



Office of English Language Acquisition Services

BILINGUAL PARENTAL WAIVERS - FREQUENTLY ASKED QUESTIONS

Below are questions that were submitted in advance and during the webinar are listed below.

- **DLI is or is not EL services? It seems that you are saying that a DLI does not meet the EL services needs and ELs cannot be in them, but you are also saying that a DLI is EL services and a PW cannot be in either? This sounds like a double-edged sword.**
 - Title III (Sec. 3115 (a)) of the Every Student Succeeds Act (ESSA) requires that LEAs develop and implement language instruction educational programs for elementary and secondary school programs based on methods and approaches that are scientifically researched and proven to be the best in teaching the limited English proficient student. The federal government identifies ESL, SEI, and TBE, and DL programs as effective Language Instruction Educational Programs (LIEPs). EL services may be provided via an SEI, ESL, bilingual, or DLI program. The requirement under Arizona Revised Statute §15-752 and 15-753 is that ELs must qualify with a bilingual waiver if they wish to participate in a bilingual program to receive their EL services through a bilingual program instead of in an SEI program.
- **If the student is SPED W [Withdrawn] can the parent request the Waiver?**
 - If the student has an EL status, he/she must qualify via one of the bilingual waivers in order to participate in a bilingual program.
- **For secondary DLI, they have ELA in English, SEI targeted services as another period, and an elective in another language...do they need a waiver or are they still considered SEI model?**
 - Please reach out to OELAS@azed.gov to discuss. It will depend on which standards drive the elective.
- **I need a formal definition of the Bi-lingual according to the waiver process.**
 - "BILINGUAL EDUCATION/NATIVE LANGUAGE INSTRUCTION" MEANS A LANGUAGE ACQUISITION PROCESS FOR STUDENTS IN WHICH MUCH OR ALL INSTRUCTION, TEXTBOOKS, OR TEACHING MATERIALS ARE IN THE CHILD'S NATIVE LANGUAGE OTHER THAN ENGLISH. (A.R.S §15-751)
- **Do native English speakers need to pass the AZELLA to be in a dual language program if you are considering DLI as EL services?**
 - No. Students who are not identified as ELs, and students who have been reclassified as Fluent English Proficient (FEP) and no longer qualify for EL services, do not have to take the AZELLA to qualify for bilingual education. The bilingual waiver is only required for students who qualify for EL services.
- **The law does not require that a student be "proficient" orally. They can "demonstrate good English skills" at an intermediate or basic level. ADE has selected the bar to orally proficient which is not in the spirit/intent of the law. Why has the bar been set at an unattainable level for a K-3 student?**
 - As a result of the updated ELP Standards, AZELLA, and cut scores for proficiency, the Arizona Department of Education has determined the new requirements to qualify for Bilingual Waiver 1.
- **If a school is an open enrollment only/ school of choice and a student previously enrolled does not meet waiver will the student have to be enrolled in their home or another school?**
 - ELs who do not qualify under a bilingual waiver to participate in the bilingual program can still be provided EL services via one of the approved SEI Models that do not require a waiver at either the school of choice or their home school.

- **If a parent withdraws the student. They are in essence a general ed student whose parent can choose a program. What specific law are you citing that would require them to not have options? I just want to understand so that we can talk with parents.**
 - A student that is parent withdrawn from EL services is *still* an EL student, and therefore the LEA must follow the requirements stated in Arizona Revised Statute §15-752 and 15-753 to qualify under a waiver.
- **Is a Gen Ed dual language immersion classroom considered mainstream if it has no SEI minutes attached?**
 - In instances where a dual language classroom does not contain ELs and all students are fluent English proficient, this classroom would not be considered a mainstream classroom since the content is taught in two languages. Furthermore, SEI programs and Bilingual programs are designed differently; SEI programs have required minutes of ELD to be met by law, the absence of the minutes does not make a dual language immersion classroom a gen ed or mainstream classroom.
- **What is ADE's official position regarding the issue of choice for parents of English learners? If a parent wants a dual language experience for a child, shouldn't he/she be granted that opportunity?**
 - ADE will provide guidance based on what is required by statute.
- **Has the State Board actually approved the changes? If not, when is it expected to make a decision? A related question is whether the memo sent to the field was premature until the Board rules. Could you provide a clarification?**
 - There were no changes made, only clarification to be in alignment with state law.
- **Dual language programs are designed to teach English and content subjects. At the federal level, there is no expectation that a student be proficient in English before being enrolled in such a program. Arizona language policy is an outlier in the country. I appreciate your transparency about ADE positions, but if the law is faulty, which many researchers, educators and policy analysts have determined, why would following it so rigidly make sense?**
 - Current Arizona State Statute mandates us to follow the requirements outlined in ARS § 15-752 and 15-753.
- **Is placement in a dual language classroom an alternative placement for an EL withdrawn from EL services?**
 - No. ELs parent withdrawn from EL services means they are withdrawn from ELs services under SEI programs and bilingual programs. ELs may either be enrolled in EL services and participate in an SEI program or a bilingual program. If they are parental withdrawn, they are withdrawn from any SEI, ESL, TBL, DL program.
- **The law calls for and oral assessment or standardized test, why are we only using AZELLA to qualify student?**
 - The approved English language assessment is the AZELLA, but LEAs may also utilize the state standardized test (AASA [ELA]) scores to determine qualification for Bilingual Waiver 1.
- **Previously, DLI students were receiving 30 minute SEI Focused lessons, is that no longer allowed, because you are changing the originally accepted models. Are they now required to have 60/50 minute ELP driven Focused lessons?**
 - There are NO changes to the models. DLI is still an available English Language Instruction model. LEAs implementing the 50-50 DLI Model may continue to provide 30/25 minutes of Targeted Instruction and 90/75 minutes of Integrated Instruction. The 60/50 minutes of Targeted Instruction is part of the Pull-Out Model.
- **Can a PW student be placed in a dual language classroom by parent request?**
 - If the student qualifies under one of the three bilingual waivers, then yes, he/she can be enrolled in the dual language program. If the student does not qualify under one of the waivers, and the parent requests a parent withdrawal, then the student may not be placed in the dual language program.

