



**LOS ANGELES UNIFIED SCHOOL DISTRICT
BULLETIN**

TITLE: Parental Exception Waivers: Procedures and Guidelines for Requesting Alternative Programs for English Learners, K-12

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ISSUER: Dr. Judy Elliot, Chief Academic Officer
Instructional Services

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ROUTING
 Local District Superintendents
 Local District Administrators of Instruction
 Local District Directors of School Support
 Local District EL Program Staff
 School Site Principals
 School Site Assistant Principals
 School Site EL Coordinators
 School Site UTLA Chapter Chair

PURPOSE: The purpose of this Bulletin is to provide schools with the guidelines and procedures regarding Parental Exception Waivers.

MAJOR CHANGES: This document replaces Memorandum No. M-22, *Parental Exception Waivers (Title 5, California Code of Regulation) Proposition 227*, dated July 30, 1998. It includes a parental exception waiver information letter and new waiver forms which conform to California Department of Education (CDE) English learner guidelines.

INSTRUCTIONS: I. BACKGROUND

On July 9, 1998, the State Board of Education adopted Title 5 regulations to implement Proposition 227. Included in these regulations are provisions for instructing all English learners in a Structured English Immersion (SEI) Program/English language classroom and for granting parental exception waivers when a parent/guardian requests an alternative program. The California Education Code 300-340 requires that parents/guardians of English learners be informed when their child is placed in the SEI Program and must be notified of their right to apply for a parental exception waiver.

II. GENERAL WAIVER INFORMATION

Parents/guardians must be provided with a full written description of the alternative educational programs available in the District. Both the Instructional Programs for English Learners brochure and the Parental Exception Waivers Information Letter (Attachment A) must be provided.

Schools must grant parental exception waivers unless the school principal and educational staff have substantial evidence, such as formal assessments, that the alternative program requested by the parent/guardian would not be in the best interest of the overall educational development of the student. When 20 waivers have been granted at a given grade level, a Basic Bilingual/Dual



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Language class **must** be offered. When 20 or more waivers have been granted at two consecutive grade levels, the school **may** offer a Basic Bilingual/Dual Language class. When waivers are granted for the Dual Language class, schools must refer to Reference Guide 3451.1, *Implementation Policy for New and Existing Dual Language Programs* for additional conditions. The waiver must be requested annually and in person. It expires at the end of each school year. In cases where the waiver is denied, the parent/guardian must be informed in writing using the Parental Exception Waiver Denial Form (Attachment D) and advised of his/her right to appeal the denial.

Parental exception waivers are available for the following categories of students:

A. Children Who Already Know English Waiver 311a (Attachment C)

This waiver is for parents/guardians who wish to place their child in a Dual Language Program. The English learner must already possess reasonable fluency in English language skills as measured by the following two items:

1. California English Language Development Test (CELDT)- the student must attain an overall proficiency level of 4 or 5 with skill area scores of 3 or higher in listening, speaking, reading and writing.
2. ELD standards- at the elementary level, the student must be identified at ELD level 5; at the secondary level, the student must be at ESL Advanced 3 level or higher.

Timeline: The school must act upon this waiver within 20 instructional days of submission to the school.

B. English Learners Age 10 or Older Waiver 311b (Attachments B or C)

This waiver is for parents/guardians of all English learners, 10 years or older, who wish to place their child in the Basic Bilingual Program or Dual Language Program as an alternate course of educational study to the SEI Program.

Timeline: This waiver must be acted upon within 20 instructional days of submission to the school.

C. English Learners with Special Needs Waiver 311c (Attachments B or C)

This waiver is for parents/guardians of **all** English learners who wish to place their child in the Basic Bilingual Program or Dual Language Program



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because of educational, emotional, psychological, or physical needs. English learners who are less than 10 years of age are required to be placed in a Structured English Immersion (SEI) Program/English language classroom setting for the initial 30 calendar days of school.

Timeline: This waiver must be acted upon no later than 10 calendar days after the expiration of the initial 30 calendar day SEI /English language classroom placement, or within 20 instructional days of submission to the school principal, whichever is later. The required 30 calendar days of SEI/English language classroom placement is only for the first time a waiver is granted and applies only to new enrollees less than 10 years of age.

