

R 2423 BILINGUAL AND ESL EDUCATION

- A. Identification of Eligible Limited English Proficient (LEP) Students
1. The ESL teacher will determine the native language of each LEP pupil when the pupil enrolls in the Commission. The Director of Services to Non-Public /Public Schools will:
    - a. Maintain a census indicating all pupils 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 LEP pupils whose native language is other than English and, of that group, the number who are LEP pupils.
  2. The Board approved screening process shall be conducted by a bilingual/ESL or other certified teacher who will distinguish those pupils who are fluent English speakers, from those whose English speech and comprehension are affected by language proficiency.
  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, assessing the level of reading 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 pupils. 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 pupils of limited English proficiency. The Director of Services to Non-Public/Public Schools shall also use age appropriate assessment instruments to identify the English language proficiency and readiness of pre-school LEP students to determine individual pupil 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 pupils when they enter the Commission after grade eight to determine their level of English language proficiency.

B. Bilingual Programs for Limited English Proficient Pupils

1. All Pre-kindergarten through twelfth grade LEP pupils enrolled in the Commission will receive required courses and support services outlined below to prepare LEP pupils 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 pupils whenever there are one or more, but fewer than ten LEP pupils enrolled within the schools of the Commission.
  - b. An ESL program that provides up to two periods of ESL instruction based on pupil needs whenever there are ten or more LEP pupils enrolled within the schools of the Commission.
    - (1) The ESL curriculum will address the Core Curriculum Content Standards and the ESL standards for Pre-K through twelfth grade pupils.
    - (2) The ESL curriculum will be cross referenced to the Commission'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 limited English proficient pupils in any one language classification enrolled in the Commission.
  - d. LEP pupils 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 pupils 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 pupils. 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 pupils 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 pupils 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 pupils.

C. Waiver Process

The Commission may provide an instructional program alternative when there are twenty or more pupils eligible for the bilingual education program in grades K through twelve, and the Commission 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:15-1.5 et seq.

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

- 1. The Commission'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 LEP pupils; the number of certified staff hired for the program; evaluation data to include achievement information in ESL and data on performance of eligible LEP pupils on the fourth, eighth and eleventh grade tests; exit data for LEP pupils enrolled in the Commission; 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.

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 LEP pupils provided by personnel who are familiar with and knowledgeable of the unique needs and background of LEP pupils 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 pupils meet the Core Curriculum Content Standards and ESL standards for Pre-K through twelve pupils. 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 pupils from Pre-K through twelfth grade must be enrolled in the bilingual, ESL or English Services education program. LEP pupils 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 according to P.L. 1991c.12.
2. A parent(s) or legal guardian(s) may remove a pupil who is enrolled in a bilingual education program pursuant to provisions in P.L. 1995c.327.
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 teacher, with the approval of the building principal, may recommend retesting.
  - b. A waiver of the minimum time limitation may be approved by the 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 teacher'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 teacher 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 reenrolled into the bilingual or ESL program.
  - f. 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. 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 Director of Services to Non-Public/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/Public Schools' decision in writing to the Board, which will respond in writing within thirty 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 N.J.A.C. 6:4.

I. Graduation Requirements for Limited English Proficient Pupils

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.

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 Commission.

K. Notification to Parents/Legal Guardians

1. The Director of Services to Non-Public/Public Schools or designee will notify the parent(s) or legal guardian(s) of the LEP pupil 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(s) or legal guardian(s) they have the option of declining enrollment and will be provided no later than ten days after the enrollment of the pupil. The notice will also include a statement to the parent(s) or legal guardian(s) regarding right of review and appeal. The notice will be in writing and in the language of which the child of the parent(s) or legal guardian(s) possesses a primary speaking ability and in English.

2. The parent(s) or legal guardian(s) will receive progress reports on the same basis of all pupils in the Commission. These reports will be in English and the native language of the parent(s) of the pupil.

L. Joint Programs

The Commission 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 County Superintendent is obtained.

M. Parental Involvement

The Director of Special Services to Non-Public/Public Schools or designee will provide for maximum practicable involvement of parent(s) of LEP 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 Director of Special Services to Non-Public/Public Schools or designee may establish a parent advisory committee on bilingual education on which the majority will be parents of pupils of Limited English Proficiency.