

INST6.6 - Special Programs: Bilingual Education/ESL

I - Instruction

BILINGUAL EDUCATION

LOCAL

Individual schools in which twenty (20) or more students of a given grade level receive parental exception waivers, in accordance with A.R.S. 15-753, shall offer classes that teach English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. If these programs are unavailable, students who receive parental exception waivers shall be permitted to transfer to a public school that offers such a class.

Prerequisites for Waiver Requests

With prior written informed consent, provided annually, a student's parents or legal guardian may request a waiver from A.R.S. 15-752, which requires placement in an English language classroom. To apply for a waiver, parents or guardians must:

- Visit the school to apply for the waiver and, while at the school:
 - Be provided a full description of the educational materials to be used in the different educational program choices.
 - Be provided a full description of all the educational opportunities available to the child.

Parental Exception Waiver

A parental exception waiver may be applied for if the prerequisites are met and at least one (1) of the following applies:

- The student already possesses good English language skills, as measured by:
 - Oral evaluation or standardized tests of English vocabulary, comprehension, reading, and writing, in which the student scores:
 - Approximately at or above the state average for the student's grade level, or
 - At or above the 5th-grade average, whichever is lower.
- The student is age ten (10) 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 student's overall educational progress and rapid acquisition of basic English language skills.
- The student has special individual needs (physical or psychological needs beyond the lack of English proficiency). A waiver based on special individual needs requires the following:
 - The student has already been placed in an English language classroom for at least thirty (30) calendar days during that school year.
 - It is the informed belief of the school principal and educational staff that the child's physical or psychological needs, beyond English proficiency, would be better met by an alternate course of educational study for their overall development and acquisition of English.
 - A written description of no less than 250 words documenting these special needs for the specific student must be provided and added to the student's official school record.
 - A special needs review must be completed by persons knowledgeable about the student, the student's school history, special needs, evaluation data, and placement options, based on the student's academic, social, and behavioral records.
 - The waiver application must contain the original authorizing signature of the school principal.
 - If the student qualifies under the **Individuals with Disabilities Education Act (IDEA)**, all procedural safeguards must be followed.
 - If the student qualifies under **Section 504 of the Rehabilitation Act of 1973**, appropriate evaluations and accommodations will be provided to ensure a free appropriate public education (FAPE).

- Teachers and local school districts may reject waiver requests without explanation or legal consequence. The existence of special individual needs does not compel the issuance of a waiver.
- Parents have the right to refuse to agree to a waiver for special individual needs.

The Superintendent shall develop the necessary procedures for implementing this policy.

LEGAL REFERENCES

- A.R.S. 15-744
- A.R.S. 15-751
- A.R.S. 15-752
- A.R.S. 15-753
- A.R.S. 15-754
- A.R.S. 15-755