

**6A:15-1.8 Inservice training**

(a) The district board of education shall develop a plan for inservice training for bilingual, ESL and mainstream teachers based on their needs and to include instructional strategies to help LEP students meet the Core Curriculum Content Standards and the ESL Standards for Pre-K through 12 Students. All bilingual and ESL teachers shall receive training in the use of the ESL curriculum.

(b) The Professional Improvement Plan of the Annual Report (N.J.S.A. 18A:7A-11(e)) shall include the needs of bilingual and ESL teachers that shall be addressed through inservice training.

**6A:15-1.9 Certification**

(a) All teachers of bilingual classes shall hold 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.

(b) All teachers of ESL classes shall hold a valid New Jersey certificate in English as a second language (ESL) pursuant to N.J.S.A. 18A:6-38 et seq. and N.J.A.C. 6:11-6.2.

(c) All teachers providing English language services shall hold a valid New Jersey instructional certificate.

**Case Notes**

Dismissal of basic skills instructor due to lack of bilingual education endorsement affirmed. Board of Education of the City of Passaic County v. Gonzales, 97 N.J.A.R.2d (EDU) 488.

**6A:15-1.10 Bilingual, ESL, and English language services program exit and reentry**

(a) All LEP students from pre-kindergarten through grade 12 shall be enrolled in the bilingual, ESL or English language services education program established by the school district 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.

(b) LEP students enrolled in the bilingual, ESL, or English language services program shall be placed in a monolingual English program when they have demonstrated readiness to function successfully in an English only program. The process to determine the readiness or inability of the individual student to function successfully in the English only program shall be initiated by the student's level of English proficiency as measured by a Department established standard on an English language proficiency test, and the readiness of the student shall be further assessed on the basis of multiple indicators which shall, at a minimum, include classroom performance, the student's reading level in English, the judgment of the teaching staff member or members responsible for the educational program of the student, and performance on achievement tests in English according to P.L. 1991, c.12.

(c) A parent or guardian may remove a student who is enrolled in a bilingual education program pursuant to provisions in P.L. 1995 c.327.

(d) Students enrolled in the bilingual, ESL, or English language services program shall be assessed annually for exit.

(e) Newly exited students who are not progressing in the mainstream English program may be considered for reentry to bilingual and ESL programs as follows:

1. After a minimum of one full semester and within two years of exit, the mainstream English classroom teacher, with the approval of the principal, may recommend retesting.

2. A waiver of the minimum time limitation may be approved by the county superintendent upon request of the chief school administrator if the student is experiencing extreme difficulty in adjusting to the mainstream program.

3. The recommendation for retesting shall be based on the teacher's judgment that the student is experiencing difficulties due to problems in using English as evidenced by the student's inability to: communicate effectively with peers and adults; understand directions given by the teacher; and/or comprehend basic verbal and written materials.

4. The student shall be tested using a different form of the test or a different language proficiency test than the one used to exit the students.

5. If the student scores below the State established standard on the language proficiency test, the student shall be reenrolled into the bilingual or ESL program.

(f) When the review process for exiting a student from a bilingual, ESL, or English language services program has been completed, the district board of education shall notify, by mail, the student's parent(s) or legal guardian of the determination of placement. If the parent(s), guardian or teaching staff member disagrees with the placement, he or she, upon exhausting the local district's appeal process, may appeal the placement before the Commissioner of Education pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6:24.

**6A:15-1.11 Graduation requirements for limited English proficient students**

All limited English proficient students must satisfy requirements for high school graduation according to N.J.A.C. 6:8-7.1, except LEP students who enter New Jersey schools in grade nine or later, to be eligible for a State-endorsed high school diploma, may demonstrate that they have attained minimum levels of proficiency established by the Department 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 Department.

**6A:15-1.12 Location**

All bilingual, ESL, and English language services programs shall be conducted within classrooms approved by the county superintendent of schools within the regular school buildings of the district per N.J.S.A. 18A:35-20.

**6A:15-1.13 Notification**

(a) Each district board of education shall notify by mail the parents of LEP students of the fact that their child has been identified as eligible for enrollment in a bilingual, ESL, or English language services education program. Such notice shall include the information that the parents have the option of declining enrollment of their child in a bilingual program, and they shall be given an opportunity to decline enrollment if they so choose. The notice shall be in writing and in the language of which the child of the parents so notified possesses a primary speaking ability, and in English. In addition, whenever a district determines, on the basis of a student's level of English proficiency, that a student should exit from a program of bilingual education, the district shall notify the parents of the student by mail.

(b) Each district board of education shall send progress reports to parent(s) of students enrolled in bilingual, ESL, or English language services programs in the same manner and frequency as progress reports are sent to parent(s) of other students enrolled in the school district.

(c) Progress reports shall be written in English and in the native language of the parent(s) of students enrolled in the bilingual and ESL program unless it can be demonstrated and documented in the annual plan required in N.J.A.C. 6A:15-1.6(c) that this requirement would place an unreasonable burden on the district board of education.

(d) Each district board of education shall notify the parent(s) when students meet the exit criteria and are placed in a monolingual English program. The notice shall be in English and in the language in which the parent(s) possesses a primary speaking ability.

**6A:15-1.14 Joint programs**

A school district may join with any other district board of education with the approval of the county superintendent of schools on a case by case basis to provide bilingual, ESL or English language services programs.

**6A:15-1.15 Parental involvement**

(a) Each district board of education shall provide for the maximum practicable involvement of parent(s) of limited English proficient students in the development and review of program objectives and dissemination of information to and from the boards of education and communities served by the bilingual, ESL, or English language services education program.

(b) Each district board of education implementing a bilingual education program shall establish a parent advisory committee on bilingual education on which the majority will be parent(s) of students of limited English proficiency.

**6A:15-1.16 State advisory committee on bilingual education**

(a) The State Board of Education shall establish a State advisory committee on bilingual education. The Commissioner of Education shall appoint the members of the committee with representation from parents, institutions of higher education, bilingual and ESL teachers, school board members, school administrators and lay persons.

(b) The committee shall advise the Department of Education in the formulation of policies and procedures relating to the Act.