



**LOS ANGELES UNIFIED SCHOOL DISTRICT
POLICY BULLETIN**

TITLE: Guidelines and Procedures for Requesting an English Learner Master Plan Waiver, TK-12

NUMBER: BUL-6260.2

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Chief Academic Officer

Hilda Maldonado, Executive Director
Multilingual and Multicultural Education Department

DATE: May 9, 2016

ROUTING
Local District
Superintendents
Local District
Administrators of
Instruction
Local District Directors
of Support Services
Local District EL
Program Staff
Principals/Assistant
Principals
School Site EL
Designees
UTLA Chapter Chairs

PURPOSE: The purpose of this Bulletin is to provide schools with guidelines and procedures regarding the English Learner Master Plan Waiver Request process.

MAJOR CHANGES: This bulletin replaces *BUL 6260.1, English Learner Master Plan Waiver Request: Procedures and Guidelines for Requesting English Learner Master Plan Waiver Request, K-12* dated April 7, 2015. The major changes include:

- Provide opportunities to submit ongoing EL Master Plan Waivers
- Local District Director and EL Staff to review EL Master Plan Waiver Request and conduct school visit.
- Memorandum of Understanding (MOU) between the school site and Local District. (Attachment B)

BACKGROUND: Federal and State law requires the District to provide English Learner services, which include daily English language development (ELD) and access to core curriculum for all English Learners (EL). In addition, the District entered into an agreement with the Office for Civil Rights, and as a result, revised the English Learner Master Plan. The agreement and law requires the District to ensure ELs are provided access to standards-based ELD and content area instruction by placing students in instructional settings that meet their language and academic needs.

The English Learner Master Plan Waiver allows schools that have a successful English Learner Program to request a waiver for a component(s) of the English Learner Master Plan. LAUSD has established a process for schools to request a



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waiver from implementing components of the Master Plan if the school can present a compelling educational reason based on student needs and outcomes. (English Learner Master Plan, p.109).

Each waiver application will be examined for compliance with California Education Code and Federal regulations, as well as for sound instructional design and appropriate pedagogical principles. All proposed waiver plans submitted must be reviewed by the Local District Superintendent, the Executive Director of the Multilingual and Multicultural Education Department and the Chief Academic Officer before approval is granted.

INSTRUCTIONS: I. APPLICATION PROCESS

The school administrator is responsible for ensuring that the following steps are implemented at the school site:

A. School completes and submits the “English Learner Master Plan Waiver Request Form” (Attachment A).

1. Waiver Description

- Identify the specific component of the English Learner Master Plan for which the waiver is requested (Cite the page(s) in the English Learner Master Plan).
- Describe the school’s plan of action, ensuring sound instructional design and appropriate pedagogical principles. (*Castañeda v. Pickard* and EL Master Plan, pg. 109)

- 1) *Is the requested waiver (program or practice) based on an educational theory recognized as sound by some experts in the field or considered by experts as a legitimate experimental strategy?*
- 2) *Is the requested waiver, (program or practice) including resources and personnel, reasonably calculated to implement effectively?*
- 3) *How will the school evaluate and make adjustments where needed to ensure language barriers are actually being overcome?*

2. Rationale for requesting waiver



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- Describe the evidence supporting the need to waive implementation of the identified component of the English Learner Master Plan. Provide data and documentation to support the evidence.
 - Describe how this waiver will improve academic achievement for English Learners using relevant measures (e.g., EL data, Reclassification Data, Language Appraisal Team Meeting Log, Periodic Assessments, Annual Measurable Achievement Objectives, A-G requirements, etc.).
3. Accountability to measure effectiveness of waiver
- Describe the qualitative and quantitative data that will be used to measure the effectiveness of the waiver. (Refer to EL Master Plan pg. 115-118, Figure 30 for evaluation questions)

B. School Site EL Master Plan Waiver Approval Process

1. An English Learner Advisory Committee (ELAC) meeting is held to discuss the rationale for applying for the waiver. The ELAC then votes to determine whether or not the waiver should be recommended to the School Site Council (SSC). The ELAC must make a formal recommendation to the SSC in accordance with BUL-6541.0. In addition, the meeting must be documented with an agenda, minutes, and sign-in in order to be considered official and valid.
2. A staff meeting is held to discuss the rationale for applying for the waiver. The staff engages in a collaborative process to review and fully understand the waiver and the waiver process. An agreement of 2/3 of the school site certificated bargaining unit UTLA is necessary to continue the waiver process.
3. A SSC meeting is held to review, discuss and vote on the EL Master Plan Waiver Request. In accordance with BUL-6541.0, the recommendation form by ELAC is introduced and a formal response by the SSC is documented on the form. In addition, the meeting must be documented with an agenda, minutes, and sign-ins in order to be considered official and valid.

