

# **Beverly Hills USD**

## **Exhibit**

### **Education For English Language Learners**

E 6174

#### **Instruction**

##### **PARENTAL EXCEPTION WAIVER**

The law requires that English Learners be placed in a Structured English Immersion Program for a period of not less than 30 calendar days before a waiver may be granted. Although your child will be placed initially in English immersion, you have the right to use a parental exception waiver to request an alternative program.

Program availability will depend upon the number of students receiving waivers. If fewer than 20 students receive a waiver in one grade level, your child is allowed to transfer to a public school in which such a class is offered.

Parental exception waivers shall be granted unless there is substantial evidence that the program requested by the parent/guardian would not be better suited for the student.

The Superintendent or designee (Site Level Administrator) shall act upon all parental exception waivers within 20 instructional days of submission. However, parental waiver requests regarding students with special needs (Education Code 311(c)) shall not be acted upon during the 30 day placement in an English language program. These waivers shall be acted upon no later than 10 calendar days after the expiration of that 30 day English language program placement or within 20 instructional days of submission of the waiver.

Waivers may be accepted and granted or denied at any time, but should be made available during the first two weeks following enrollment as parents are notified of student placements.

1. Parents/guardians must visit the school in order to receive a Parental Exception Waiver. At that time, they must also be given a written description of all available education programs.
2. For the purposes of the Parental Exception Waiver, the Superintendent designates the school principal as the person who will approve or deny the waiver, thereby delegating the authority in this matter.
3. The principal will examine each Parental Exception Waiver on a case by case basis to determine if the "school principal and educational staff have substantial evidence that the alternative program (bilingual program) requested by the parent/guardian would not be better suited for the student" (Proposition 227).

The following are reasons for denying a Parental Exception Waiver:

- \* The student has sufficient English to succeed in a Sheltered English Immersion Program (an APL 3 or above on the district assessment).
- \* The student is progressing at the same rate as English only classmates (observations and work samples).
- \* The assessment results indicate that the student's dominant language is English.
- \* The services can not be provided, due to limited numbers requesting the program.
- \* The school is unable to provide consistent services due to small or scattered numbers (less than 20 per grade level).
- \* The staff and/or materials are not available to provide the requested services.
- \* Other
- \* Acquisition of English is the primary goal at this time due to graduation requirements.

#### Appeal Process

A parent/guardian whose request for a waiver was denied shall initiate appeals to the denial of a waiver.

- \* Parent/guardian requests must be in writing to review the denied waiver with the administrator of English Learner Services.
- \* If the appeal is unresolved, the parent/guardian may request a conference with the Superintendent or designee.
- \* A decision will be reached within 10 working days. The parent/guardian will be notified in writing of the final decision.

#### PARENTAL EXCEPTION WAIVER EDUCATION CODE 311

Student's Name: \_\_\_\_\_ Grade: \_\_\_\_\_

School: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Student's Primary Language: \_\_\_\_\_ 0

I request a waiver of the placement of my child in the school's structured/sheltered English immersion program for the following reason:

\_\_\_ My child possesses good English language skills. (Education Code 311(a))

\_\_\_ My child is 10 years of age or older and I believe that an alternate course of study is better suited to my child's rapid acquisition of English. (Education Code 311(b))

\_\_\_ I believe that my child has special needs and that an alternate course of study is better suited to his/her educational development. (Education Code 311(c))

I understand that the objective for my child is to be taught English as rapidly and effectively as possible. I have been provided a full written description of the intent and content of the structured English immersion program; any alternative courses of study offered by the district and made available to my child; all educational opportunities offered by the district and made available to my child; and the educational materials to be used in the different educational program choices.

I have personally visited the school to apply for this waiver.

I understand that I must request that this waiver be reconsidered annually, each school year.

Parent/Guardian Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

For School Use Only:

For waivers pursuant to Education Code 311(a), student's English standardized test scores: (Scores must be at or above the state average for the child's grade level or above the 5th grade average) \_\_\_\_\_

Waiver Granted/Denied: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_