- **If Kindergarten is still funded half time, can we put ELs in 4 hours of English and then allow 2 hours of DLI in K?**
 - For any school providing a half-day Kindergarten program, implementation of an SEI Model would be reduced proportionately. If you are implementing the 50-50 DLI Model approved by the State Board, then you would reduce the minutes to 15 minutes of Targeted instruction, and 45 minutes of Integrated Instruction. Any other research-based bilingual or dual language program being implemented could be reduced proportionality if needed to accommodate for the half-day kindergarten. Regardless, any kindergarteners that are identified as English Learners (ELs) must qualify with the Bilingual Waiver 1 for placement in the 50-50 DLI Model. If an LEA is implementing half-day kindergarten, and students are provided the *option* to stay *after* the instructional hours to receive additional enrichment programs, that is outside of the kindergarten school day and therefore Arizona Revised Statute §15-752 and 15-753 do not apply.

- **The law does not state that a student must be proficient in English so why has made that the requirement?**
 - ARS § 15-753B.1 requires that “THE CHILD ALREADY POSSESSES GOOD ENGLISH LANGUAGE SKILLS, AS MEASURED BY EITHER ORAL EVALUATION OR STATE STANDARDIZED TEST OF ENGLISH VOCABULARY COMPREHENSION, READING, AND WRITING”. The criteria for the waivers established by ADE is not to be overall proficient. Under Bilingual Waiver 1, kindergarten students qualify if they have a cut score of 231 on the KPT which is overall basic/intermediate since listening and speaking subtests scores are not available; and, first graders through twelfth graders qualify by being proficient on the Listening and Speaking portions only of the AZELLA test.

- **How does this decision support Arizona's LDA Principle 1, when schools are restricting access to federally approved models to students?**
 - Schools and state agencies must comply with the law first and foremost.

- **Our parents of our DLIP students are passionate about the program. Many of these children have participated in the program for several years. We anticipate that many parents will want to withdraw their child from EL services. Will there be any negative impact if we have an increased amount of children with a withdraw from EL services in any given grade level?**
 - Only children that do not qualify for bilingual education with one of the three waivers will be impacted. Parents have the right to withdraw them from EL services but must be informed that parent withdrawing from EL services does not make them eligible for a bilingual program. For ELs that do not qualify under any bilingual waiver, by participating in and receiving EL services in an SEI program, he/she could progress in their oral English skills and therefore qualify for bilingual education for the following school year.

- **This was on the copy of "Process for Implementing Bilingual Waiver 1" If using AZELLA for Bilingual Waiver 1, students must be Intermediate in Listening and Speaking to meet the Characteristics of Good English Skills.**
 - The guidance has been updated since the 2018 “Process for Implementing Bilingual Waiver 1” communication. As a result of the updated ELP Standards, AZELLA, and cut scores for proficiency, the AZELLA Team has determined the new requirements to qualify for Bilingual Waiver 1 which are: kindergarten students qualify if they have a cut score of 231 which is overall basic/intermediate, and, first graders through students under ten years of age qualify by being proficient on the Listening and Speaking portions of the AZELLA test.

- **If a student is classified via IEP to be serviced in a SPED room, teacher is required to be SEI endorsed?**
 - Any teacher providing Targeted and/or Integrated Instruction under one of the state board approved SEI models must have an SEI/ESL/BLE Endorsement, or completed SEI coursework.