

 <b>Tucson, Arizona</b>  <b>GOVERNING BOARD POLICY</b>	POLICY TITLE: Parental Waiver for English Learners in Dual Language Classrooms
	POLICY CODE: IHBE

**General Purpose:**

The purpose of this Policy and any Regulations adopted pursuant hereto is to provide a mechanism which complies with A.R.S. § 15-753 whereby parents may seek a waiver from the requirements of A.R.S. § 15-752 relating to teaching children who are English learners in Structured English Immersion.

**Definitions:**

This Policy incorporates by reference the definitions provided in A.R.S. § 15-751. Any definitions not provided in A.R.S. § 15-751 may be provided in this Policy or in other District Policies or Regulations provided that such definitions do not conflict with the provisions of A.R.S. § 15-751, *et seq.*

**Availability of Waiver Forms:**

The Superintendent shall develop waiver forms and shall make these forms available at each school within the District. The Principal of each school shall be responsible for insuring that any parent or legal guardian requesting a waiver form will be provided one immediately upon request.

**Preliminary Requirements for Granting of Waiver:**

No waiver shall be granted pursuant to this Policy or any Regulation adopted pursuant hereto unless 1) the parents or guardians requesting such waiver have completed in writing a waiver form developed by the Superintendent, 2) the parents or guardians requesting such waiver have personally visited the school to apply for the waiver and they have been provided a full description of the educational materials to be used in the different educational choices and all the educational opportunities available to the student for whom the waiver is sought, and 3) the student for whom the waiver is sought qualifies for such waiver.

**Qualification for Waiver:**

No waiver shall be granted under this Policy or any Regulation adopted hereto unless:

- The student for whom the waiver is sought already has good English language skills as measured by:
  - Oral evaluation, as developed and determined by administrative regulation, OR
  - Standardized tests or English vocabulary comprehension, reading, and writing in which the student scores approximately at or above the state average for that student’s grade level or at or above the fifth grade average, whichever is lower; OR
- The student for whom the waiver is sought is age ten (10) years or older and it is the informed belief of the school Principal and educational staff that an alternate course of

educational study would be better suited to the child's overall educational progress and rapid acquisition of basic English language skills; OR

- The student has already been placed for a period of not fewer than thirty (30) calendar days during that school year in an English language classroom and it is subsequently the informed belief of the school Principal and educational staff that the student has such special and individual physical or psychological needs, above and beyond the student's lack of English proficiency, that an alternate course of educational study would be better suited to the student's overall educational development and rapid acquisition of English. A written description of no fewer than 250 words documenting the student's individual needs must be provided and permanently added to the student's official school records, and the waiver application must contain the original authorizing signatures of both the school Principal and the Superintendent.

#### **Denial of Waiver:**

Any request for waiver not meeting the requirements of this Policy or Regulations adopted pursuant hereto shall be denied and the reasons for the denial must be provided in writing to the parents or legal guardians applying for the waiver without prejudice to a later request for waiver which does comply with this Policy or such Regulations. In those cases in which the grant or denial of a waiver is left to the discretion of the Superintendent, school Principal or educational staff, in the event a request for waiver otherwise meeting the requirements of this Policy and Regulations adopted hereto is denied, a written statement explaining such denial must be provided to the parents or guardians applying for such waiver.

#### **Effect of Waiver:**

Those students granted a waiver shall be transferred to classes teaching English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. Individual schools in which twenty (20) or more students in a given grade level receive a waiver shall be required to offer such classes. In all other cases, students granted a waiver must be permitted to transfer to a District school offering such a class.

#### **Duration of Waiver:**

No waiver granted under this Policy or Regulations adopted pursuant hereto shall be effective for more than one (1) year, provided, however, that nothing in this provision prevents a parent or legal guardian from applying for waivers on an annual basis.

#### **Provision of Materials in Language Other than English:**

Nothing in this Policy or Regulations adopted pursuant hereto prevents the District from providing materials, including waiver application forms, and/or oral or written explanations of such materials in languages other than English.

Adopted: January 23, 2001  
Revision: May 18, 2006 (from Policy #6113 to IHBE)  
Review: June 5, 2012

**LEGAL REF.:** A.R.S. 15-744. Exemptions  
15-751. Definitions

- 15-752. English language education
- 15-753. Parental waivers
- 15-754. Legal standing and parental enforcement
- 15-755. Standardized testing for monitoring education progress
- A.A.C. R7-2-310. Pupil achievement testing

**CROSS REF:** Policy # - IHAA English Instruction