

R 2423 BILINGUAL AND ESL EDUCATION (M)

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1. "Bilingual education program" means a full-time program of instruction in all those courses or subjects which that a child is required by law or rule to receive, given in the native language of ~~the limited English proficient pupils~~ English language learners (ELLs) enrolled in the program and also in English; in the aural comprehension, speaking, reading, and writing of the native language of ~~the limited English proficient pupils~~ ELLs enrolled in the programs, in the aural comprehension, speaking, reading, and writing of English; and in the history and culture of the country, territory, or geographic area which that is the native land of the parents of ~~limited English proficient pupils~~ ELLs enrolled in the program, and in the history and culture of the United States. All pupils in bilingual education programs receive English as a second language instruction.
2. "Bilingual part-time component" means a program alternative in which pupils are assigned to mainstream English program classes, but are scheduled daily for their developmental reading and mathematics instruction with a certified bilingual teacher.
3. "Bilingual resource program" means a program alternative in which pupils receive daily instruction from a certified bilingual teacher in identified subjects and with specific assignments on an individual students basis.
4. "Bilingual tutorial program" means a program alternative in which pupils are provided one period of instruction from a certified bilingual teacher in a content area required for graduation and a second period of tutoring in other required content areas.
5. "Dual language bilingual education program" means a full-time program of instruction in elementary and secondary schools which that provide structured English language instruction and instruction in a second language in all content areas for LEP ELL pupils and for native English speaking pupils enrolled in the program.
6. "Educational needs" means the particular educational requirements of pupils of limited English proficiency, ELLs the fulfillment of which will provide them with equal educational opportunities.



7. "English as a second language (ESL) program" means a daily developmental second language program of **up to two periods at least on period** of instruction based on students language proficiency which teaches aural comprehension, speaking, reading, and writing in English using second language teaching techniques, and incorporates the cultural aspects of the pupil's experiences in their ESL instruction. A period is the time allocated in the school schedule for instruction in core subjects.
8. "English language fluency" means the ability to speak the language with sufficient structural accuracy; use vocabulary to participate effectively in most formal and informal conversations on practical, social, and school topics; read material for information; and complete forms and write essays and reports on familiar topics. Language fluency is not the same as language proficiency, which is the full command of language skills.

"English language development standards" means the 2012 Amplification of the English Language Development Standards, Kindergarten - Grade 12, incorporated herein by reference, as amended and supplemented, developed by the World-Class Instructional Design and Assessment (WIDA) Consortium. They are the standards and language competencies ELLs in preschool programs and elementary and secondary schools need to become fully proficient in English and to have unrestricted access to grade-appropriate instruction in challenging academic subjects. The standards are published by the Board of Regents of the University of Wisconsin System, on behalf of the WIDA Consortium (www.wida.us) and are available for review at <http://www.wida.us/standards/eld.aspx>.

9. **"English language learner" or "ELL" means a student whose native language is other than English. The term refers to students with varying degrees of English language proficiency in any one of the domains of speaking, reading, writing, or listening and is synonymous with limited English speaking ability as used in N.J.S.A. 18A:35-15 to 26.**



- 9 10.** "English language proficiency test" means a test **that which** measures English language skills in the areas of aural comprehension, speaking, reading, and writing.
- 10 11.** "English language services" means services designed to improve the English language skills of **pupils of limited English proficiency**. These services, provided in school districts with less than ten pupils of limited English proficiency, are in addition to the regular school program and ~~have as their goal the development of~~ **are designed to develop** aural comprehension, speaking, reading, and writing skills in English.
- 11.** "ESL standards for Pre-Kindergarten through grade twelve pupils" means the WIDA English Language Proficiency Standards for English Language Learners in Pre-Kindergarten through Grade Twelve, 2007 edition, developed by the World-Class Instructional Design and Assessment (WIDA) Consortium. These are the standards and language competencies **limited English proficient pupils in Pre-Kindergarten programs and elementary and secondary schools need to become fully proficient in English and to have unrestricted access to grade-appropriate instruction in challenging academic subjects.**
12. "Exit criteria" means the criteria **which that** must be applied before a student may be exited from a bilingual, ESL, or English language services education program.
13. "High-intensity ESL program" means a program alternative in which pupils receive two or more class periods a day of ESL instruction. One period is the standard ESL class and the other period is a tutorial or ESL reading class.
14. "Instructional program alternative" means a part-time program of instruction that may be established by a Board of Education in consultation with and approval of the New Jersey Department of Education. All pupils in an instructional program alternative receive English as a second language.
- 15.** "Limited English proficient (LEP) pupils" means pupils from Pre-Kindergarten through grade twelve 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



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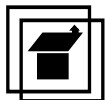
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the classrooms where the language of instruction is English. This term means the same as limited English speaking ability, the term used in N.J.S.A. 18A:35-15 to 26.

