

R.S. 18A:35-15

January 14, 1975

LEGISLATIVE HISTORY OF R.S. 18A:35-15
(Providing for Bilingual Education in the Public Schools)

L. 1974 Chapter 197 - S811

- February 11 - Introduced by Menza, Martindell, Skevin and Feldman (copy enclosed)
 - February 11 - Committee on Education.
 - April 29 - Reported with Committee Amendment (copy enclosed) (Committee statement enclosed)
 - April 29 - 2nd reading.
 - May 13 - Passed Senate as amended (34-1)
 - May 13 - Education Committee.
 - July 15 - Reported and 2nd reading.
 - October 7 - Passed Assembly (66-4)
 - January 8 - Signed by Governor
- (For enclosed materials see copies 2, 3)*

Similar Bills

In the 1973 session the following bills were introduced:

- S2320 - Education Committee.
 - A2498 - Education Committee.
- Neither bill was reported out of Committee.

Following bills were considered by the 1974 legislature:

- All39 (Re-introduction of A2498 - 1973) - Education Committee
 - A1541 - Education Committee
 - S 460 - (Re-introduction of S2320 - 1973) Education Committee.
- None of these bills were reported out of Committee.

Hearings and Reports

No hearings and reports were located, but the following materials do provide background to the New Jersey educational situation prior to passage of the bill.

- 974.90 New Jersey Department of Education
- E24 New Jersey Bilingual Education Program 1969.
- 1969z

- 974.90 New Jersey Department of Education
- E24 Bilingual Education in a Consortium 1970.
- 1970t

- 974.90 Castellanas, Diego
- E24 Hispanic Experience in New Jersey Schools
- 1972r New Jersey State Department of Education 1973.

Newspapers Articles

An extensive collection of newspaper articles was located. Attached are a sampling of important articles.

RLB/ks

For background see also:

N. J. Educ. - 1/E
J371.97 Freda, Robert Anthony
F852 The role of the New Jersey coalition for bilingual education in the enactment of the 1974 New Jersey Bilingual Education Law.

[OFFICIAL COPY REPRINT]

SENATE, No. 811

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 11, 1974

By Senators MENZA, MARTINDELL, SKEVIN and FELDMAN

Referred to Committee on Education

AN ACT providing for bilingual education programs in the public schools***[**, State aid for such programs and making an appropriation therefor**]***

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. The Legislature finds that there are large numbers of children
2 in the State who come from environments where the primary
3 language is other than English. Experience has shown that public
4 school classes in which instruction is given only in English are
5 often inadequate for the education of children whose native tongue
6 is another language. The Legislature believes that a program of
7 bilingual education can meet the needs of those children and
8 facilitate their integration into the regular public school curric-
9 ulum. Therefore, pursuant to the policy of the State to insure
10 equal educational opportunity to every child, and in recognition of
11 the educational needs of children of limited English speaking
12 ability, it is the purpose of this act to provide for the establish-
13 ment of bilingual education programs in the public schools***[**, and to
14 provide supplemental financial assistance to help school districts
15 meet the extra costs of such programs**]***

1 2. As used in this act, the following words and phrases shall
2 have the following meaning:

3 "Children of limited English-speaking ability" means those
4 children whose primary language is other than English and who
5 have difficulty performing ordinary classwork in English.

6 "Programs in bilingual education" means a full-time program
7 of instruction (1) in all those courses or subjects which a child is
8 required by law, rule or regulation to receive given in the native
9 language of the children of limited English-speaking ability en-

EXPLANATION—Matter enclosed in bold-faced brackets **[thus]** in the above bill
is not enacted and is intended to be omitted in the law.

10 rolled in the program and also in English (2) in the aural compre-
11 hension, speaking, reading, and writing of the native language of
12 the children of limited English-speaking ability enrolled in the pro-
13 gram and in the aural comprehension, speaking, reading and writ-
14 ing of English, and (3) in the history and culture of the country,
15 territory or geographic area which is the native land of the parents
16 of children of limited English-speaking ability enrolled in the pro-
17 gram and in the history and culture of the United States.

