

2423. BILINGUAL AND ESL EDUCATION (M)**M**

[See **POLICY ALERT Nos. 94, 102, 110, 120, 137, 141, 145, 187 and 191**]

The Board of Education will provide programs of bilingual education, English as a second language (ESL), and English language services for pupils of Limited English Proficiency (LEP) as required by law and rules of the State Board of Education. Pupils of LEP are those pupils whose native language is other than English and who have sufficient difficulty speaking, reading, writing, or understanding the English language as measured by an English language proficiency test, so as to be denied the opportunity to learn successfully in the classrooms where the language of instruction is English.

**Identification of LEP Pupils**

The Board will conduct a screening process to determine the native language of each pupil at the time of enrollment in the school district. A census shall be maintained of all pupils whose native language is other than English. The English language proficiency of each pupil whose native language is not English shall be determined by a screening process that includes the administration of a New Jersey Department of Education approved English language proficiency test, an assessment of the pupil's level of reading in English, a review of the pupil's previous academic performance, results of standardized tests in English, and a review of the input of teaching staff members responsible for the educational program of the limited English proficient pupils.

**Program Implementation**

The district shall provide the following programs:

1. An English language services program whenever there are one or more, but fewer than ten LEP pupils enrolled within the schools of the district. English language services shall be in addition to the regular school program;
2. An ESL program whenever there are ten or more LEP pupils enrolled within the schools of the district; and

3. A bilingual program whenever there are twenty or more LEP pupils in any one-language classification. Where the age range, grade span, and/or geographical location of eligible pupils makes a full-time bilingual program impractical, the Board may offer an instructional program alternative, provided that program has been approved or a waiver for the alternative program has been requested and approval has been granted by the Department of Education. The Board may establish a program in bilingual education for any language classification with fewer than twenty pupils.

All teachers in these programs shall be appropriately certified in accordance with the requirements as outlined in N.J.A.C. 6A:15-1.9. Every pupil participating in a bilingual, ESL, or English language services program shall be entitled to continue such participation for a period of three years.

**Bilingual, ESL, and English Language Services Program Enrollment, Assessment, Exit, and Re-entry**

Pupils enrolled in a bilingual, ESL, or English language services program shall be assessed annually with a New Jersey Department of Education approved English language proficiency test to determine their progress in achieving English language proficiency goals and readiness for exiting the program. LEP pupils enrolled in a bilingual, ESL, or English language services program shall be placed in a monolingual English Program when they have demonstrated readiness to function successfully in the English-only program. This process shall be initiated by the pupil's level of English proficiency as measured by a New Jersey Department of Education established standard 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 program of the pupil, and performance on achievement tests in English.

In accordance with provisions of N.J.S.A. 18A:35-22.1, a parent(s) or legal guardian(s) 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, parent(s) or legal guardian(s) 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(s) or legal guardian(s) 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(s) or legal guardian(s) may appeal the Executive County Superintendent's decision to the Commissioner of Education.

Newly exited pupils 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(s) or legal guardian(s) shall be informed by mail of the placement determination. A parent(s) or legal guardian(s), or teaching staff member who disagrees with the proposed placement may appeal the decision in writing to the \_\_\_\_\_, who will provide a written explanation for the decision within \_\_\_\_\_ working days. The complainant may appeal this decision in writing to the Board. The Board will review the appeal and respond in writing within forty-five calendar days. A complainant not satisfied with the Board's explanation may appeal to the Commissioner of Education.

### Parental Involvement

The parent(s) or legal guardian(s) of a pupil of limited English proficiency will be notified in accordance with the provisions of N.J.A.C. 6A:15-1.13 that their child has been identified as eligible for enrollment in a bilingual, ESL or English language services program. Notice shall be in writing, in the language of which the child of the parents so notified possesses a primary speaking ability, and in English. The notice must also include the information that the parents have the option of declining enrollment if they so chose.

The district will notify the parent(s) or legal guardian(s) of the LEP pupil by mail no later than thirty days after the beginning of the school year that their child has been identified as eligible for enrollment in a bilingual, ESL, or English language services program. If the pupil has not been identified as LEP prior to the beginning of the school year, then the parent(s) or legal guardian(s) must be notified within two weeks of the pupil's placement in a bilingual, ESL, or English language services program.

Parent(s) or legal guardian(s) shall receive progress reports in the same manner and frequency as those sent to parents or legal guardians of other pupils.

Parent(s) or legal guardian(s) of pupils of limited English proficiency will be offered opportunities for involvement in the development and review of program objectives. An advisory committee on bilingual education shall be formed with the majority being parent(s) or legal guardian(s) of pupils of limited English proficiency.

### Graduation

## **POLICY GUIDE**

## **STRAUSS ESMAY ASSOCIATES**

Program

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Pupils of limited English proficiency will qualify for graduation from high school in accordance with N.J.A.C. 6A:8-5.1(a) and Policy No. 5460.

### Program Plan

The Superintendent shall prepare and submit a plan for a bilingual, ESL, or English language services program every three years to the Board and the New Jersey Department of Education for approval in accordance with the provisions 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.

Adopted: