



Arizona Department of Education Office of English Language Acquisition Services

June 20, 2023

The Arizona Department of Education's Office of English Language Acquisition Services has been advised from the Arizona Legislative Council on May 31, 2023, that the 50-50 Dual Language Immersion SEI Model of the Structured English Immersion Models approved by the State Board of Education in January 2020 is in violation of Proposition 203.

In the past, this 50-50 Dual Language Immersion Model was implemented without the requirement of a bilingual parental waiver. Schools need to comply with the Proposition 203 by requiring all SEI Models to teach English by teaching English, and children in the program learn to read and write solely in English.

Effective immediately, the 50-50 Dual Language Immersion Model is hereby eliminated as a model of Structured English Immersion.

In order to avail your LEA of the Dual Language Models, the LEA must comport with the use of the bilingual parental waiver for English Language Learners as codified in law within Proposition 203 and ARS 15-753. (See Attached)

In an effort to continue our support to the LEAs across Arizona, OELAS is hosting a special-edition webinar titled, "Bilingual Waiver Guidance". Please join us on Tuesday, June 27, 2023, at 1:00pm in Zoom. This webinar will be recorded and shared to the OELAS website. Register for the webinar [here](#).

Sincerely,

A handwritten signature in black ink, appearing to read "Adela Santa Cruz".

Adela Santa Cruz
Deputy Associate Superintendent
Office of English Language Acquisition Services
Arizona Department of Education

Bilingual Parental Waiver Requests:

Per A.R.S. §15-753, one of three Bilingual Waivers is required to be completed annually for an English learner (EL) to participate in a bilingual program.

- **Waiver 1** (A.R.S. §15-753B.1) **My child already knows English:** the child already possesses good English language skills, as measured by oral evaluation or standardized tests of English vocabulary comprehension, reading, and writing, in which the child scores approximately at or above the state average for his/her grade level or at or above the 5th grade average, whichever is lower; or,
- **Waiver 2** (A.R.S. §15-753B.2) **My child is 10 years or older:** 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 as documented by the analysis of individual student needs; or,
- **Waiver 3** (A.R.S. §15-753B.3) **My child has special individual needs:** the child already has been placed for a period of not less than thirty calendar days during this school year in an English language classroom and it is subsequently the informed belief of the school principal and educational staff that the child 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 less than 250 words documenting these special individual needs for the specific child must be provided and permanently added to the child's official school records and the waiver application must contain the original authorizing signatures of both the school principal and the local superintendent of schools.

Waiver 1 Clarification

Waiver 1 states, "the child already possesses good English language skills, as measured by **oral evaluation** or **standardized tests of English vocabulary comprehension, reading, and writing...**"

- To determine qualification for Bilingual Waiver 1, for students in grades K-3, who do not participate in state standardized tests, "good English language skills" is measured by oral evaluation. Oral evaluation of "good English language skills" will be determined by the Kindergarten Placement Test (KPT) or AZELLA.
 - For ELs entering kindergarten, a score of 231 or greater on the KPT would indicate good English language skills.
 - For ELs in grades 1-3, a Proficient score in Listening and Speaking on the AZELLA placement or reassessment test will meet the characteristics of good English skills.

Waiver 2 Clarification

Waiver 2 states that for a child 10 years or older, “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.”

- To determine qualification for Bilingual Waiver 2, school principals must analyze the individual student’s needs to determine 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.

Waiver 3 Clarification

Waiver 3 states, “the child already has been placed for a period of not less than thirty calendar days during this school year in an English language classroom...”

- To determine qualification for Bilingual Waiver 3, the child must have been placed in an SEI program for at least 30 calendar days.

Waiver 3 continues to state, “it is subsequently the **informed belief** of the **school principal** and educational staff that the child 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 less than 250 words** documenting these special individual needs for the specific child must be provided and permanently added to the child’s official school records and the waiver application must contain the **original authorizing signatures of both the school principal and the local superintendent of schools**.

- School principals and educational staff must analyze the individual student’s needs to determine 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.
- A written description must document the student’s special individual needs and this must be placed in the student’s file along with the completed Bilingual Parental Waiver request.
- The school principal and the local superintendent of schools must sign the Bilingual Parental Waiver request.

Per A.R.S. §15-754, all Arizona school children have the right to be provided at their local school with an English language public education. The parent or legal guardian of any Arizona school child shall have legal standing to sue for enforcement of the provisions of this statute, and if successful shall be awarded normal and customary attorney’s fees and actual and compensatory damages.

Any school board member or other elected official or administrator who willfully and repeatedly refuses to implement the terms of this statute may be held personally liable for fees and actual and compensatory damages by the child’s parents or legal guardian, and cannot be subsequently indemnified for such assessed damages by any public or private third party. Any individual found so liable shall be immediately removed from office and shall be barred from holding any position of authority anywhere with Arizona public school system for an additional period of five years.

If you have questions regarding this guidance or need support regarding EL programs and services, please contact OELAS at OELAS@azed.gov or 602-542-0753.