C. Local District Analysis of Waiver Request



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Upon approval from SSC, approval signatures are secured and the school submits the following to the Local District Superintendent for approval:

- Completed waiver application
- Copy of ELAC agenda, minutes, and sign-in
- Copy of Staff Meeting agenda, minutes, and sign-in
- Copy of SSC agenda, minutes, and sign-in

The waiver request and all relevant data is reviewed by school's Director, LD English Learner Programs staff, and LD EL Instructional staff. Based on the information on the waiver request, the team prepares for the school visit.

1. A school visit is scheduled and conducted by the school Director and the LD EL staff.
2. During the school visit, team meets with school principal and school leadership staff to review the waiver request, review EL data and documentation and conduct classroom observations of EL services, instruction and placement.
3. At the conclusion of the school site visit, a discussion takes place with school site leadership staff regarding the school's implementation of EL program and services, the classroom observations and the waiver request.
4. Local District staff identifies and documents key indicators of the school's implementation and progress of EL services, instruction and placement:
 - Continued implementation of actions and strategies observed at the school
 - Implementation of components of the EL Master Plan that were not evident during school visit
5. After the school visit, the LD team makes a recommendation for approval or denial of the school waiver request. If approved the team drafts a Memorandum of Understanding (MOU). (Attachment B) If the waiver is denied by the LD team, rationale for denial will be provided to the school site by the director.
6. All documentation is submitted to the Local District Superintendent



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for approval.

7. If the waiver is approved or conditionally approved the Local District Superintendent will sign the appropriate section of the waiver form and send the signed waiver request with any attachments and the MOU to the Multilingual and Multicultural Education Department (MMED).
8. If the waiver is denied by the Local District Superintendent, rationale for denial will be provided to the school site by the director.

D. MMED Analysis of School Site Waiver Request

MMED Executive Director reviews the waiver and all supporting documentation to ensure Federal and State Compliance and submits to Chief Academic Officer for final approval.

E. Monitoring and Support of School Site's EL Master Plan Waiver

1. Monitoring of EL Master Plan waiver provided, as appropriate, by the Local District staff throughout the school year.
2. Conducting school visitations to review implementation of MOU actions, as appropriate, is provided by the Local District staff throughout the school year.

Note: Attachment C is provided to assist schools with the EL Master Plan Waiver Process.

RELATED RESOURCES:

- *LAUSD 2012 English Learner Master Plan*
- *BUL 6541.0, Guidelines for Required English Learner Advisory Committees and School Site Council, July 30, 2015*

ASSISTANCE:

For assistance or further information, please contact your Local District English Learner Programs staff or Multilingual and Multicultural Education Department at (213) 241-5582.



English Learner Master Plan Waiver Request

ATTACHMENT A

School _____

Local District _____

Date _____

Waiver Request for School Year _____

Please provide complete and detailed information for this waiver. Each waiver will be reviewed for compliance with California Education Code and federal regulations (*Castañeda v. Pickard*), sound instructional design and appropriate pedagogical principles. The waiver requests must be compliant with the LAUSD/Office for Civil Rights Voluntary Agreement. Waivers continue based on a yearly review of data and school site progress monitoring.

In order to evaluate the adequacy of the program for English Learners, please review the requested waiver using the *Castañeda v. Pickard* three-part test:

- 1) *Is the requested waiver (program or practice) based on an educational theory recognized as sound by some experts in the field or considered by experts as a legitimate experimental strategy?*
- 2) *Is the requested waiver, (program or practice) including resources and personnel, reasonably calculated to implement effectively?*
- 3) *How will the school evaluate and make adjustments where needed to ensure language barriers are actually being overcome?*

A. Waiver Description

- *Identify the specific component of the English Learner Master Plan for which the waiver is requested (Cite the page number in the English Learner Master Plan).*
- *Describe the school’s plan of action, ensuring sound instructional design and appropriate pedagogical principles. (Castañeda v. Pickard and EL Master Plan, pg. 109)*

