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OPINION	:	No. 80-1101
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The Honorable Wilson C. Riles, Superintendent of Public Instruction and Director of the Department of Education, requests an opinion on the following: question:

May a parent or guardian of a child of limited English language proficiency withdraw such child from an individualized learning program designed to address such child's English language deficiencies?

CONCLUSION

The Bilingual Education Improvement and Reform Act of 1980 grants to the parent or guardian of a child of limited English language proficiency a right to withdraw the child from any of the bilingual program options authorized by subdivisions (a), (b), (c), (d), (e), or (f) of Education Code section 52163, whether or not "individualized," which provisions are designed to provide an opportunity to the child to have his or her educational instruction include bilingual instruction so as to remedy his or her English language deficiencies.

ANALYSIS

The question requires an examination of some of the provisions of the Bilingual Education Improvement and Reform Act of 1980 (Stats. 1980, ch. 1339), which amended and added to, among other statutes, the Chacon-Moscone Bilingual-Bicultural Education Act of 1976 (Stats. 1977, ch. 36).

The Legislative Counsel's Digest of AB 507, the bill enacting the Bilingual Education Improvement and Reform Act of 1980 (hereinafter the "Act"), states in relevant part that:

> "(1) Currently, the Chacon-Moscone Bilingual-Bicultural Education Act of 1976 generally requires each limited-English-speaking pupil enrolled in the California public school system in kindergarten through grade 12 to receive instruction in a language understandable to the pupil as well as in English.
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> "Current law prescribes partial bilingual, full bilingual, and bilingual-crosscultural programs for limited-English-speaking pupils and non-English-speaking pupils.
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> "This bill would delete provisions relating to partial bilingual and full bilingual programs and *instead prescribe a basic bilingual program consisting of an English language development component and d' primary language component for basic skills until the pupil makes a transition to English*. This bill would also prescribe experimental bilingual programs which are either innovative programs, or planned variation programs, which must meet prescribed criteria. The Department of Education would be required to develop initial guidelines, criteria, and procedures for such programs. This bill would also prescribe a secondary level language program and a secondary level individual learning program, as specified.
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> ". . . . . ."
>
> "This bill would require that *whenever a school* of any school district has 10 or more pupils of limited English proficiency in the same grade level, as specified, *the district must offer one* of the defined programs.
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> ". . . . . ." (Emphasis added.)

The bilingual "programs" mentioned in the Legislative Counsel's Digest, *supra*, are identified in several subdivisions of Education Code section[1] 52163. Subdivision (a) of section 52163 describes a "system of instruction" denominated "basic bilingual education." Subdivision (b) describes a "system of instruction" denominated "bilingual-bicultural education." Subdivision (c) describes "experimental bilingual programs." Subdivision (d) defines a "secondary level language learning program." Subdivision (e) defines a "secondary level individual learning program" and subdivision (f') defines an "elementary level individual learning program.

Those subdivisions (a) through (f) of section 52163, *supra*, describe "program options" (see § 52163.5, *infra*) which are intended to permit flexibility on the part of the public school system in meeting the needs of limited-English proficiency pupils. The program emphasizes instruction in basic subject matter in the primary language of the pupil while simultaneously increasing the pupil's ability to learn more effectively in the English language. Thus, section 52163.5 provides that:

> "Each of the program options defined in subdivision (a), (b), (c), (d), (e), or (f) of Section 52163 shall include structured activities which promote the pupil's positive self-image and cross cultural understanding.
>
> "The Legislature recognizes that language development is a continuum and that *pupil in the same classroom may have varying levels of English and primary language skills. The individualized instruction for each pupil, pursuant to all of the program options, shall be based on a continuing evaluation* of the pupil's progress by the classroom teacher, and by others as appropriate. An English development component is required for all participating pupils. Pupils with greater strength in their primary language shall receive instruction in academic subjects through the primary language as long as such instruction is needed to sustain academic achievement. As pupils develop the skills which allow them to learn more effectively in English, more of their instruction shall be through the English language. *A primary language component shall be provided as specified in subdivision (a), (b), (c), (d). (e), or (f) of Section 52163, but shall be less extensive as the pupil progresses into English.*" (Emphasis added.)

