

# KID LAW Fact Sheet



## Multilingual Learners and Parents: What is a Public School's Responsibility?

### Who is a multilingual learner?

A multilingual learner (ML) is a student whose primary language is not English and does not have language proficiency in English.

Upon enrollment, the school district must identify students who are MLs.

ML students must be identified using a 3-step process:

1. A statewide home-language survey completed in writing or by verbal interview by someone who knows the student, like a parent or bilingual teacher.
2. A review of the student's records which may include but not be limited to current or previous academic performance and an interview of the student or parent/family in the primary language.
3. An English Language Proficiency assessment must be provided to eligible students. Students will be eligible for a school-based language instruction program if they score below the N.J. Department of Education's minimum score.

### What are the rights of the parents of ML students?

- Within 30 calendar days of a school year, districts must inform parents in writing that their child is eligible for language instruction. For students who enroll in a new district in the middle of the school year, parents must receive written notice of their child's eligibility within 14 calendar days of their being placed in a language instruction program.

- Parents can choose to have their child educated in an English-only class, and the school is still required to help the child overcome language barriers (e.g. extended time to complete work and tutoring).

### About Bilingual Education Programs

- Each school district that has at least 20 Multilingual Learners (ML) students who speak the same language must establish a bilingual program. A bilingual program is a full-time program that offers simultaneous instruction in English and the students' native language.
- If the school district has at least 10 ML students, it must establish an English as a Second Language (ESL) program. ESL programs include at least one class weekly, aside from the rest of the state-mandated curriculum. The class is taught entirely in English and must include instruction in all areas of study.
- Students enrolled in the bilingual program must also receive an ESL program.
- An annual assessment of progress is required.

### The Statewide Assessments

The instructions for statewide assessments may be translated into the student's native language and use of a bilingual dictionary is permitted. Districts may permit ELL students to take up to one school day to complete the statewide assessments. Under certain circumstances, students take an alternative test.

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### The Right to Support Services to Address the Lack of English Proficiency

ELL students have the right to support services such as counseling, tutoring, and career guidance by bilingual staff who are familiar with the unique needs and backgrounds of the students and parents.

### Exiting the Bilingual Education Program

- Schools must use an N.J. Department of Education-approved test to determine English proficiency.
- Schools must assess readiness to exit based on multiple indicators, at a minimum: class performance, reading level in English (not just conversational English), and teacher's judgment.
- Parents can appeal exit determination and students who don't progress can return to the program.

### Other Important Rights

- To receive instruction in the entire state-mandated curriculum.
- To the same services and programs available to other students within the district.
- To special education evaluations/assessments from bilingual evaluators.
- To instruction that permits students to understand the areas of study and to participate in classes like gym and health, as well as other required classes and extra-curricular activities.
- To comply with high school graduation requirements.

### Parent's Whose Primary Language is not English: Participation Rights, Translated Notices, and Interpreters.

1. Parents have the right to communications provided in their language regarding all district services, information, and activities, and to translation services for all school meetings.
2. Schools must have parent advisory committees that include parents of ML students.
3. Written notices in English and parents' native language (unless an unreasonable burden) regarding student rights including, but not limited to:
  - bilingual education program (eligibility, progress reports, and exit determination);
  - discipline (short- and long-term suspensions);
  - attendance and enrollment;
  - gifted and talented programs;
  - parent handbooks;
  - report cards;
  - permission forms for school activities;
  - invitations to school and district programs;
  - and parent-teacher conferences.
4. Special education notices in parents' native language, oral interpretation at meetings (upon written request in advance), and right to informed consent for evaluations and the Individualized Education Program (IEP).

For more information see the U.S. Department of Education fact sheet ["Ensuring English Language Learner Students Can Participate Meaningfully and Equally in Educational Programs"](#)

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