III. PROCEDURES

A. Submitting and processing a parental exception waiver

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

1. Parents/guardians of English learners who wish to request a parental exception waiver are provided with the Parental Exception Waiver Information Letter (Attachment A) and the corresponding Parental Exception Waiver Request form (Attachments B or C). This will facilitate parents'/guardians' understanding of the:
 - a. description of programs
 - b. three types of waivers
 - c. steps to request a waiver and the timeline for each
 - d. steps to appeal a denial of a waiver request
2. Office procedures are established for receiving parental exception waiver requests:
 - a. Notify the school site administrator or designee.
 - b. Record all waiver requests by date received and place them in a folder or binder.
 - c. Provide the parent/guardian with a copy of the waiver request to acknowledge receipt.



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- d. Enter the program code and date in the appropriate school student information system.
- e. Establish monitoring procedures to ensure that parental rights are protected.

Note: Waiver requests for the following school year may be accepted in the spring at the discretion of the principal.

B. Waiting list procedures

When parents/guardians of fewer than 20 students of a given grade level are granted a waiver, the school administrator is responsible for ensuring that the following procedures are implemented at his/her school site:

1. Maintain a waiting list of all the students whose parents/guardians requested a Basic Bilingual / Dual Language Program.
2. Provide parents/guardians with the current number of students on the waiting list upon request.
3. The principal informs parents/guardians:
 - a. of their option to have their child transfer to a neighboring school that offers these instructional programs, provided that space is available.
 - b. that transportation will not be provided if they select this option.
4. The principal sends the waiting list to the local district English learner (EL) Program Coordinator immediately after the scheduled norm day. If needed, the principal sends an updated waiting list immediately after the second marking report. This is done in an effort to maintain a current waiting list within each local district, which assists school sites that are considering combining students from neighboring schools.
5. The principal and/or local district EL Program Coordinator makes the current number of students on the waiting list available to district/school personnel upon request.



C. Denial of a parental exception waiver and appeal procedures

The principal, in consultation with the educational staff, must consider relevant district and state assessments when denying a parental exception waiver request. In cases where a parental exception waiver is denied, parents/guardians must be provided with a copy of the completed Parental Exception Waiver Denial Form (Attachment D), which includes the reason(s) for denial. This must be provided no later than established timelines for each waiver. The following appeal procedures must be adhered to at each level:

1. School Site

- a. The school site administrator holds a conference with the parent/guardian to explain the reason(s) for denial of the waiver.
- b. During the conference, the parent/guardian is provided with information of his/her child's test results and other information that was used to make the decision to deny the waiver request. The school site administrator must have substantial evidence that the alternative program requested would not be suited for the student.
- c. If the parent/guardian is not satisfied with the results of the conference, he/she may appeal the principal's decision. The parent/guardian must receive information regarding the next step of the appeal process. In order to begin this process, the school site administrator must provide the parent/guardian with the name and telephone number of the local district Superintendent and advise him/her to call and schedule a conference with the local district Superintendent or designee.

2. Local District

- a. The local district Superintendent is provided with a copy of the Parental Denial Form and all relevant documentation discussed with the parent/guardian.
- b. Upon holding the parent conference, the local district Superintendent must notify the parent/guardian within 5 school days of his/her decision to grant or deny the parental exception waiver.



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- c. The local district Superintendent may facilitate a transfer for the child to attend a school that offers the program the parent/guardian is requesting.
 - d. If the parent/guardian is not satisfied with the results of the conference and wishes to appeal the local district Superintendent's decision, the parent/guardian must receive information regarding the next step of the appeal process. The local district Superintendent must provide the name and telephone number of the Chief Academic Officer or designee and advise him/her to call and schedule a conference with the Chief Academic Officer or designee.
3. Central District
- a. The Chief Academic Officer or designee is provided with the completed Parental Exception Waiver Denial form and all documentation discussed with the parent/guardian.
 - b. The Chief Academic Officer or designee must notify the parent/guardian within 5 school days of his/her decision to grant or deny the parental exception waiver.

