

# POLICY

## — East Rutherford Board of Education

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Bilingual and ESL Education  
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### 2423 BILINGUAL AND ESL EDUCATION

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, ~~the~~ 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** ~~in~~ 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** ~~in~~ the district-
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 languages 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, aA** 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. 7**

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 Superintendent, who will provide a written explanation for the decision within 10 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.**

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

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: February 2010

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