- 16 15.** "Native language" means the language first acquired by the pupil, the language most often spoken by the pupil, or the language most often spoken in the pupil's home, regardless of the language spoken by the pupil.
- 17 16.** "Parent(s)" **for the purpose of Policy and Regulation 2423** means the natural parent(s) or the legal guardian(s), foster parent(s), surrogate parent(s), or person acting in the place of a parent with whom the students legally resides. **Where When** parents are separated or divorced, parent means the person(s) who has legal custody of the pupil, provided such parental rights have not been terminated by a court of appropriate jurisdiction.
- 18 17.** "Review process" **is means** the process established by the Board of Education to assess **limited English proficient pupils ELLs** for exit from a bilingual, ESL, or English language services program.
- 19 18.** "Sheltered English instruction" **is means** an instructional approach used to make academic instruction in English understandable to LEP students. Sheltered English classes are taught by regular classroom teachers who have received training on strategies to make subject area content comprehensible for **ELLs LEP pupils**.

B. Identification of Eligible **Limited English Language Learners (ELLs) Proficient (LEP) Pupils**

1. The **Superintendent of Schools will designate a teacher staff member(s) who ESL Certified Teacher** will determine the native language of each **ELL LEP students** at the time of enrollment of the student in the school district. The ESL Certified Teacher will:
 - a. Maintain a census indicating all students identified whose native language is other than English; and
 - b. **Develop a screening process, initiated by a home-language survey, to determine which students in Kindergarten to grade twelve, of those whose native language is other than English, must be tested to determine English language proficiency. The**



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screening shall be conducted by a bilingual/ESL or other certified teacher, and shall be designed to distinguish students who are proficient English speakers and need no further testing.

Report annually to the New Jersey Department of Education as part of the Fall LEP Enrollment Summary, 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 initiated by a home language survey, shall determine which pupils in Kindergarten to grade twelve, of those whose native language is other than English must be tested to determine English language proficiency. The screening shall be conducted by a bilingual/ESL or other certified teacher and shall be designed to distinguish those pupils that are proficient English speakers and need no further testing.

3 2. The district shall determine the English language proficiency of all Kindergarten to grade twelve pupils who are not screened out, and whose native language is other than English, by administering the administration of a Department of Education approved English language proficiency test, assessing the level of reading in English, reviewing the previous academic performance of students, including their performance on as well as standardized tests in English and reviewing the input of teaching staff members responsible for the educational program for ELLs, the limited English proficient pupils. 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 shall be considered ELLs, are pupils of limited English proficiency. The district shall also use age appropriate assessment methodologies to identify limited English proficient preschool ELLs pupils in order to determine their individual language development needs.

C. Bilingual Programs for Limited English Proficient Pupils Language Learners (ELLs)

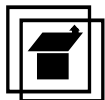


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1. All Kindergarten through twelfth grade twelve LEP pupils ELLs enrolled in the district pursuant to N.J.S.A. 18A:7F-46 will be provided with all receive required courses and support services outlined in a. through g. below to prepare LEP pupils ELLs to meet the Core Curriculum Content Standards for high school graduation. This may include tutoring, after-school programs, summer programs, and remedial services as needed by ELLs LEP pupils. The district shall also provide appropriate instructional programs to eligible pre-school LEP pupils ELLs based on need according to the New Jersey Preschool Program Implementation Guidelines, 2015 Teaching and Learning Expectations Standards of Quality (2004). The guidelines provide developmentally appropriate recommendations these standards are guidelines for good practice and are intended for school districts that provide preschool programs.
 - a. The Board of Education shall establish English language services designed to improve the English language proficiency of ELLs LEP pupils whenever there are at least one or more, but fewer than ten LEP pupils enrolled within the schools of in the school district. English language services shall be provided in additional to the regular school program.
 - b. The Board of Education shall establish aAn ESL program that provides up at least one to two periods of ESL instruction based on student's language proficiency whenever there are ten or more LEP pupils ELLs enrolled within the schools of in the school district.
 - (1) The ESL curriculum that addresses the WIDA English Language development Proficiency Standards as amended and supplemented shall be developed and adopted by the Board to address the instructional needs of ELLs LEP pupils.
 - (2) The ESL curriculum will be cross referenced to the district's bilingual education and content area curricula to ensure that ESL instruction is correlated to all the content areas being taught.
 - c. The Board of Education shall establish A bilingual education program will be established whenever there are twenty or more



limited English proficient pupils **ELLs** in any one language classification enrolled in the **school** district pursuant to N.J.S.A. 18A:35-18. The bilingual education program shall:

