

**Policy**

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ENGLISH AS A SECOND LANGUAGE; BILINGUAL PROGRAMS

The board shall provide English as a second language (ESL) and/or bilingual programs of instruction for students who:

- A. Do not speak English and need instruction toward mastery of the English language;
- B. Speak a language other than English, are more capable of performing school work in that language, and need their basic educational program taught in that language.

The superintendent/principal shall develop procedures in accordance with administrative code to determine which students would benefit from ESL and/or bilingual programs and to involve school staff, parents/guardians and community members in reviewing programs to determine which would best meet these students' needs.

The goal of ESL programs is to assist students to achieve fluency (including listening, comprehension, speaking, reading, and writing skills) in English. The goal of the bilingual program is to permit students to learn subject matter in their primary language while developing English language skills. The goal of all such programs shall be achievement of the Core Curriculum Content Standards.

All district high school students of limited English proficiency shall satisfy both state and district requirements for graduation, except that any English language learner (ELL) student may demonstrate attainment of state minimum levels of proficiency through passage of the Alternative High School Assessment (AHSA) process in his/her native language and an English fluency assessment approved by the Department of Education or passage of the AHSA process in English with appropriate accommodations.

Parents/guardians of students of limited English speaking ability shall be notified by mail of the fact that their child has been identified as eligible for enrollment in a bilingual, ESL or English language services education program. This written notice shall include the information that the parents may choose to decline to enroll their child into the bilingual program.

Communication with parents/guardians of students in these programs shall be in writing and in both English and their primary speaking language. Reports of student progress shall be made to parents/guardians on the same schedule as reports of students in the regular program.

The superintendent/principal shall direct development of an annual plan for ESL and/or bilingual education that is in compliance with state guidelines. The board will review and approve the plan at a public meeting. The board must adopt the courses of study for ESL and bilingual programs in the same manner in which it adopts the curriculum for the regular program. In order to receive the state-endorsed high school diploma, English language learner (ELL) students must meet the district's graduation requirements.

Students enrolled in district bilingual or ESL programs shall be assessed annually for exit from such programs, using indicators described in the administrative code. Whenever it is determined that a student should exit from the bilingual program, parents/guardians shall be notified by mail.

Parents/guardians may remove a student who is enrolled in a bilingual education program at any time; except that during the first three years of the student's participation in a bilingual education program, he/she may only be removed at the end of each school year. Removal prior to the end of the school year shall be approved by the county superintendent/principal. If the Executive County Superintendent determines that the student should remain in the bilingual education program until the end of the school year, the parents/guardians may

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appeal that decision to the commissioner of education/designee pursuant to law. The commissioner shall render a decision within 30 days of the filing of the appeal.

The board may petition the commissioner of education to waive the requirement for a full-time bilingual program when it can demonstrate that it would be impractical to provide such a program, due to the age range, grade span or geographic location of the eligible students.

\*Note: "ELL" means English language learner, indicating a person who is in the process of acquiring English and has a first language other than English. English language learners are the same students who are sometimes referred to as limited English proficient (LEP).

**NJSBA Review/Update:**        **February 2009, July 2011**  
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Key Words

English as a Second Language, Bilingual Programs, ESL

**Legal References:**    N.J.S.A. 18A:35-15 et seq.        Bilingual education programs  
                                   N.J.A.C. 6A:5-1.1 et seq.        Regulatory Equivalency and Waiver  
                                   N.J.A.C. 6A:8-1.3                    Definitions  
                                   N.J.A.C. 6A:8-4.1                    Statewide assessment system  
                                   N.J.A.C. 6A:8-5.1                    Graduation requirements  
                                   N.J.A.C. 6A:9-1.1 et seq.        Professional Licensure and Standards  
                                   See particularly:  
                                   N.J.A.C. 6A:9-11.4, -11.5  
                                   N.J.A.C. 6A:15-1.1 et seq.        Bilingual Education  
                                   See particularly:  
                                   N.J.A.C. 6A:15-1.4  
                                   N.J.A.C. 6A:30-1.1 et seq.        Evaluation of the Performance of School  
                                   See particularly:  
                                   N.J.A.C. 6A:30-2.2                    Districts  
                                   N.J.A.C. 6A:32-2.1                    Definitions  
                                   N.J.A.C. 6A:32-12.1                Reporting requirements  
                                   N.J.A.C. 6A:32-14.1                Review of mandated programs and services

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

**Possible**

**Cross References:**    \*5120        Assessment of individual needs  
                                   \*5124        Reporting to parents/guardians  
                                   \*6121        Nondiscrimination/affirmative action  
                                   \*6146        Graduation requirements  
                                   \*6147        Standards of proficiency  
                                   \*6147.1     Evaluation of individual student performance  
                                   \*6171.2     Gifted and talented  
                                   \*6171.3     At-risk and Title 1

\*Indicates policy is included in the Critical Policy Reference Manual.