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### REGULATION#2423 GUIDELINES FOR ENTRANCE/EXIT OF PUPILS OF BILINGUAL/ESL EDUCATION PROGRAMS

#### A. State-Established Standards for English Language Proficiency

The Department of Education conducted a norming study during the spring of 1988 for the Language Assessment Battery and the Maculaitis Assessment Program to establish state English language proficiency standards. These cutoffs are to be used to determine participation in a bilingual or ESL program. For further information regarding the study, norms and cutoffs for these tests, please refer to Norming Study of the Language Assessment Battery and Maculaitis Assessment Program: Practitioner's Report, February, 1989.

In addition to the results of the English proficiency test (M.A.C.) and the cut-off established by the norming study, the students enter and exit the program upon meeting multiple criteria as established by the State and district.

#### B. Designating Program Services

Those districts identifying 20 or more pupils of limited English proficiency in any one language classification must establish a bilingual program for those pupils (N.J.A.C. 6:31-1.5(a)). 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 a waiver for the alternative program has been requested and approval has been granted by the Department of Education.

Those districts identifying 10 or more pupils of limited English proficiency must establish an ESL program for those pupils (N.J.A.C. 6:31-1.4(b)).

Those districts identifying fewer than 10 pupils of limited English proficiency must provide services to improve the English language proficiency of those pupils (N.J.A.C. 6:31-1.4(a)).

#### C. Placement in Bilingual and ESL Programs

Whenever a pupil enrolls in the district, the district will ascertain the pupil's native language. The district will maintain a census indicating all pupils identified whose native language is other than English. The district will determine the English language proficiency of all pupils whose native language is other than English by means of the administration of an English language proficiency test, assessing the level of reading in English and reviewing the input of teaching staff members responsible for the educational program for the limited English proficient pupils. Those pupils who score below the State established cutoff score on the Language Assessment Battery or the Maculaitis Assessment Program as per the Norming Study of the Language Assessment Battery and the Maculaitis Assessment Program - Practitioner's Report" (1989) and who have at least one other indicator, are pupils of limited English proficiency (L.E.P.).

The district will report annually the number of pupils identified whose native language is other than English and of that group, the number of pupils of limited English proficiency on the Report of Limited English Proficient Students on Roll which is part of the Fall Report.

The district shall administer the Maculaitis Assessment Program to all limited English proficient pupils who enter New Jersey schools at the time of enrollment to determine their level of English language fluency.

The parents or legal guardians of a pupil of limited English proficiency will be notified in writing by mail, in accordance with N.J.A.C. 6:31-1.12, of the fact that their pupil has been identified as eligible for enrollment in a bilingual education program. The notice shall be in writing and in the language of which the child of the parents or legal guardians so notified possesses a primary speaking ability (as long as it doesn't pose hardship to the district), and in English.

#### D. Exiting Pupils from Bilingual and ESL Programs

Students must be assessed annually for exit with a language proficiency test (N.J.A.C. 6:31-1.10).

Pupils are placed in the general English classroom when they meet the exit criterion of a passing score on an English language proficiency test, reading level, scores on standardized tests, teachers observation and supervising review. Decisions regarding placement in English-only classrooms usually are made at the end of the school year and implemented at the opening of the following school year, but students may be referred for testing whenever the bilingual and/or ESL teacher believes that the student will be successful in the general program. Parents or legal guardians of pupils who are to leave the bilingual programs should be informed of their child's placement in English-only classrooms.

#### E. Reentry Process

In August 1988 the State Board of Education adopted an amendment which provides for reentry into the bilingual or ESL program of a newly exited student who fails to make progress in the regular program. (N.J.A.C. 6:31-1.10) Regular classroom teachers, with the approval of the principal may recommend students for retesting after a minimum of one semester to two years in the mainstream program. A waiver of the minimum time limitation may be approved by the county superintendent upon request of the chief school administrator.

Recommendations for reentry must be based on the student's difficulty in communicating effectively with peers and adults, understanding directions given by teachers, and/or comprehending basic verbal and written materials. Testing must occur with a language proficiency test, but a different test or a different form of the test than that used to exit the student must be used.

If the student scores below the proficiency cut-off on the test, the student may reenter the bilingual or ESL Program.

1. Compliance with Law and Administrative Code

Bilingual education programs are required when 20 or more LEP students from the same language background are enrolled in the district. There must be an ESL program when 10 or more LEP students are identified, regardless of whether they share the same language. When a district identifies one or more, but fewer than 10 LEP pupils in the district, services must be provided to develop their English language skills. The Bilingual Education Act (N.J.S.A. 18A:35-15 et seq.) and accompanying Administrative Code (N.J.A.C. 6:31-1.1 et seq.) clearly delineate the statutes and regulations that govern these programs (copies of these documents are included in Appendices A and B of this manual).

2. Involvement in Planning

A committee of parents or legal guardians and local school district representatives shall be involved in the planning and review of the bilingual program. This is particularly important for districts desiring to establish cluster sites for the program. Parental involvement is also required in the planning and review of ESL-only programs (N.J.A.C. 6:31-1.14).

3. Parental Notification

Parents or legal guardians of students enrolled in the bilingual and ESL programs must be informed of their child's participation in the program. To ensure that parents or legal guardians fully understand this communication, a letter regarding their participation must be written in both English and the primary language of the home and mailed to the home. The letter of notification regarding participation in the program must inform parents or legal guardians of their right to review and challenge the identification process, including procedures and pertinent data used to determine their child as limited English proficient (N.J.A.C. 6:31-1.12).

Districts shall also notify parents or legal guardians by mail when pupils meet the exit criterion and are 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, as long as it doesn't pose a hardship on the school district.

Parents or legal guardians shall receive progress reports in the same manner and frequency as those sent to parents of other pupils, written in English and in the parent's or legal guardian's native language, except that reports sent to parents or legal guardians of pupils in the ESL program may be in English and in the native language of the parents or legal guardians unless it can be documented in the annual plan that this requirement would place an unreasonable burden on the Board. Such notice will include the information that the parents or legal guardians have the option of declining enrollment of their pupil in a bilingual program, and they will be given an opportunity to decline enrollment if they so choose.

A parent or legal guardian 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, a parent or legal guardian may only remove the pupil at the end of the school year. If during the first three years of a pupil's participation in a bilingual education program, a parent or legal guardian 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 or legal guardian may appeal the County Superintendent's decision to the Commissioner of Education if the County Superintendent determines the pupil should remain in the bilingual program until the end of the school year.

#### 4. Parent Advisory Committees

Districts with bilingual programs must establish a formal advisory committee (ESL-only program districts are not required to have a formal advisory committee). The majority of the members of the committee must be parents or legal guardians of children enrolled in the program. The committee must meet at least four times each school year.

#### 5. In-service Training

An in-service training plan on bilingual/ESL education must be developed around identified professional needs for bilingual and ESL staff, as well as for general program staff when appropriate. The identified needs of staff in this area should be included in the district's professional improvement plan.

#### 6. Curriculum Development

Districts are required to develop formal curricula for both their bilingual and ESL programs. These curricula should include goals, objectives, a sequence of skills to be taught, methods, and materials to be used. The bilingual curriculum must also address the use of two languages in the classroom and the district's design for effecting the transition from native language to English instruction should be integrated into the curriculum. These curricula must have formal board approval.

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