Note: The parent/guardian may appeal the decision of the Chief Academic Officer or designee by pursuing it through the School Board of Education and/or the legal system.

RELATED RESOURCES:

- Reference Guide 3313.0, *Procedures for Opening and Closing Classes Offering a Basic Bilingual Program K-5*, October 5, 2006.
- Reference Guide 3451.1, *Implementation Policy for New and Existing Dual Language Programs*, April 18, 2008
- *Master Plan for English Learners*, revised November 11, 2002.
- *Instructional Program for English Learners Guide*, revised November 11, 2002.

ASSISTANCE:

For assistance or further information, please contact your Local District English Learner Program staff or Language Acquisition Branch at (213) 241-5582.



Parental Exception Waivers Information Letter

Dear Parent/Guardian,

The Los Angeles Unified School District (LAUSD), in compliance with Title 5, California Education Code 300-340, instructs English learners in a Structured English Immersion Program. However, if you would like your child to be placed in an alternative program, the California Education Code (310 and 311) gives parents/guardians of English learners the right to request an Alternative Program of instruction for their child using a parental exception waiver. When waivers are granted, English learners ten years or older can be placed directly in an Alternative Program. When waivers are granted for English learners less than ten years of age, students are required to participate in a Structured English Immersion/English language classroom for a thirty calendar day period.

The Los Angeles Unified School District (LAUSD) Master Plan currently offers parents/guardians of K-12 students the following three instructional programs:

1. Structured English Immersion (SEI) Program
2. Alternative Programs: Basic Bilingual and Dual Language
3. Mainstream English

Below are descriptions of the SEI, Basic Bilingual, and Dual Language program options, which are also described in the *Instructional Programs for English Learners* brochure.

I. Program Descriptions

Structured English Immersion Program (SEI)

This program is designed to provide instruction in English for English learners (ELs). Students receive instruction overwhelmingly in English with primary language support in order to acquire the academic English they need to meet grade level content standards. In addition, English Language Development (ELD) instruction is provided on a daily basis. The Alternative program requires initial enrollees under the age of 10 to be placed in an SEI classroom for the first 30 days of instruction. This program does not require a parental exception waiver.

Basic Bilingual Program

This program is designed to provide grade-level instruction in the primary language while students acquire English. Language arts, mathematics, social studies, and science are first taught in the primary language. As students increase their English proficiency, teachers decrease the amount of instruction provided in the primary language. In addition to primary language instruction, ELD instruction is provided on a daily basis. This program does require a parental exception waiver.



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Dual Language Program

This program is designed to provide grade-level content instruction in English and in a target language. Instruction is provided in two languages beginning in kindergarten and continuing for a minimum of six years. Both English learners and English proficient students receive access to the core curriculum as well as instruction for language development in the two languages. English learners are also provided with daily ELD instruction. The goal is the development of bilingualism and biliteracy. Currently LAUSD offers this program in Spanish/English, Korean/English and Mandarin/English. It is available at a limited number of schools. This program does require a parental exception waiver.

II. Program Availability

Schools must grant parental exception waivers unless the school principal and educational staff have substantial evidence, such as formal assessments, that the alternative program requested by the parent/guardian would not be better suited to the student. When 20 waivers have been granted at a given grade level, a basic bilingual class must be offered. When 20 or more waivers have been granted at two consecutive grade levels, the school may offer a basic bilingual class. The waiver must be requested annually and in person. It expires at the end of each school year. In cases where the waiver is denied, the parent must be informed in writing and advised of his/her right to appeal the denial.

The school principal will inform you about the availability of alternate programs at your local school or at neighboring schools. Availability depends upon the number of parents/guardians requesting the waivers. If less than 20 parents/guardians request and are granted a waiver, then your child's name will be placed on a waiting list until there are enough students to form a class. Students may transfer to a neighboring school that offers these instructional programs, provided that space is available. No transportation will be provided by the District.

III. Three Types of Waivers

311[a] Children Who Already Know English

This waiver is for English learners who already possess reasonable fluency in English language skills whose parents/guardians want to enroll them in the Dual Language Program because it would be in the best interest of the overall educational development of the student.