Our issue concerns the right of a parent or guardian of a pupil, who has been determined to be a limited-English-proficiency child, to withdraw the child from "an individualized learning program" that is designed to address the child's English language deficiencies. The key word in the question is the word "individualized." Before adverting

[1] All unidentified section references are to the Reorganized Education Code.

further to the language of the various subdivisions of section 52163, *supra*, we shall set forth the language utilized by the Legislature relating to a parent or guardian's "right" to decline to have his or her child participate in such programs.

One basic section is section 52161 which provides in part that:

> "The Legislature finds that there are more than 288,000 school age children who are limited English proficient and who do not have the English language skills necessary to benefit from instruction only in English at a level substantially equivalent to pupils whose primary language is English. Their lack of English language communication skills presents an obstacle to such pupils' right to an equal educational opportunity which can be removed by instruction and training in the pupils' primary languages while such pupil's are learning English. The Legislature recognizes that the school dropout rate is excessive among pupils of limited English proficiency. This represents a tremendous loss in human resources and in potential personal income and tax revenues. Furthermore, high rates of joblessness among these dropouts contribute to the unemployment burden of the state.
>
> ". . . . . ."
>
> "The Legislature finds and declares that the primary goal of all programs under this article is, as effectively and efficiently as possible, to develop in each child fluency in English. The programs shall also provide positive reinforcement of the self-image of participating pupils, promote crosscultural understanding, and provide equal opportunity for academic achievement, including, when necessary, academic instruction through the primary language.
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> "It is the purpose of this article *to require California school districts to offer bilingual learning opportunities to each pupil of limited English proficiency* enrolled in the public schools, and to provide adequate supplemental financial support to achieve such purpose. Insofar as the individual pupil is concerned, participation in bilingual programs is voluntary on the part of the parent or guardian."

The underscored language of section 52161 states unqualifiedly that participation in bilingual programs is voluntary insofar as the individual pupil of limited English language proficiency is concerned. However, we must examine the language of sections 52165 and 52173 in order to determine whether there exist legislative qualifications of the general language contained in section 52161, *supra*.

Section 52165 provides in part that:

> *"Each pupil of limited English proficiency* enrolled in the California public school system in kindergarten through grade 12 *shall receive instruction in a language understandable to the pupil* which recognizes the pupil's primary language and teaches the pupil English.
>
> *"(a) In kindergarten through grade 6*;
>
> "(1) Whenever the language census indicates that any school of a school district has 10 or more pupils of limited English proficiency with the same primary language in the same grade level or 10 or more pupils of limited English proficiency with the same primary language, in the same age group, in a multigrade or ungraded instructional environment, *the school district shall offer instruction pursuant to subdivision (a), (b), or (c} of Section 52163 for such pupils* at the school. Whenever there are pupils of limited English proficiency with different primary languages who do not otherwise trigger the program requirements of subdivision (a), (b), or (c) of Section 52163 or of this subdivision, a language development specialist defined in subdivision (b) may be used.
>
> ". . . . . ."
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> "(b) The Legislature recognizes that in the past equal educational opportunities have not been fully available to secondary pupils of limited English proficiency. It is the intent of the Legislature to encourage school districts to offer a language learning program pursuant to *subdivision (d)* of Section 52163. . . .
>
> "(c) In kindergarten and grades 1 through 12 pupils of limited English proficiency who are not enrolled in a program described in subdivision (a), (b), (c), or (d) of Section 52163, *shall be individually evaluated and shall receive educational services defined in subdivision (e) or (f), as appropriate, of Section 52163. Such services shall be provided in consultation with the pupils and the parent, parents, or guardian of the pupil.*" (Emphasis added.)

We shall paraphrase section 52165 in order to extract its intended operation in the context of the issue presented. For purposes of simplicity we shall focus on its language in the context of kindergarten through grade 6 of the public schools. Section 52165 states, in effect, that each pupil of limited English language proficiency shall receive instruction in a language recognizable to the pupil in kindergarten through grade 6

whenever a school has 10 or more pupils of limited English proficiency with the same primary language who are in the same age group, in which case the school shall offer bilingual instruction pursuant to either subdivision (a), (b), or (c) of section 52163. *Whenever* there are too few students to "trigger" the program requirements of subdivision (a), (b), or (c) of section 52163 or of section 52165, a language development specialist (as defined) *may* be used. Elementary grade pupils who are not enrolled in a program described in subdivision (a), (b), or(c) of section 52163, but who are nevertheless of limited English language proficiency, shall receive educational services defined in subdivision (f) of section 52163. "Such services (i.e., those referred to by reference to subdivision (f) of section 52163*) shall be provided in consultation with the pupil and the parent, parents, or guardian of the pupil*." (§ 52165; emphasis added.)

