

*Regulations Follow*

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## **2423 BILINGUAL & ESL EDUCATION**

The Board of Education will provide programs of bilingual education, English as a second language, and English language services for English language learners (ELLs) as required by law and rules of the State Board of Education. English Language Learners are those pupils whose native language is other than English and who have varying degrees of English language proficiency in any one of the domains of speaking, reading, writing, or listening and is synonymous with limited English speaking ability pursuant to N.J.S.A. 18:35-15 to 26.

### **Identification of English Language Learners (ELLs)**

The Board directs the district to conduct a screening process to determine the native language of each ELL who enters the school district. Possible ELLs are identified by a new student intake form in which families are asked to note any languages other than English used in the household. The English language proficiency of each pupil whose native language is not English shall be determined by a review process that considers the results of a New Jersey Department of Education-approved English language proficiency test, the pupil's level of reading in English, the pupil's previous academic performance, their performance on standardized tests in English, and the reports of teaching staff members responsible for the pupil's education. A census shall be maintained of all identified ELLs whose native language is other than English.

### **Program Implementation**

The district shall provide a program to improve the English language proficiency of English Language Learners:

1. Whenever there are one or more but fewer than ten ELLs enrolled in the district, English language services shall be offered in addition to the regular school program designed to improve English language proficiency in accordance with N.J.S.A. 18A:35-15 et seq.;
2. Whenever there are ten or more ELLs enrolled in the district, an ESL program that meets the requirements of law for a thorough and efficient system of education in accordance with N.J.S.A. 18A:35-15 et seq.; and
3. Whenever there are twenty or more ELLs in any one language classification, a program of bilingual education shall be provided pursuant to N.J.S.A. 18A:35-18. Where the age, grade, or geographical distribution of ELLs makes a full-time bilingual program impractical, the Board may annually offer an alternative bilingual education program, provided a waiver for the alternative program has been requested and approval has been granted by the Department of Education.

The bilingual program shall include instruction, by appropriately certified teaching staff members, in all the subjects required by law and offered to English speaking pupils. Where verbalization is not essential to understanding, ELLs shall participate in classes with English-speaking pupils. The bilingual curriculum must be approved by the Board, and pupils enrolled in the bilingual or ESL programs shall be offered all the support services and activities available to other pupils in the district. Every student participating in a bilingual, ESL, or English language services program shall be entitled to continue such participation for a period of three years pursuant to N.J.S.A.18A:35-19.

### **Bilingual, ESL, or English Language Services Program Exit**

Pupils enrolled in the bilingual, ESL, or English languages services program shall be reviewed for readiness to function successfully in an English-only program. The process to determine the readiness or inability of the individual pupil to function successfully in the English-only program shall be initiated by the pupil's level of English proficiency as measured by the State established cut-off score on an English language proficiency test, and the readiness of the pupil shall be further assessed on the basis of multiple indicators which shall, at a minimum, include classroom performance, the pupil's reading level in English, the judgment of the teaching staff member or members responsible for the education of the pupil, and performance on achievement tests in English. A pupil should not ordinarily remain in a bilingual education program for more than three years.

In accordance with N.J.S.A. 18A:35-22.1, a parent may remove a pupil who is enrolled in a bilingual education program at any time; except that during the first three years of a pupil's participation in a bilingual education program, parents may only remove the pupil at the end of each school year. If during the first three years of a pupil's participation in a bilingual education program, a parent wishes to remove the pupil prior to the end of each school year, the removal must be approved by the Executive County Superintendent of Schools. The parent may appeal the Executive County Superintendent's decision to the Commissioner of Education if the Executive County Superintendent determines the pupil should remain in the bilingual education program until the end of the school year.

Newly exited students who are not progressing in the mainstream English program may be considered for re-entry to bilingual and ESL programs in accordance with the provisions of N.J.A.C. 6A:15-1.10(e)1 through (e)5.

When the exit review process is completed, the pupil's parent shall be informed by mail of the placement determination. A parent or teaching staff member who disagrees with the proposed placement may appeal the decision in writing to the Assistant Superintendent for Curriculum, Instruction and Programs who will provide a written explanation for the decision within 7 working

days. The complainant may appeal the Assistant Superintendent for Curriculum, Instruction and Programs decision in writing to the Board within 7 calendar days of receiving the Assistant Superintendent for Curriculum, Instruction and Programs decision. The Board will respond in writing within 14 calendar days of receipt of the parent's written appeal to the Board. A complainant not satisfied with the Board's explanation may appeal to the Commissioner of Education.

