

**Regulation**

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BILINGUAL AND ESL EDUCATION

- A. Identification of Eligible Limited English Proficient (LEP) Students
1. The Supervisor of World Languages/E.S.L. will determine the native language of each LEP student when the student enrolls in the school district. The Supervisor of World Languages/E.S.L. will:
    - a. Maintain a census indicating all students identified whose native language is other than English; and
    - b. Report annually to the New Jersey Department of Education as part of the Fall Report, the number of all students whose native language is other than English and, of that group, the number who are LEP students.
  2. The Board-approved screening process shall be conducted by a bilingual/ESL or other certified teacher, determine who are in need of E.S.L. services.
  3. The English language proficiency of all students whose native language is other than English will be determined by means of the administration of an English language proficiency test, assessing the level of proficiency in English, reviewing the previous academic performance of students as well as standardized tests in English and reviewing the input of teaching staff members responsible for the educational program for the limited English proficient students. Students 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 students of limited English proficiency. The Supervisor of World Languages/E.S.L. shall also use age appropriate assessment instruments to identify the English language proficiency and readiness of pre-school LEP students to determine individual student eligibility for bilingual, ESL, or mainstream classroom instruction.
  4. A New Jersey Department of Education approved language proficiency test will be administered to all limited English proficient students when they enter the school district to determine their level of English language proficiency.
- B. Bilingual Programs for Limited English Proficient Students
1. All Pre-Kindergarten through twelfth grade LEP students enrolled in the district will receive required courses and support services outlined below to prepare LEP students to meet the Core Curriculum Content Standards for high school graduation:
    - a. English language services, in addition to the regular school program, designed to improve English language proficiency of LEP students whenever there are one or more, but fewer than ten (10) LEP students enrolled within the schools of the district.
    - b. An ESL program that provides up to two periods of ESL instruction based on student needs whenever there are twenty (20) or more LEP students enrolled within the schools of the district.

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- (1) The ESL curriculum will address the Core Curriculum Content Standards and the ESL standards for Pre-K through twelfth grade students.
  - (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 (20) or more limited English proficient students in any one language classification enrolled in the district.
  - d. LEP students will be provided equitable instructional opportunities to participate in all non-academic courses necessary to meet the Core Curriculum Standards, 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 LEP students to meet the Core Curriculum Content Standards for graduation. A bilingual class in a subject area will be established if there are a sufficient number of students. Plans for a class of this type will be developed with and approved by the New Jersey Department of Education.
  - f. Additional programs and services will be designed to meet the special needs of eligible LEP students 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 Pre-K LEP students 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 LEP students.

## C. Waiver Process

The school district may provide an instructional program alternative when there are twenty or more students eligible for the bilingual education program in grades K through twelve, and the district is able to demonstrate that due to age range, grade span and/or geographic location of eligible students, it would be impractical to provide a full-time bilingual program. An instructional program alternative will 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:15-1.5 et seq.

## 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 students; program description; bilingual and ESL curriculum development; evaluation design; and review process for exit. The number of LEP students; the number of certified staff hired for the program; evaluation data to include achievement information in ESL and data on performance of eligible LEP students on the fourth, eighth and eleventh grade tests; exit data for LEP students enrolled in the district; and a budget for bilingual and LEP program and/or English Services programs must be submitted to the Department of Education on an annual basis.
2. The programs will be monitored and evaluated by the Office of Bilingual Education within the New Jersey Department of Education.

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## E. Supportive Services

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

## F. In-service Training

1. In-service training will be provided for bilingual, ESL and mainstream teachers based on their needs and to include instructional strategies to help LEP students meet the Core Curriculum Content Standards and ESL standards for Pre-K through twelve students. All ESL and bilingual teachers will receive training in the use of the ESL curriculum.
2. The Professional Improvement Plan of the Annual Report [N.J.S.A. 18A:7A-11(e)] will include the needs of bilingual and ESL teachers that should be addressed through in-service training.

## G. Certification of Staff

All teachers 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.
2. ESL Classes - a valid New Jersey instructional certificate in English as a Second Language.
3. English Language Services - a valid New Jersey instructional certificate.

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

1. All LEP students from Pre-K through eighth grade will be enrolled in the bilingual, ESL or English Services education program. LEP students 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 student's level of English proficiency as measured by a Department of Education established standard on a English language proficiency test, and readiness of the student will be further assessed on the basis of multiple indicators which will, at a minimum, include classroom performance, the student's reading level in English, the judgment of the teaching staff members responsible for the educational program of the student, and performance on achievement tests in English according to *P.L. 1991c.12*.
2. A parent/guardian may remove a student who is enrolled in a bilingual education program pursuant to provisions in *P.L. 1995c.327*.
3. Students enrolled in the bilingual, ESL or English services programs will be assessed annually for exit.
  - a. After a minimum of one full semester and within two years of exit, the mainstream English classroom teacher, with the approval of the Building Principal, may recommend retesting.

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- b. A waiver of the minimum time limitation may be approved by the Executive County Superintendent upon the request of the Superintendent if the student is experiencing extreme difficulty in adjusting to the mainstream program.
- c. The recommendation for retesting will be based on the teacher's judgment that the student is experiencing difficulties due to problems in using English as evidenced by the student's inability to; communicate effectively with peers and adults; understand directions given by the teacher and/or comprehend basic verbal and written materials.
- d. The student will be tested using a different form of the test or a different language proficiency test than the one used to exit students.
- e. If the student scores below the state established standard on the language proficiency test, the student will be reenrolled into the bilingual or ESL program.
- f. When the exit review process is completed, the student's parent/guardian shall be informed by mail of the placement determination. If the parent(s), legal guardian(s) and/or teaching staff member disagrees with the placement he/she may appeal the decision in writing to the Supervisor of World Languages/E.S.L., who will provide a written explanation for the decision within ten working days. The complainant may appeal the Supervisor's decision in writing to the Board, which will respond in writing within forty-five calendar days. 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 administrative code.

## I. Graduation Requirements for Limited English Proficient Students

All LEP students must satisfy requirements for high school graduation according to administrative code except LEP students who enter the school district in grades nine or later. These students, to be eligible for a State-endorsed high school diploma, may demonstrate they have attained minimum levels of proficiency established by the Department of Education through the Special Review Assessment in their native language, and by attaining a passing level of fluency as determined by a language proficiency test approved by the New Jersey Department of Education.

## J. Location of Programs

All bilingual, ESL and English Language programs will be conducted within classrooms approved by the County Superintendent of Schools within the regular school buildings of the district.

## K. Notification to Parents/Legal Guardians

- 1. The Supervisor of World Languages/E.S.L will notify the parent/guardian of the LEP student by mail that their child has been identified as eligible for enrollment in the bilingual, ESL and/or English language service program. The notice will inform the parent/guardian they have the option of declining enrollment and will be provided no later than ten days after the enrollment of the student. The notice will also include a statement to the parent/guardian regarding right of review and appeal. The notice will be in writing and in the language of which the child of the parent/guardian possesses a primary speaking ability and in English.
- 2. The parent/guardian will receive progress reports on the same basis of all students in the school district. These reports will be in English and the native language of the parent(s) of the student.

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L. Joint Programs

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

M. Parental Involvement

The Supervisor of World Languages/E.S.L. will provide for maximum practicable involvement of parent(s) of LEP students 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/E.S.L. may establish a parent advisory committee on bilingual education where the majority will be parents of students of Limited English Proficiency.

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