Up to this point we perceive no ambiguity concerning whether the enrollment of a child in a bilingual program may be implemented by the school officials over the objection to such enrollment by the parent or guardian of the pupil. The statutes referred to so far clearly require the consent of the parent or guardian of the pupil as a condition of his or her enrollment in a bilingual program. However, a patent ambiguity exists, on the precise issue presented in the question, in the language of section 52173, which reads as follows:

> "(a) *Prior to the enrollment of any pupils in any program authorized pursuant to subdivision (a), (b), (c), or (d) of Section 52163*, parents or guardians of pupils of all potential participants shall be provided the opportunity *for consultation about the placement of their child or ward in such a program*. To achieve this purpose, the governing board of the school district in which the pupil resides shall notify by mail or in person the parent, parents, or guardian of the pupil of the fact that their child or ward will be enrolled in a program of bilingual education. The notice shall: (1) contain a simple, nontechnical description of the purposes, method, and content of the program in which their child or ward will be enrolled; (2) inform the parent, parents, or guardian that the parent, parents, or guardian have the right and are encouraged to visit such classes in which their child or ward will be enrolled and to come to the school for a conference to explain the nature and objectives of such education; (3) further *inform the parent, parents, or guardian that they have the night, if they so wish, not to have their child or ward enrolled in such an education program,* (4) inform the parent, parents, or guardian that they have the opportunity to participate in the school or school district advisory committee, or both. The written notice shall be in English and in the primary language of the pupil.
>
> "(b) Any parent or guardian whose child or ward *has been or will be enrolled in programs authorized pursuant to subdivision (a), (b), (c), or (d)*

of Section 52163 shall have the right, *either* at the time of the *original notification of enrollment or at the close of any semester* thereafter, *to withdraw his or her child* or ward *from the program*, by written notice to the principal of the school in which his or her child or ward is enrolled."

Section 52173, *supra*, which establishes the right of a parent or guardian not to have his or her child participate in a bilingual "program' and establishes a right of a parent or guardian to "withdraw" a pupil from a bilingual "program," as therein specified, refers *only to subdivisions (a) through (d)* of section 52163 and makes no mention *of resolutions (e) or (f)* of section 52163, which latter sections refer to *individualized* programs for the limited-English-proficiency pupil at the elementary level (subdivision (e)) and at the secondary level (subdivision (d)) of the public school system. Thus, the question presented for our resolution focuses on the "individualized program" language of section 52163, particularly upon the omission from section 52173 of any mention of either subdivision (e) or (f) of section 52163.

Thus, we must examine in detail the relevant provisions of section 52163, which provisions we briefly summarized, *supra*.

Section 52163 provides in part that:

"Unless the context otherwise requires, the definitions set forth in this section shall govern the construction of this article.

"(a) 'Basic bilingual education' is a system of instruction which builds upon the language skills of the pupil and which consists of, but is not limited to, all of the following:

"(1) A structured English language development component with daily instruction leading to the acquisition of English language proficiency, including English reading and writing skills.

"(2) A structured primary language component with daily basic skills instruction in the primary language for the purpose of sustaining achievement in basic subject areas until the transfer to English is made.

"As the pupil develops English language skills, the amount of instruction offered through English shall increase.

"(b) 'Bilingual-bicultural education' is a system of instruction which uses two languages, one of which is English, as a means of instruction. It is

a means of instruction which builds upon and expands the existing language skills of each participating pupil, which will enable the pupil to achieve competency in both languages.

"This instruction shall include all of the following:

"(1) Daily instruction in English language development which shall include:

"(A) Listening and speaking skills.

"(B) Reading and writing skills; formal instruction in reading and writing of English shall be introduced when appropriate criteria are met

"(2) Language development in the pupil's primary language, including oral and literacy skills.

"(3) Reading in the pupil's primary language.

"(4) Selected subjects taught in the pupil's primary language.

"(5) Development of an understanding of the history and culture of California and the United States, as well as an understanding of customs and values of the cultures associated with the languages being taught.

"(c) (1) 'Experimental bilingual programs' are:

"(A) Innovative programs which are consistent with the provisions of this article, including, but not limited to, the requirements for bilingual teaching personnel pursuant to Section 52165, and the requirements for English language and primary language development pursuant to this section. . . .