### **Parental Involvement**

The parents of an ELL will be notified, in accordance with law N.J.A.C. 6A:15-1.13, of the fact that their child has been identified as eligible for enrollment in a bilingual, or ESL or English language services education program. Notice shall be given in writing and in the language in which the parent(s) possesses a primary speaking ability, and in English no later than ten days after the enrollment and shall include a statement of the parent's right of review and appeal.

Parents shall receive progress reports in the same manner and frequency as those sent to parents of other pupils.

Parents of ELLs will be offered opportunities for involvement in the development and review of program objectives. A parent(s) or legal guardian(s) advisory committee on bilingual education shall be formed and shall be convened at least four times annually in accordance with N.J.A.C.6A:15-1.15.

### **Graduation**

English Language Learners will qualify for graduation from high school in accordance with N.J.A.C. 6A:8-5.1 and Policy 5460. Such pupils will be provided with all courses and opportunities necessary to enable them to qualify for graduation.

### **Program Plan**

The Superintendent shall prepare a plan for bilingual instruction, ESL, and English language services for approval by the Board and the New Jersey Department of Education in accordance with the provision of N.J.A.C. 6A:15-1.6.

N.J.S.A. 18A:35-15 through 18A :35-25  
N.J.A.C. 6A:15-1.1 et seq.

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## **R 2423 BILINGUAL & ESL EDUCATION**

### A. Identification of Eligible English Language Learners (ELLs)

1. The Supervisor of World Languages and English Language Learners will determine the native language of each ELL when the pupil enrolls in the school district. The Supervisor of World Languages and English Language Learners will maintain a census indicating all pupils identified whose native language is other than English.
2. The process established to determine which pupils in kindergarten to grade twelve whose native language is other than English and must be tested to determine English language proficiency, will include, but is not limited to, establishing communication with a parent who denotes a language other than English that is used in the household on the district new student intake form as the initial component of the registration process. The process shall be conducted by a bilingual/ESL or other certified teaching staff member and shall be designed to distinguish those pupils that are proficient English speakers and need no further testing.
3. The English language proficiency of all pupils whose native language is other than English will be determined by means of the administration of an English language proficiency test. The test will assess the level of reading in English, reviewing the previous academic performance of pupils as well as standardized tests in English. In addition, there is a review of teacher input from those responsible for the educational program for ELLs. Pupils who do not meet the New Jersey Department of Education standard on a Department-approved language proficiency test and who have at least one other indicator, are considered ELLs. The Supervisor of World Languages and English Language Learners shall also use age-appropriate assessment instruments to identify the English language proficiency and readiness of pre-school ELLs to determine individual pupil eligibility for bilingual, ESL, or mainstream classroom instruction.

### B. Bilingual Programs for English Language Learners (ELLs)

1. All kindergarten through twelfth grade ELLs enrolled in the district pursuant to N.J.S.A. 18A:7F-46 will be provided with required courses and support services outlined below to prepare ELLs to meet the standards adopted by the State of New Jersey for high school graduation:
  - a. English language services, in addition to the regular school program, designed to improve English language proficiency of ELLs whenever there are one or more, but fewer than ten ELLs enrolled within the schools of the district.
  - b. An ESL program that provides at least one period of ESL instruction based on pupil needs whenever there are ten or more ELLs enrolled within the schools of the district.