311[b] English Learners Age Ten (10) or Older

This waiver is for English learners age ten and older whose parents/guardians want to enroll them in the Basic Bilingual Program or Dual Language Program because it better meets their child's academic needs.

311[c] English Learners with Special Needs

This waiver is for English learners whose parents/guardians want to enroll them in a Basic Bilingual Program or Dual Language Program because of educational, psychological, or physical reasons.



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IV. Steps to Request a Waiver

Step 1

- Request a waiver at your child's school.

Step 2

- Submit the completed parental exception waiver request in person to the principal and ask for a copy.

Step 3

- You may submit a parental exception waiver in person during the first 30 calendar days in which your child is enrolled in a SEI Program. At the end of the mandatory 30-day placement period, the school must provide a written response to this request within 10 days.
- You may submit a parental exception waiver after the initial 30-day mandatory SEI placement period at any time during the school year. The school must provide a written response to the request within 20 days.
- If you do not receive a response to your parental exception waiver request, schedule a meeting with the principal.

V. Steps to Appeal a Denial of a Waiver Request

If the school principal denies your waiver request, you may appeal the decision in the following manner:

Step 1

- Ask for a conference with the principal to discuss why your waiver request was denied.
- Ask for a copy of the completed Parental Exception Waiver Denial form.
- Ask to see the test results and other information that the school used to make the decision to deny your waiver request.
- If you are not satisfied with the result of your conference with the principal, then you may continue the appeal process by moving to Step 2.

Step 2

- Ask for a conference with the Local District Superintendent.
- Give the Local District Superintendent a copy of the completed Parental Exception Waiver Denial form and any other information you received about your child. Explain your concerns and ask for solutions. The Local District Superintendent may be able to facilitate a transfer for your child to attend a school that offers the program you requested.
- If you are not satisfied with the result of your conference with the Local District Superintendent, then you may continue the appeal process by moving to Step 3.



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Step 3

- Contact the Chief Academic Officer or designee for a conference.
- Give the Chief Academic Officer or designee a copy of the completed Parental Exception Waiver Denial form and other information. Explain your concerns and ask for a solution.
- This is the last step of the LAUSD's appeal process. If you are not satisfied with the results of the conference and wish to appeal the Chief Academic Officer or designee's decision, you may continue the appeal process through the school board and/or the court system.



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ATTACHMENT B

Los Angeles Unified School District
Instructional Services

Student's Name	Grade	Date of Birth
School	Room/Track	School Year

PARENTAL EXCEPTION WAIVER REQUEST (Basic Bilingual Program)

I believe that Structured English Immersion will not meet my child's educational needs. I request a waiver which will allow my child to be instructed in his/her primary language while acquiring English (Basic Bilingual Program). The alternative programs have been thoroughly described to me. I understand the waiver must be requested annually and in person. It expires at the end of each school year. I request that my child be placed in the alternative course of educational study indicated below (please check one):

Basic Bilingual Program

Choose one of the waiver options below (please check one):

<input type="checkbox"/> My child is ten years old or older. (5 CCR 311[b])
<input type="checkbox"/> My child has special needs. (5 CCR 311[c]) I understand that my child must participate in Structured English Immersion for thirty days during the first year of enrollment in California schools. I request the alternative program due to the special needs of my child (check below): <input type="checkbox"/> Educational Needs <input type="checkbox"/> Emotional/Psychological Needs <input type="checkbox"/> Physical Needs

Parent/Guardian Signature

Date

FOR SCHOOL USE ONLY (Place completed waiver request in Blue Master Plan Folder)

- Waiver request granted. The student has been placed on the waiting list.
- Waiver request granted. The student has been placed in the following *Master Plan Program for English Learners*: _____
- Waiver request denied. The parent has been informed in writing of the reason(s) for the denial of the waiver and has been informed of the procedures for appeal.