"(B) Planned variation programs for the purpose of comparing and improving language development programs for pupils of limited English proficiency. The primary focus shall be on appropriate instruction for pupils of limited English proficiency whose English skills are superior to their skills in their primary language. . . .

"(4) Nothing contained in this subdivision shall be construed to permit the operation of experimental bilingual and planned variation programs

contrary to the purposes or intent of this article and other state or federal statutes and regulations promulgated for and on behalf of pupils of limited English proficiency. The primary goal of all such programs shall be to teach the pupil English.

"(d) 'Secondary level language learning program' is a program which provides (1) a prescriptive English language program that systematically develops a pupil's listening and speaking skills, knowledge of linguistic and grammatical structure leading to proficiency in reading and writing English, (2) primary language instructional support to sustain academic achievement in content subject areas required for high school graduation. The prescriptive English language program shall be based on the diagnosis of a pupil's language skills pursuant to Sections 52164 and 52164.1 and shall be conducted as an integral instructional program of English curriculum for not less than one full period a day for the purpose of providing pupils with minimum English language competencies pursuant to subdivision (e). The primary goal of such programs shall be to teach pupils English.

"(e) 'Secondary level individual learning program' is an individualized systematic program of instruction which meets the needs of limited-English proficient pupils and builds upon their language skills in order to develop proficiency in English. This program shall be offered in a manner consistent with the *United States Supreme Court decision in Lau vs. Nichols* (414 U.S. 563), the Equal Educational Opportunities Act of 1974 (20 U.S.C. Sec. 1701 *et seq*.) and federal regulations promulgated pursuant to such court decisions and federal statutes. The primary goal of all such programs shall be to teach the pupil English.

"(f) 'Elementary level individual learning program' is any program of instruction for a pupil of limited English proficiency in which any one of the three program options described in subdivision (a), (b), or (c) is individualized to meet the needs of the pupil of limited English proficiency and is offered in a manner consistent with the requirements of this article. Such instruction shall be offered in a manner consistent with the *United States Supreme Court decision in Lau v. Nichols* (414 U.S. 563), the Equal Education Opportunities Act of 1974 (20 U.S.C. Sec. 1701, *et seq*.), and federal regulations promulgated pursuant to such court decisions and federal statutes. The primary goal of all such programs shall be to teach the pupil English.

"(g) 'Primary language' is a language other than English which is the language the pupil first learned or the language which is spoken in the pupil's home.

". . . . . ."

"(1) 'Basic skills' means language arts, including, but not limited to, reading and writing, and mathematics.

"(m) 'Pupils of limited English proficiency' are pupils who do not have the clearly developed English language skills of comprehension, speaking, reading, and writing necessary to receive instruction only in English at a level substantially equivalent to pupils of the same age or grade whose primary language is English. The determination of which pupils are pupils of limited English proficiency shall be made in accordance with the procedures specified in Sections 52164 and 52164.1. Pupils who have no proficiency in their primary language are not included within this definition.

"(n) 'Pupils of fluent English proficiency' are pupils whose English proficiency is comparable to that of the majority of pupils, of the same age or grade, whose primary language is English."

Thus, when one examines the language of subdivision (f) of section 52163 in the context of the entire statute, one notes that the "program" therein described is merely a program of instruction "in which any *of the three program options described in subdivision (a), (b), or (c) is individualized. . . .*" (Emphasis added.) Thus, subdivision (f) of section 52163 does not describe an additional option that is distinguished by its substantive content but merely prescribes an individualized methodology *in lieu* of one of the three elementary-level program options set forth an subdivisions (a), (b) and (c). Similarly, subdivision (e) relates to subdivision (d) in the context of the secondary-level program.

Referring again to section 52165, it may be noted that it authorizes three different program methodologies, at the option of the school-district, whenever there are 10 or more pupils of limited English proficiency with the same primary language in the same grade level or 10 or more pupils of limited English proficiency with the same primary language, in the same age group, in a multigrade or ungraded instructional environment." Further, section 52165 specifies that "whenever there are pupils of limited English proficiency with different primary languages *who do not otherwise trigger the program requirements of subdivision (a), (b), or(c)* of section 52163 [or of subd. (a) of § 52165],

then a language development specialist (as authorized for secondary-level pupils by subdivision (b) of section 52165) may be used.

The thrust of these provisions is to provide to an eligible pupil a right to bilingual instruction as therein provided and to impose upon the public school districts a correlative duty to provide instruction consonant with that right. The duty of the school officials, however, may be discharged with some flexibility in program content at their option. (§§ 52163, 52165.)

