

PARENTAL EXCEPTION WAIVER INFORMATION

California public schools must provide all students with an instructional program that is overwhelmingly or nearly all in English (*Education Code Section 305*). English learners are placed in either the structured English immersion (SEI) program or the English language mainstream program based on their level of English proficiency. English learners who are placed in the SEI program are transferred to the English language mainstream program after they have acquired a good working knowledge of English.

HOW ARE PARENTS INFORMED OF THEIR CHILD'S PLACEMENT?

Within 30 days of initial enrollment and annually thereafter, parents or guardians are informed, in writing, of their child's placement in a structured English immersion (SEI) program or mainstream English program. They are also provided with a full description of the instructional program options and notified of the opportunity to apply for a parental exception waiver.

Parents or guardians may apply for a waiver of the requirement for the SEI or mainstream program and request that their child be transferred to the bilingual program. The alternative bilingual program is offered at schools in which 20 students or more of a given grade level receive an approved waiver. If there are not enough students to offer a class, the parents and guardians have the option of transferring their child to another school in which this program is offered.

HOW DO PARENTS APPLY FOR THE PARENTAL EXCEPTION WAIVER?

The law requires that the parent or guardian personally visit the school, on an annual basis, to apply for the waiver. At that time, parents or guardians will be provided with a full written description and upon request, a spoken description of the instructional program options available to their child. (*CA Education Code 310*)

The application for the parental exception waiver shall be submitted to the principal for review and either approval or denial. A parental exception waiver may be approved if at least one of the following circumstances applies:

- (a) the child already possesses good English language skills;
- (b) the child is age 10 years or older, and it is the informed belief of the school principal and educational staff that an alternate course of study would be better suited to the child's rapid acquisition of basic English language skills; or
- (c) the child has special physical, emotional, psychological, or educational needs that an alternate course of study would be better suited to the child's overall educational development. (*CA Education Code 311*)

The parental exception waiver may be denied if it is determined that the alternative bilingual program would not be better suited for the educational development of the student.

HOW DO PARENTS APPEAL THE DENIAL OF THE PARENTAL EXCEPTION WAIVER?

If the request for a Parental Exception Waiver is denied, the parents or guardians are informed in writing of the reasons for denial and advised that they may appeal the decision.