Principal's Signature

Date



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ATTACHMENT C

Distrito Escolar Unificado de Los Angeles
Servicios de Instrucción

Nombre del Estudiante	Grado	Fecha de Nacimiento
Escuela	Salón/Ciclo (<i>Trk</i>)	20 - 20 Año Escolar

SOLICITUD DE EXENCIÓN (Programa Bilingüe Básico)

Creo que el programa de Inmersión Estructurada en el Inglés no podrá satisfacer las necesidades educativas de mi hijo/a. Solicito una exención que permita que a mi hijo/a se le imparta instrucción en su idioma materno mientras que adquiere inglés (Programa Bilingüe Básico). Se me han explicado los programas alternativos completamente. Entiendo que la exención debe ser solicitada anualmente y en persona. La exención expira al final de cada año escolar. Solicito que asignen a mi hijo en el curso alternativo de estudio educativo indicado (por favor indique uno):

Programa Bilingüe Básico

Escoja una de las opciones para exención debajo.

<p>Mi hijo tiene diez años o más de edad. (5 CCR 311[b])</p>
<p>Mi hijo tiene necesidades especiales. (5 CCR 311[c])</p> <p>Entiendo que, el primer año de matrícula en las escuelas de California, mi hijo debe participar en inmersión estructurada en el inglés durante treinta días. Solicito una exención al programa alternativo debido a las necesidades especiales de mi hijo que he marcado:</p> <p><input type="checkbox"/> Necesidades Educativas <input type="checkbox"/> Necesidades Emocionales/Psicológicas <input type="checkbox"/> Necesidades Físicas</p>

Firma del Padre/Tutor

Fecha

PARA USO ESCOLAR SOLAMENTE (Colocar la exención completada en el fólder azul del Plan Maestro)

- Solicitud de exención aprobada. El estudiante está en la lista de espera.
- Solicitud de exención aprobada y el estudiante ha sido asignado al programa _____ del *Plan Maestro para Alumnos de Inglés*.
- Solicitud rechazada. Al padre se le ha informado por escrito la(s) razón(es) por la(s) cual(es) se ha rechazado la solicitud de exención y se le ha informado cuáles son los procedimientos para apelar.

Firma de Director(a)

Fecha



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ATTACHMENT D

Los Angeles Unified School District
Instructional Services

Student's Name	Grade	Date of Birth
School	Room/Track	20 - 20 School Year

PARENTAL EXCEPTION WAIVER REQUEST (Dual Language Program)

I believe that Structured English Immersion will not meet my child's educational needs. I request a waiver which will allow my child to receive instruction in English and in the target language (Dual Language Program). The alternative programs have been thoroughly described to me. I understand the waiver must be requested annually and in person. It expires at the end of each school year. I request that my child be placed in the alternative course of educational study indicated below (please check one):

Dual Language Program

Choose one of the waiver options below (please check one):

<input type="checkbox"/> My child has good English skills. (5 CCR 311[a])
<input type="checkbox"/> My child is ten years old or older. (5 CCR 311[b])
<input type="checkbox"/> My child has special needs. (5 CCR 311[c]) I understand that my child must participate in Structured English Immersion for thirty days during the first year of enrollment in California schools. I request the alternative program due to the special needs of my child (check below): <input type="checkbox"/> Educational Needs <input type="checkbox"/> Emotional/Psychological Needs <input type="checkbox"/> Physical Needs

Parent/Guardian Signature	Date
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FOR SCHOOL USE ONLY (Place completed waiver request in Blue Master Plan Folder)

- Waiver request granted. The student has been placed on the waiting list.
- Waiver request granted. The student has been placed in the following *Master Plan Program for English Learners*: _____
- Waiver request denied. The parent has been informed in writing of the reason(s) for the denial of the waiver and has been informed of the procedures for appeal.