Thus, we reach the critical issue of whether the Legislature intended to distinguish between subdivisions (a), (b), (c) and (d) of section 52163 on the one hand and subdivisions (e) and (f) on the other hand, where the issue of parental consent to enrollment or withdrawal of a child from a bilingual program is concerned. If we assume hypothetically that a particular school district had 10 or more pupils of limited English language proficiency, having the same primary language, then it could, pursuant to section 52165, exercise an option concerning the type of program to provide to satisfy the pupil's right to bilingual instruction. In such an instance, a parent would have a right to refuse to permit the pupil's enroll mentor to withdraw the pupil, as authorized by section 52173. In such an instance, the interpretation to be given to section 52173 becomes critical.

If the parent/pupil has no right to refuse to participate in a subdivision (e) or (f) "individualized" program, then the pupil, upon being withdrawn from the "group" instruction would be mandatorily enrolled in an individualized instruction program. Pursuant to this interpretation, then, the effect would be to provide to a parent/pupil an option to select the group instruction or individualized instruction, in any instance where the pupil was initially enrolled in a group program.

Nothing in the legislation described herein supports that interpretation. The legislation provides to the pupil a right to bilingual instruction but it does not provide to the pupil a right to determine which program option, of the program options therein specified, that a school district must provide to the pupil.

To the contrary, the language utilized by the Legislature speaks in terms of a legislatively established policy of permitting the parent to decide whether his or her child shall be required to enroll in a bilingual program intended to address a child's English language deficiencies.

Thus, section 52161 provides in part that insofar as the individual pupil is concerned, participation in bilingual programs u voluntary on the part of the parent or guardian. Section 52165, subdivision (c) states in part that bilingual educational services, including those specified in subdivisions (e) and (f), shall be "provided in consultation with

the pupil and the parent. . . ." Section 52173 establishes the right of a parent to choose not to have his or her child enrolled in a bilingual education program and, if the child has at some point in time been enrolled in such a program, then to withdraw the child either at the time of the original notification of such enrollment or at the close of any semester thereafter, by written notice to the principal of the school enrolling the child in the program.

We note that both subdivisions (e) and (0 of section 52163 refer to the United States Supreme Court decision reported in *Lau v. Nichols* (1973) 414 U.S. 563 and to the Equal Educational Opportunities Act of 1974 (20 U.S.C. § 1701, *et seq*.).

Thus, this California legislation implements congressional legislative policy as interpreted by the United States Supreme Court in *Lau v. Nichols*, *supra*, 414 U.S. 563, which federal policy bans "discrimination . . . in the availability or use of any academic . . . or other facilities" receiving federal financial assistance. (*Lau v. Nichols*, *supra*, at pp. 566–567.)

The opinion of the court noted that:

> ". . . the California Education Code states that 'English shall be the basic language of instruction in all schools.' That [code] permits a school district to determine 'when and under what circumstances instruction may be given bilingually.' . . . Under these state-imposed standards there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education. Basic English skills are at the very core of what these public schools teach. Imposition of a requirement that, before a child can effectively participate in the educational program, he must already have acquired those basic skills is to make a mockery of public education. We know that those who do not understand English are certain to find their classroom experiences wholly incomprehensible and in no way meaningful." (*Lau v. Nichols, supra*, 414 U.S. at pp. 565–566.)

In a preliminary statement to its holding, the Court noted that:

> "[N]o specific remedy is urged upon us. Teaching English to the students of Chinese ancestry who do not speak the language is one choice. Giving instructions to this group in Chinese is another. There may be others." (*Lau v. Nichols*, *supra*, 414 U.S. at pp. 564–565.)

Thus, section 52165, *supra*, imposed upon the public schools both "remedies" mentioned in *Lau v. Nichols*, *supra*, 414 U.S. 563, i.e., the providing of instruction in a language understandable to the pupil, which instruction recognizes the pupil's primary language and teaches the pupil the English language. (§ 52165.)

The function of section 52165 is to permit local school districts to elect to provide such instruction by selecting one or more of the programs identified as "options" in section 52163, i.e., subdivisions (a) through (d). But section 52165 clearly establishes a requirement that pupils who are not provided with a program meeting the requirements of one or more of the options specified in subdivisions (a) through (d) must be provided the opportunity for *individualized* instruction at both the elementary level and the secondary level upon their being identified as limited-English proficiency pupils. Thus, subdivisions (e) and (f) require individualized instruction in any case in which such pupils are not enrolled in a group "program" *option* as authorized by subdivisions (a) through (d) of section 52163.