- (1) Be designed to prepare **LEP pupils ELLs** to acquire sufficient English skills and content knowledge to meet the Core Curriculum Content Standards. All **LEP pupils** participating in the bilingual program **shall will** also receive ESL instruction;
 - (2) Include a **bilingual program** curriculum that addresses the Core Curriculum Content Standards, the WIDA English **L**anguage **Proficiency development S**tandards, and the use of two languages. The bilingual education curriculum shall be adopted by the Board; and
 - (3) Include a full range of required courses and activities offered on the same basis and under the same rules that apply to all pupils within the **school** district.
- d. **ELLs** **LEP pupils will shall** be provided **with** equitable instructional opportunities to participate in all non-academic courses necessary to meet the Core Curriculum Standards, including comprehensive health and physical education, the visual and performing arts and career awareness programs. **The These** instructional opportunities shall be designed to assist **LEP pupils ELLs** to fully comprehend all subject matter and demonstrate their mastery of the content matter.
- e. The **Board of Education district** shall offer sufficient courses and other relevant supplemental instructional opportunities in grades nine through twelve to enable **LEP pupils ELLs** to meet the Core Curriculum Content Standards for graduation. When sufficient numbers of pupils are not available to form a bilingual class in a subject area, **the Board shall develop** plans **shall be developed** in consultation with and approved by the New Jersey Department of Education to meet the needs of the pupils.



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- f. **The Board of Education shall design** Additional programs and services shall be designed to meet the special needs of eligible LEP pupils ELLs 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.
- g. The Board of Education may establish dual language bilingual education programs in its the schools and may make provisions for the coordination of instruction and services with the school district's World Languages program. Dual-language bilingual education programs This program, if established by the Board, shall also enroll students whose primary language is English and shall be designed to help students achieve proficiency in English and in a second language while mastering subject matter skills. To the extent necessary, instruction shall, to the extent necessary, be in all courses or subjects of study that allow allowing students to meet all grade promotion and graduation standards. Where possible, these classes in dual-language bilingual programs shall will be comprised of approximately equal numbers of students of limited English proficiency and of ELLs and of students whose native language is English.
2. The Board of Education may establish a program in bilingual education for any language classification with fewer than twenty pupils.

D. Waiver Process **Provided by Statute**

The school district may request a waiver from **N.J.A.C. 6A:15-1.4(d)** establishing a bilingual education program, pursuant to N.J.S.A. 18A:35-18, to establish annually an instructional program alternative on an annual basis with the approval of the Department of Education when there are twenty or more pupils eligible for the bilingual education program in Kindergarten through grade twelve, and the school district is able to demonstrate that it would be impractical to provide a full-time bilingual program 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.

1. Any instructional program alternatives shall be developed in consultation with and approved annually by the Department of



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Education after review of student enrollment and achievement data. All bilingual instructional program alternatives shall be designed to assist **LEP pupils** **ELLs** to develop sufficient English skills and subject matter skills to meet the Core Curriculum Content Standards.

2. The instructional program alternatives **that shall to** be established shall include, but are not limited to: **the** bilingual part-time component, bilingual resource program, **the** bilingual tutorial program, sheltered English instruction program, and **the** high-intensity ESL program.
3. In the event the district implements program alternatives, the district shall annually submit students enrollment and achievement data that demonstrate the continued need for these programs.

E. Department of Education Approval of Bilingual, ESL or English Language Services Programs

1. **Each school district providing a** **The school district's** bilingual **program**, ESL **program**, or English Language Services program plans shall **be** submitted **a plan every three years** to the New Jersey Department of Education **every three years** for approval. **At its discretion, the Department of Education may request modifications, as appropriate. Plans submitted by the school district for approval shall include information on the following** **The plan will include the following information:**
 - a. Identification of pupils;
 - b. Program description;
 - c. Number of certified staff hired for the program;
 - d. Bilingual and ESL curriculum development;
 - e. Evaluation design;
 - f. Review process for exit; and



