services.
- There were substantial differences in the rates of students waiving EL services across schools, suggesting that schools also play an important role in shaping students' and families' decisions about waiving.