1 3. Each school district shall identify and ascertain, according to
2 rules prescribed by the Commissioner of Education with the
3 approval of the State board, the children attending the schools of
4 the district who are of limited English-speaking ability and, also,
5 those not in attendance but resident within the district, and shall
6 classify them according to the language of which such children
7 possess a primary speaking ability.

1 4. When, at the beginning of any school year, there are within
2 the schools of the district 20 or more pupils of limited English-
3 speaking ability in any one language classification, the board of
4 education shall establish, for each such classification, a program in
5 bilingual education for all the pupils therein; provided, however,
6 that a board of education may establish a program in bilingual
7 education for any language classification with less than 20 children
8 therein.

1 5. Every pupil participating in a program established pursuant
2 to this act shall be entitled to continue such participation for a
3 period of 3 years.

1 6. In those courses or subjects in which verbalization is not
2 essential to an understanding of the subject matter, including but
3 not limited to art, music, and physical education, pupils of limited
4 English-speaking ability shall participate fully with English-
5 speaking pupils in the regular classes provided for such subjects.
6 Each board shall insure to each pupil enrolled in a program in
7 bilingual education a practical and meaningful opportunity to
8 participate fully in all programs and activities available in the
9 school district. Programs in bilingual education shall be located in
10 the regular public schools of the district rather than in separate
11 facilities. Bilingual education programs may include children of
12 English-speaking ability.

1 7. A school district may join with any other school district or
2 districts, according to rules prescribed by Commissioner of Educa-
3 tion with the approval of the State board, to provide programs
4 pursuant to this act.

1 8. Each school district shall notify by mail the parents of the
2 pupils of limited English-speaking ability of the fact that their

3 child has been enrolled in a program of bilingual education. Such
 4 notice shall be in writing and in the language of which the child
 5 of the parents so notified possesses a primary speaking ability,
 6 and in English.

7 ***[A parent whose child has been enrolled in a program of bilin-**
 8 **gual education shall have the absolute right to withdraw his child**
 9 **from such program by timely written notice to the superintendent**
 10 **of schools or such other person as may be designated by him.]***

11 The board shall provide for the maximum practicable involve-
 12 ment of parents of children of limited English-speaking ability in
 13 the development and review of program objectives and dissemina-
 14 tion of information to and from the local school districts and com-
 15 munities served by the bilingual education program within existing
 16 State law.

1 ***[9. There shall be established within the Department of Educa-**
 2 **tion a Bureau of Bilingual Education charged with assisting the**
 3 **Commissioner of Education in administering and enforcing the**
 4 **provisions of this act.]***

1 ***[10. The costs of programs in bilingual education required or**
 2 **permitted under this act shall, for the amount by which such costs**
 3 **exceed the average per pupil expenditure of the school district for**
 4 **the education of children of comparable age, be reimbursed con-**
 5 **currently by the State to the school districts.]***

1 ***[11. Reimbursement shall be made upon certification to the**
 2 **Treasurer by the Commissioner of Education that programs in**
 3 **bilingual education have been carried out in accordance with the**
 4 **requirements of this act, the department's regulations, and**
 5 **approved plans submitted earlier by the school districts.]***

1 ***[12.]* *9.* The Commissioner of Education *and the Chancellor***
 2 ***of Higher Education* shall, with the approval of ***[the State Board****
 3 **of Education]*, *their respective boards* promulgate rules and**
 4 **regulations, establish procedures, employ personnel, and take all**
 5 **other necessary steps to insure the implementation of the provisions**
 6 **of this act.**

1 ***[13.]* *10.* The State Board of Education and the State Board**
 2 **of Higher Education shall jointly establish a State Advisory Com-**
 3 **mittee on Bilingual Education to assist the Department of Educa-**
 4 **tion and the Department of Higher Education in the formulation**
 5 **of policies and procedures relating to ***[the administration of]*****
 6 **this act. The State Advisory Committee on Bilingual Education**
 7 **shall include representatives of the language communities served,**
 8 **institutions of higher education, local school boards, school admin-**
 9 **istrators, teachers and laymen knowledgeable in the field of**
 10 **bilingual education.**

1 ***[14.** The State Board of Education may upon petition of a school
2 district grant a 1 year waiver of any provision of this act where
3 necessary to avoid undue hardship to such school district.]*

1 ***[15.]** *11.* The Board of Higher Education with the advice of
2 the State Advisory Committee on Bilingual Education shall provide
3 financial support to institutions of higher education for career
4 development programs and the training of professionals serving
5 bilingual populations with emphasis on effective utilization of
6 existing facilities.