- g. A budget for bilingual and ESL programs and/or or English language services programs. The budget must indicate how the bilingual categorical aid funds are directly related to the bilingual/ESL program instructional services and materials.
 2. The Department of Education will establish procedures for monitoring and evaluation of school district bilingual/ESL programs by means of its district and school accountability process. The district shall annually submit data on the number of LEP pupils served, exit data for the LEP pupils enrolled in the district, and data on the number of immigrant pupils enrolled in the district.
 3. The district's bilingual/ESL programs will be monitored and evaluated by the New Jersey Department of Education.
 4. A school that fails to make progress in meeting the New Jersey Department of Education's annual measurable achievement objectives, must separately inform the parent(s) or legal guardian(s) of an LEP student of the school's failure no later than thirty days after the failure occurs.
- F. Supportive Services
1. Students enrolled in bilingual, ESL or English language services programs shall have full access to educational services available to other students in the district.
 2. To the extent that it is administratively feasible supportive services to LEP pupils ELLs, such as counseling, tutoring, and career guidance, should be provided by bilingual personnel who are familiar with and knowledgeable of the unique needs and background of the ELLs LEP pupils and their parents.
- G. In-service Training
1. A plan shall be developed for in-service training will be provided for bilingual, ESL and mainstream teachers; administrators who supervise bilingual/ESL programs; and administrators and any personnel who observe and evaluate teachers of ELLs based on their needs and to include instructional strategies to help LEP pupils meet the Core



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Curriculum Content Standards and the WIDA English Language development Proficiency Standards. All ESL and bilingual teachers shall will receive training in the use of the ESL curriculum.

2. The Professional Development Plan of the school district shall include the needs of bilingual and ESL teachers, which that shall be addressed through in-service training.

H. 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 pursuant to N.J.S.A. 18A:6-38 et. seq. and 18A:35-15 to 26.
2. ESL Classes - a valid New Jersey instructional certificate in English as a second language pursuant to N.J.S.A. 18A:6-38 et. seq. and 6A:9B-10.5.
3. English Language Services - a valid New Jersey instructional certificate.

I. Bilingual, English as a Second Language ESL, and English Language Services Program Enrollment, Assessment, Exit and Reentry

1. All ELLs LEP pupils from Kindergarten through twelfth grade twelve shall be enrolled in the bilingual, ESL or English language services program established by the Board of Education as prescribed in N.J.A.C. 6A:15-1.4(b) through (e) and 1. 5(a), and P.L. 1995, c. 59 and c. 327.
2. Pupils enrolled in the a bilingual, ESL, or English language services program shall be assessed annually using with a Department of Education approved English language proficiency test to determine their progress in achieving English language proficiency goals and readiness for exiting the program.



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3. **ELLs LEP pupils enrolled in the bilingual, ESL, or English language services program one of these programs** shall be placed in a monolingual English program when they have demonstrated readiness to function successfully in an English only program. **The This process to determine in readiness or inability of the individual student to function successfully in the English-only program** shall be initiated by the pupil's level of English proficiency as measured by a Department of Education established standard on an English language proficiency test. **The and the** readiness of the student shall be further assessed on the basis of multiple indicators **that which** shall **include**, 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 educational program of the pupil, and performance on achievement tests in English **according to P.L. 1991c.12**.
4. A parent(s) or legal guardian(s) may remove a student who is enrolled in a bilingual education program pursuant to provisions in N.J.S.A. 18A:35-22.1.
5. Pupils enrolled in a bilingual, ESL, or English language services program shall be assessed annually to determine their progress in achieving English language proficiency goals and readiness for exiting the program.
65. 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-half of an academic year and within two years of exit, the mainstream English classroom teacher, **with the approval of the Building Principal**, may recommend retesting **with the approval of the Principal**.
 - b. A waiver of the minimum time limitation may be approved by the Executive County Superintendent upon request of the Superintendent if the students is experiencing extreme difficulty in adjusting to the mainstream program.
 - c. The recommendation for retesting **shall will** be based on the teacher's judgment that the students is experiencing difficulties due to problems in using English as evidenced by the pupil's inability



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to; communicate effectively with peers and adults; understand directions given by the teacher and/or comprehend basic verbal and written materials.

- d. The students shall be tested using a different form of the test or a different language proficiency test than the one used to exit the pupils.
- e. If the students scores below the State established standard on the language proficiency test, the students shall be reenrolled into the bilingual or ESL program.

- 7. When the review process for exiting a students from a bilingual, ESL, or English language services program has been completed, **the district shall notify by mail** the student's parent(s) or legal guardian(s) shall be informed by mail of the determination of placement. If the parent(s), legal guardian(s) and/or teaching staff member disagrees with the placement he/she may appeal the **placement** decision in writing to the **Superintendent or designee Principal**, who will provide a written explanation for the decision within **15 seven** working days **of receiving the written appeal**. The complainant may appeal this decision in writing to the Board of Education within seven calendar days of receiving the Superintendent's or designee's written explanation of the decision. The Board will review the appeal and respond in writing to the parent within forth-five calendar days of the Board's receipt of the parent's written appeal to the Board. 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. 6A:3.
- J. Graduation Requirements for **Limited English Proficient Pupils Language Learners**
All **ELLs LEP pupils** must satisfy requirements for high school graduation according to N.J.A.C. 6A:8-5.1(a).