B. Rationale

- *Describe the evidence that supports the need to waive implementation of the identified component of the English Learner Master Plan. Provide data and documentation to support the evidence.*
- *Describe how this waiver will improve academic achievement for English Learners using relevant measures (e.g., EL data, Reclassification Data, Language Appraisal Team Meeting Log, Periodic Assessments, Annual Measurable Achievement Objectives, A-G requirements).*

C. Accountability

- *Describe the qualitative and quantitative data will be used to measure the effectiveness of the waiver. (Refer to EL Mater Plan pg. 115-118, Figure 30 for evaluation questions.)*



Certification for Approval

The undersigned certify that formal approval of this waiver request was obtained in accordance with LAUSD/UTLA guidelines including:

- 1. English Learner Advisory Committee formal recommendation. An official meeting was held and a formal vote was conducted. The vote resulted in at least a 50% + 1 vote margin. (Attach agenda, minutes, and sign-in)

ELAC Chairperson's Signature

Date

- 2. Two-thirds agreement of school site certificated bargaining unit members by formal vote. (Attach agenda, minutes, and sign-in)

UTLA Chapter Chairperson's Signature

Date

- 3. An official SSC meeting was held and a formal vote was conducted.. (Attach agenda, minutes, and sign-in)

SSC Chairperson's Signature

Date

- 4. Signature of the Principal.

Principal

Date

Stakeholders' signatures do not guarantee automatic District approval. Each waiver will be reviewed for compliance with California Education Code and federal regulations, sound instructional design and appropriate pedagogical principles.

Return completed EL Master Plan Waiver Request and all documentation to the Local District Superintendent.



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ATTACHMENT A (Cont'd)

<p>Local District Analysis: (Provide rationale if denied.)</p> <p> <input type="checkbox"/> Approved (Attach MOU) <input type="checkbox"/> Conditionally Approved (Attach MOU) <input type="checkbox"/> Denied (Attach letter) </p>		
_____	_____	_____
Local District Superintendent	Date	Waiver Expiration
<p>Send a copy of signed Waiver Request to: Multilingual and Multicultural Education Department, Beaudry Bldg., 25th Floor</p>		
<p>Multilingual and Multicultural Education Department Analysis:</p> <p> <input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied </p>		
_____	_____	
Executive Director MMED	Date	
<p>Los Angeles Unified School District Chief Academic Officer Analysis:</p> <p> <input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied </p>		
_____	_____	
Chief Academic Officer	Date	

**All records of the waiver will be maintained with the Local District English Learner Programs Coordinator and the Multilingual & Multicultural Education Department.*

Final Signed Copy: Chief Academic Officer
 LD Superintendent Instructional Director
 LD Coordinators, EL Instruction and EL Programs
 MMED Executive Director
 MMED Coordinators, EL Instruction and EL Programs
 Principal



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(Place on Local District Letterhead)

ATTACHMENT B

(Date)

XXXX, Principal
(Address)

Dear XXX:

RE: WAIVER FOR XXXX

This Memorandum of Understanding is to confirm our agreement on (Date of School Visit) in regard to your EL Master Plan Waiver Request addressing XXX.

The California Department of Education (CDE) and Federal Law requires the District to provide each EL with English Language Development instruction to develop proficiency in English; and ensure that academic instruction for ELs is designed and implemented to meet content and performance standards for their respective grade levels.

With these goals in mind, classes/courses are organized to ensure the appropriate placement, delivery of EL services, and instructional needs of ELs, including those with disabilities, are met by authorized staff and follow guidelines in the EL Master Plan.

(Provide a description the school’s Waiver Request)

(Name of School) agrees to continue the implementation of the following commitments in support of English Learners:

- (Provide a list of the systems, structures and strategies observed)

Furthermore, (School Name) agrees to implement the following commitments in support of English Learners:

- (Provide list of components of the EL Master Plan that were not evident during the school visit)

To determine effective implementation of the commitments outlined above, please compile documentation (e.g. EL data, Professional Development agendas, classroom observations, annotated EL Rosters, etc.). The Local District staff will review data, documentation and conduct school visits regarding the implementation of commitments.

This waiver for XXXX will be in effect for the XXXX school year. Each subsequent school year, the school will need to demonstrate effective implementation of the commitments outlined above, along with a review of relevant EL performance data.

Please sign below if (school name) is in agreement with the above.

Sincerely,

(Local Superintendent Name)

IT IS SO AGREED: _____
(Principal Name, XXX School) Date



English Learner Master Plan Waiver Process

ATTACHMENT C