- (1) The ESL curriculum will address the standards adopted by the State of New Jersey and the WIDA English language proficiency development for kindergarten through twelfth grade pupils.
  - (2) The ESL curriculum will be cross-referenced to the district's bilingual and content area curricula to ensure that ESL instruction is correlated to all the content areas being taught.
- c. A bilingual education program will be established whenever there are twenty or more ELLs in any one-language classification enrolled in the district.
- Should it become necessary to establish a bilingual education program when there are fewer than twenty pupils, the bilingual education program shall:
- (1) Be designed to prepare ELLs to acquire sufficient English skills and content knowledge to meet the standards adopted by the State of New Jersey. All ELLs participating in the bilingual program will also receive ESL instruction.
  - (2) Address the standards adopted by the State of New Jersey and the WIDA English language proficiency development for kindergarten through twelfth grade pupils, and the use of two languages.
  - (3) Be approved and adopted by the Board and include a full range of required courses and activities offered the same basis and under the same rules that apply to all school district pupils.
- d. ELLs will be provided equitable instructional opportunities to participate in all non-academic courses necessary to meet the standards adopted by the State of New Jersey, including health and physical education, the visual and performing arts and career awareness programs.
- e. Sufficient courses and other relevant supplemental instructional opportunities will be offered to grade nine through twelve ELLs to meet the standards adopted by the State of New Jersey for graduation. A bilingual class in a subject area will be established if there are a sufficient number of pupils. Plans for a class of this type will be developed in consultation with and approved by the New Jersey Department of Education.
- f. Additional programs and services shall be designed to meet the special needs of eligible ELLs and will include, but not be limited to, remedial instruction through Title I programs; special education; school-to-work programs; computer training; and gifted and talented education services.
2. Appropriate instructional programs will be provided to all eligible K-12 ELLs based on need according to N.J.A.C. 6A:15-1.3(b). These services may include tutoring, after school programs, summer programs and remedial services as needed by ELLs.

C. Waiver Process Provided by Administrative Code

The school district may provide an instructional program alternative when there are twenty or more pupils eligible for the bilingual education program in grades K-12, and the district is able to demonstrate that due to age range, grade span and/or geographic location of eligible pupils, it would be impractical to provide a full-time bilingual program. An instructional program alternative must be established on an annual basis with the approval of the New Jersey Department of Education. An instructional program alternative, if established, will be pursuant to N.J.A.C. 6A:15- 1.4(d).

D. Department of Education Approval of Bilingual, ESL and/or English Language Services Programs

1. The school district's bilingual, ESL, and/or English Language Services program plans will be submitted to the New Jersey Department of Education every three years for approval. The plan will include: the identification of pupils; program description; bilingual and ESL curriculum development; evaluation design; and review process for exit; the number of certified staff hired for the program; and a budget for bilingual and ESL program and/or English Services.
2. The Department of Education will establish procedures for monitoring and evaluation of school district bilingual/ESL programs by means of its district and school accountability process.

E. Supportive Services

Pupils enrolled in bilingual, ESL and/or English Services Programs will have full access to educational services available to other pupils. To the extent possible, the school administration will have supportive services to ELLs provided by personnel who are familiar with and knowledgeable of the unique needs and background of ELLs and parents.

F. In-Service Training

1. In-service training will be provided for bilingual, ESL and mainstream teaching staff members; administrators who supervise bilingual/ESL programs; and administrators and/or any personnel who observe and evaluate teachers of ELLs. The plan shall include instructional strategies and appropriate assessments to help ELLs meet the standards adopted by the State of New Jersey and WIDA English language proficiency development for kindergarten through twelfth grade pupils. All ESL and bilingual teaching staff members shall receive training in the use of the ESL curriculum.
2. The District's Professional Development Plan shall include the needs of bilingual and ESL teaching staff members which shall be addressed through in-service training.

G. Certification of Staff

All teaching staff members in these programs will hold the following certifications:

1. Bilingual Classes - a valid New Jersey instructional certificate with an endorsement for the appropriate grade level and/or content area, as well as an endorsement in bilingual education pursuant to N.J.S.A 18A:6-38 et seq. and 18A:35-15 to 26.
2. ESL Classes - a valid New Jersey instructional certificate in ESL pursuant to N.J.S.A 18A:6-38 et seq. and N.J.A.C. 6A:9B-11.6.
3. English Language Services - a valid New Jersey instructional certificate.

