

2423 BILINGUAL AND ESL EDUCATION

The Board of Directors 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 such difficulty speaking, reading, writing, or understanding the English language as to be denied the opportunity to learn successfully in classrooms where the language of instruction is English.

Identification of LEP Pupils

The Board directs the conduct of a screening process to determine the native language of each pupil who enters the Commission. 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 review process that considers the results of an English language proficiency test, the pupil's level of reading in English, the pupil's previous academic performance, the results of standardized tests in English, and the reports of teachers responsible for the pupil's education.

Program Implementation

The Commission shall provide a program:

1. Whenever there are one or more but fewer than ten LEP pupils enrolled in the Commission, services in addition to the regular school program that are 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 LEP pupils enrolled in the Commission, 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 LEP pupils in any one language classification, a program of bilingual education shall be provided. Where the age, grade, or geographical distribution of LEP pupils makes a full-

time bilingual program impractical, the Board may offer an alternative bilingual education program, provided that program has been approved 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, pupils of limited English proficiency 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 this Commission.

#### Bilingual 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.

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 County Superintendent of Schools. The parent(s) or legal guardian(s) may appeal the County Superintendent's decision to the Commissioner of Education if the County Superintendent determines the pupil should remain in the bilingual education program until the end of the school year.

An exited pupil may reenter the bilingual program if his/her teacher determines that the pupil's failure to progress is caused by an inability to communicate, understand, or comprehend in English and the pupil scores below the cutoff score on a language proficiency test other than that used to assess the pupil's readiness for exit. Unless waiver is granted by the County Superintendent, the reentry test will be administered only after one full semester in the English-only program and within two years after the pupil's exit from the bilingual program.

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 Director of Services to Non-Public Schools, who will provide a written explanation for the decision within ten working days. The complainant may appeal the Director of Services to Non-Public Schools decision in writing to the Board, which will respond in writing within thirty 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 law N.J.A.C. 6A:15-1.13, of the pupil's enrollment and the fact that their pupil has been identified as eligible for enrollment in a bilingual, or ESL or English language services education program. Notice shall be given no later than ten days after the enrollment and shall include a statement of the parent or legal guardian's right of review and appeal.

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. A parent(s) or legal guardian(s) advisory committee on bilingual education shall be formed and shall be convened at least four times annually.

#### Graduation

Pupils of limited English proficiency will qualify for graduation from high school in accordance with Policy No. 5460. Such pupils will be provided with all courses and opportunities necessary to enable them to qualify for graduation.

All LEP pupils must satisfy requirements for high school graduation according to N.J.A.C. 6:3-4A.1, except LEP pupils who enter the Commission in grades nine or later. These pupils, 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.

#### Program Plan

The Superintendent shall prepare a plan for bilingual instruction, ESL, and English language services for approval by the Board and the County Superintendent.

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