Principal's Signature	Date
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Distrito Escolar Unificado de Los Angeles
Servicios de Instrucción

ATTACHMENT E

Nombre del Estudiante	Grado	Fecha de Nacimiento
Escuela	Salón/Ciclo (<i>Trk</i>)	20 - 20 Año Escolar

SOLICITUD DE EXENCIÓN (Programa en Dos Idiomas)

Creo que el programa de Inmersión Estructurada en el Inglés no podrá satisfacer las necesidades educativas de mi hijo/a. Solicito una exención que permita que a mi hijo/a se le imparta instrucción en inglés y en el idioma objetivo (Programa en Dos Idiomas [Dual]). Se me han explicado los programas alternativos completamente. Entiendo que la exención debe ser solicitada anualmente y en persona. La exención expira al final de cada año escolar. Solicito que asignen a mi hijo en el curso alternativo de estudio educativo indicado (por favor indique uno):

Programa en Dos Idiomas

Escoja una de las opciones para exención debajo.

<input type="checkbox"/>	Mi hijo posee buenas destrezas en el inglés. (5 CCR 311[a])
<input type="checkbox"/>	Mi hijo tiene diez años o más de edad. (5 CCR 311[b])
<input type="checkbox"/>	Mi hijo tiene necesidades especiales. (5 CCR 311[c]) Entiendo que, el primer año de matrícula en las escuelas de California, mi hijo debe participar en inmersión estructurada en el inglés durante treinta días. Solicito una exención al programa alternativo debido a las necesidades especiales de mi hijo que he marcado: <input type="checkbox"/> Necesidades Educativas <input type="checkbox"/> Necesidades Emocionales/Psicológicas <input type="checkbox"/> Necesidades Físicas

Firma del Padre/Tutor

Fecha

PARA USO ESCOLAR SOLAMENTE (Colocar la exención completada en el fólder azul del Plan Maestro)

- Solicitud de exención aprobada. El estudiante está en la lista de espera.
- Solicitud de exención aprobada y el estudiante ha sido asignado al programa _____ del *Plan Maestro para Alumnos de Inglés*.
- Solicitud rechazada. Al padre se le ha informado por escrito la(s) razón(es) por la(s) cual(es) se ha rechazado la solicitud de exención y se le ha informado cuáles son los procedimientos para apelar.

Firma de Director(a)

Fecha



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ATTACHMENT F

Los Angeles Unified School District
Instructional Services

PARENTAL EXCEPTION WAIVER DENIAL FORM

Student's Name Grade Room/Track Date of Birth

School

Master Plan Program Requested:

Basic Bilingual Dual Language

On , you requested a Parental Exception Waiver under Title 5, California Code of Regulations:

- 311[a] Children who already know English
311[b] English learners age ten or older
311[c] English learners with special needs

Your request for the Parental Exception Waiver has been denied for the following reason(s):

[Blank lines for reasons]

The following student assessments were reviewed in making the decision (documentation attached):

[Blank lines for assessments]

You may contact the Local District Superintendent at to schedule an appointment to appeal the denial of your parental waiver request. If you need more information regarding the appeal process, you may contact your Local District's Parent Involvement Unit at .

Parent/Guardian Signature

Date

c: Blue Master Plan Folder
Local District Superintendent



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ATTACHMENT G

Distrito Escolar Unificado de Los Angeles
Servicios de Instrucción

NOTIFICACIÓN DE NEGACIÓN A LA EXENCIÓN SOLICITADA POR LOS PADRES

Form fields for student information: Nombre del Estudiante, Grado, Salón/Ciclo (Trk), Fecha de Nacimiento, Escuela, Programa Solicitado (Bilingüe Básico, Dos Idiomas (Dual)).

El _____ usted solicitó una exención bajo el Título 5, Código de Reglamento de California.

- 311[a] Niños que saben inglés
311[b] Estudiantes mayores de diez años
311[c] Estudiantes con necesidades especiales

Su solicitud de exención ha sido rechazada por las siguientes razones:

Three horizontal lines for providing reasons for denial.

Revisamos estos asesoramientos para hacer la decisión (documentos adjuntos):

Three horizontal lines for providing supporting documents.

Se puede comunicar con el Superintendente del Distrito Local al _____ para hacer una cita para apelar la decisión de negar la exención pedida. Si se necesita más información sobre el proceso de apelar, llame a la Unidad Promotora de la Participación de los Padres para el Distrito Local al _____.

Firma del Padre/Tutor

Fecha

c: Fólder Azul del Plan Maestro
Superintendente del Distrito Local