K. Location of Programs

All bilingual, ESL and English language services programs shall be conducted within classrooms **approved by the Executive County Superintendent of Schools** within the regular school buildings of the **school** district **per pursuant to** N.J.S.A. 18A:35-20.



L. Notification to Parents/Legal Guardians

1. The school district will notify **by mail** 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 **of ELLs of the fact** that their child has been identified as eligible for enrollment in a bilingual, ESL, or English language services program. **The district shall issue the notification within thirty days of the child's identification. Notice shall include a statement that the parents may decline their child's enrollment in a bilingual program, and they shall be given an opportunity to do so if they choose. The notice shall be in writing and in the language in which the parent(s) possesses a primary speaking ability, and in English, and shall include the following information:** 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, if the student has not been identified as a LEP student prior to the beginning of the school year.
 - a. **Why** The notice shall inform the parent(s) or legal guardian(s) why the student was identified as **an ELL**;
 - b. **Why LEP and why** the student's needs to be placed in a language instructional educational program that will help him or her develop and attain English proficiency and meet State academic standards **bilingual, ESL, or English language services program**;
 - c. The notice will include the pupil's level of English proficiency, how **the such** level **of English proficiency** was assessed, and the pupil's academic level;
 - d. The notice will include the method of instruction **the school district will use** that will be used to serve the pupil, including a description of other **methods of** instruction **methods** available and how those methods differ in content, instructional goals, and the use of English and a native language, if applicable;



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- de. The notice will inform the parent(s) or legal guardian(s) how the program will meet the student's specific needs of the students in attaining English and meeting State standards;
 - fe. The program's notice will include the exit requirements, the expected rate of transition into a classroom not tailored for ELLs LEP pupils, and in the case of high school pupils, the expected rate of graduation; and
 - gf. The notice will inform the parent(s) or legal guardian(s) how the instructional program will meet the objectives of the an individualized education program of a student with a disability;
 - g. The notice will include written guidance on the rights that parents have to remove their child from a bilingual, ESL, or English language services program upon their request, in accordance with N.J.A.C. 6A:15-1.13, or to choose another program or method of instruction, if available, and how the parent(s) or legal guardian(s) will be provided assistance in selecting the best program to serve their child;
 - h. The notice will inform the parent(s) or legal guardian(s) they have the option of declining enrollment if they choose by providing notice to the district no later than ten days after receiving the eligibility notice;
 - i. The notice shall be in writing and in the language of which the child of the parent(s) or legal guardian(s) so notified possesses a primary speaking ability, and in English; and
 - j. Whenever the district determines, on the basis of a pupil's level of English proficiency, that a student should exit from a program of bilingual education, the district shall notify the parent(s) or legal guardian(s) of the student by mail.
2. The school district shall send progress reports to The parent(s) or legal guardian(s) of students enrolled in a bilingual, ESL, or



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English language services program shall receive progress reports in the same manner and frequency as progress reports are sent to parent(s) and legal guardian(s) of other pupils enrolled in the school district.

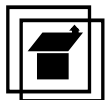
3. Progress reports shall be written in English and in the native language of the parent(s) or legal guardian(s) of pupils enrolled in the bilingual and or ESL program unless the school district it can be demonstrated and documented in the three-year plan required in N.J.A.C. 6A:15-1.6(a) that the this requirement would place an unreasonable burden on the district.
4. The school district shall notify the parent(s) or legal guardian(s) when a pupils meet the exit criteria and are is placed in a monolingual English program. The notice shall be in English and in the language in which the parent(s) or legal guardian(s) possesses a primary speaking ability.

M. Joint Programs

With The school district may join with any other school districts, with the approval of the Executive County Superintendent of Schools, on a case-by-case basis, a school district may join with another Board of Education to provide bilingual, ESL, or English language services programs.

N. Parental Involvement

1. The Superintendent or designee Black Horse Pike Regional School District will provide for the maximum practicable involvement of parent(s) or legal guardian(s) of ELLs LEP pupils in the development and review of program objectives and dissemination of information to and from the district Boards of Education and communities served by the bilingual, ESL, or English language services education program.
2. A parent(s) or legal guardian(s) will be informed on how they can become involved in the education of their child and how they can



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actively participate in helping their child learn English, achieve at high levels in the core academic subjects, and meet State standards.

32. A school district that implements a bilingual education program shall establish a parent advisory committee on bilingual education on which the majority will be parents or legal guardians of students of ELLs limited English proficiency.

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