H. Bilingual, ESL and English Language Services Program Exit and Reentry

1. All ELLs from kindergarten through twelfth grade must be enrolled in the bilingual, ESL or English Services education program established by the Board of Education as prescribed in N.J.A.C. 6A:15-1.4(b) through (e) and 1.5 (a), and P.L. 1995, c.59 and c.327. ELLs enrolled in one of these programs will be placed in a monolingual English Program when they have demonstrated readiness to function successfully in an English only program. This process will be initiated by the pupil's level of English proficiency as measured by a Department of Education established standard on a English language proficiency test, and readiness of the pupil will be further assessed on the basis of multiple indicators which will, at a minimum, include classroom performance, the pupil's reading level in English, the judgment of the teaching staff members responsible for the educational program of the pupil, and performance on achievement tests in English.
2. A parent may remove a pupil who is enrolled in a bilingual education program pursuant to provisions in N.J.S.A.18A:35-22.1.
3. Pupils enrolled in the bilingual, ESL or English services programs will be assessed annually for exit.
4. Newly exited pupils who are not progressing in the mainstream English program may be considered for reentry to bilingual and ESL programs as follows:
  - a. After a minimum of one-full semester and within two years of exit, the mainstream English classroom teaching staff member, with the approval of the building principal, may recommend retesting.
  - b. A waiver of the minimum time limitation may be approved by the Executive County Superintendent upon the request of the Superintendent if the pupil is experiencing extreme difficulty in adjusting to the mainstream program.

- c. The recommendation for retesting will be based on the teaching staff member's judgment that the pupil is experiencing difficulties due to problems in using English as evidenced by the pupil's inability to: communicate effectively with peers and adults; understand directions given by the teaching staff member and/or comprehend basic verbal and written materials.
  - d. The pupil will be tested using a different form of the test or a different language proficiency test than the one used to exit pupils.
  - e. If the pupil scores below the state established standard on the language proficiency test, the pupil will be re-enrolled into the bilingual or ESL program.
5. When the exit review process is completed, the pupil's parents shall be informed by mail of the placement determination. If the parents, and/or teaching staff member, disagree with the placement he/she may appeal the placement decision in writing to the Assistant Superintendent for Curriculum, Instruction and Programs who will provide a written explanation for the decision within 7 working days. The complainant may appeal the Assistant Superintendent's decision in writing to the Board within 7 calendar days of receiving the Assistant Superintendent's decision. The Board will respond in writing within 14 calendar days of the Board's receipt of the parents written appeal to the Board. Upon exhausting an appeal to the Board, the complainant may appeal to the Commissioner of Education pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:3.

**I. Graduation Requirements for English Language Learners**

All ELLs must satisfy requirements for high school graduation according to N.J.A.C. 6A:8-5.1.

**J. Location of Programs**

All bilingual, ESL and English Language programs will be conducted within classrooms within the regular school buildings of the district pursuant to N.J.S.A. 18A:35-20.

**K. Parental Notification**

- 1. The Supervisor of World Languages and English Language Learners will notify the parents of the ELL by mail that their child has been identified as eligible for enrollment in the bilingual, ESL and/or English language service program. The district shall issue the notification within thirty days of the child's identification. Notice shall include a statement that the parents may decline their child's enrollment in a bilingual program, and they shall be given an opportunity to do so if they choose. The notice shall be in writing and in the language in which the parent(s) possesses a primary speaking ability, and in English.

- a. The notice shall inform parents why the pupil was identified as an ELL and why the pupil needs to be placed in a language instructional educational program that will help him or her develop and attain English proficiency and meet State academic standards;
  - b. The notice will include the pupil's level of English proficiency, how the level of English proficiency was assessed, and the pupil's academic level;
2. The parents will receive progress reports on the same basis of all pupils in the school district. These reports will be in English and the native language of the parents of the pupil unless it can be demonstrated and documented in the three-year plan required in N.J.A. C. 6A:15-1.6(a) that the requirement would place an unreasonable burden on the district.

**L. Joint Programs**

The school district may join with another school district(s), with the approval of the Executive County Superintendent of Schools on a case-by-case basis, to provide bilingual, ESL or English language services.

**M. Parental Involvement**

The Supervisor of World Languages and English Language Learners will provide for maximum practicable involvement of parents of ELL pupils in the development and review of program objectives and dissemination of information to and from Boards of Education and communities served by the bilingual, ESL or English language services education program. The Supervisor of World Languages and English Language Learners may establish a parent advisory committee on bilingual education on which the majority will be parents of ELLs. A parent will be informed on how they can become involved in the education of their child and how they can actively participate in helping their child learn English, achieve at high levels in the core academic subjects, and meet State standards.