As we stated in 60 Ops. Cal. Atty. Gen. 80, 82 (1977):

> ". . . we note that neither *Lau v. Nichols* nor P.L. 93–380 *mandates* bilingual education. *Lau v. Nichols* specifically states:
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> "'No specific remedy is urged upon us. Teaching English to the students of Chinese ancestry who do not speak the language is one choice. Giving instruction to this group in Chinese is another. There may be others.' 414 U.S. 564–565.
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> "Section 105 of P.L. 93–380 declares it to be the policy of the United States to encourage the establishment and operation of bilingual education programs where appropriate and to provide financial assistance to enable local districts to carry out such programs. [20 U.S.C. §§ 880b, 880b-7.]
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> "What is mandated is affirmative steps by school districts to rectify language deficiencies. . . . Legislation which would mandate bilingual-bicultural education, while it would narrow the options available to school districts in determining how best to rectify language deficiencies would more than meet the requirements of existing law."

The Act uses many phrases that may seem to demonstrate not only that school districts must provide bilingual programs where needed, but that pupils deemed to lack fluency in the English language must be required to take remedial instruction, if appropriate. (See, e.g., §§ 52164.1, 52164.3, 52164.6 and 52165.) However, viewed in

context, these provisions reflect a legislative concern with the *adequacy* of the classification process by which pupils would be identified as in need of such special education, reflecting the fact that the identification of pupils as needing such special education imposes upon school districts a costly burden that they might not be eager to assume. These provisions, in form mandatory, thus protect pupils against exclusion from the programs but may not be said to require their inclusion in the programs without their consent.

These provisions impose upon the affected school districts a requirement that they provide an opportunity for bilingual instruction to their pupils who are deemed to lack the English language skills necessary to permit them to benefit from instruction offered only in the English language. This legislation stops short, however, of requiring a child to take advantage of that opportunity where the parent or guardian of the child believes that it was not appropriate.[2] We are not confronted with any issue concerning a conflict between a parent and a pupil concerning such bilingual instruction. Assuming no such conflict, it is apparent that the Legislature requires school officials to defer to the judgment of a parent concerning whether it is in a pupil's best interest to enroll or to remain in special education classes designed to increase a pupil's English language proficiency.

Thus, we perceive subdivisions (e) and (f) as alternative requirements imposed upon the school districts in lieu of their being able to offer one of the program options specified in subdivisions (a), (b), (c) and (d) of section 52163. Accordingly, a specific reference to subdivisions (e) and (f) of section 52163 in subdivision (b) of section 52173 would appear to be redundant or superfluous. Accordingly, we conclude that the right of a parent to withdraw a child, as therein set forth, reaches programs offered by a school district pursuant to subdivisions (e) and (f) as well as to subdivisions (a), (b), (c) and (d) of section 52163.

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[2] Note the discussion by the court in Kate's School v. Department of Health (1979) 94 Cal. App. 3d 606, 620–621, wherein it was stated that:

> "Decisions regarding child rearing, care and education have been recognized as being entitled to protection as a fundamental right of personal liberty under the Constitution. (*Whalen v. Roe* (1977) 429 U.S. 589, 599–600; *People v. Privitera* (1979) 23 Cal. 3d 697, 702; *In re Roger S.* (1977) 19 Cal. 3d 921, 928.) However, this parental duty and right is subject to limitations 'if it appears that parental decisions will jeopardize the health or safety of the child, or have a potential for significant social burdens. (*Wisconsin v. Yoder* (1972) 406 U.S. 205, 234; *People v. Privitera*, *supra*, 23 Cal. 3d at p. 703; *In re Roger S., supra*, 19 Cal. 3d at p. 928.) If these conditions are present the state may assert important interests in safeguarding health and safety and in maintaining medical standards.(*Roe v. Wade* (1973) 410 U.S. 113, 153–154; *People v. Privitera*, *supra*, 23 Cal. 3d at p. 703.)'

Thus, the provisions of the Bilingual Education Improvement and Reform Act of 1980 permit a parent or guardian of a child of alleged limited English language proficiency to withdraw such a child from an individualized English language learning program that the child has been enrolled in pursuant to the Act.

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