1 ***[16.** The Board of Education and the Board of Higher Education
2 with the assistance of the State Advisory Committee shall jointly
3 establish and provide financial support for a Bilingual Education
4 Resource Center. The Bilingual Education Resource Center shall
5 provide for research on bilingual education, development and dis-
6 semination of curriculum and instructional materials and program
7 evaluation models, and community involvement in furtherance of
8 the purposes of this act.]*

1 *12. *The State board and the State Board of Higher Education*
2 *shall develop resources, programs, curriculum and instructional*
3 *materials and undertake such other activities as will enable boards*
4 *of education to provide programs pursuant to this act; the boards*
5 *shall, where appropriate, jointly or cooperatively undertake such*
6 *activities.**

1 ***[17.** For the purposes of providing financial support to public
2 institutions of higher education under this act, the Department of
3 Higher Education shall be allocated annually an amount equal to
4 \$500,000.00 or so much thereof as shall be necessary, of the total
5 appropriation to be made pursuant to this act.]*

1 ***[18.** For the purpose of administering this act, the Department
2 of Education shall be allocated annually an amount equal to 7½%,
3 or so much thereof as shall be necessary, of the total appropria-
4 tion to be made pursuant to this act.]*

1 ***[19.** There is hereby appropriated for the purposes of this act
2 such sums as may be included in any annual or supplemental
3 appropriations act. In the event that the sums appropriated in any
4 fiscal year are insufficient to carry out in full the provisions of this
5 act, the commissioner, with the approval of the State board, shall
6 apportion said sums among the school districts qualifying for aid
7 pursuant to this act in proportion to the aid each district would be
8 allocated if the full amount were appropriated.]*

1 ***[20.** There is hereby appropriated for the purposes of this act
2 the sum of \$2,500,000.00 or so much thereof as shall be necessary.]*

1 ***[21.]** *13.* This act shall take effect ***[July 1 next following**
2 **enactment]** *immediately except that section 4 shall not take effect
3 until July 1, 1975.*

STATEMENT

Inability to speak and understand the English language excludes certain national origin-minority group children from effective participation in the educational programs offered by school districts and therefore is in violation of the constitution. There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers and curriculum, because students who cannot understand English and thus the language of the classroom are effectively foreclosed from any meaningful education.

This bill is being submitted in accordance with the case of Kinney Kimmon Lau vs. Alan H. Nichols, et al. U. S. Supreme Court decided January 21, 1974.

SENATE COMMITTEE AMENDMENTS TO

SENATE, No. 811

STATE OF NEW JERSEY

ADOPTED APRIL 29, 1974

Amend page 1, title, line 2, after "schools", omit ", State aid for such programs and making an appropriation therefor".

Amend page 1, section 1, lines 13-15, after "public schools", delete remainder of sentence.

Amend page 3, section 8, lines 7-10, omit entire paragraph.

Amend page 3, section 9, lines 1-4, omit entire section.

Amend page 3, section 10, lines 1-5, omit entire section.

Amend page 3, section 11, lines 1-5, omit entire section.

Amend page 3, section 12, line 1, omit "12.", insert "9."; after "Education", insert "and the Chancellor of Higher Education".

Amend page 3, section 12, line 2, omit "the State Board of Education", insert "their respective boards".

Amend page 3, section 13, line 1, omit "13.", insert "10."

Amend page 3, section 13, line 5, after "relating to", omit "the administration of".

Amend page 4, section 14, lines 1-3, omit entire section.

Amend page 4, section 15, line 1, omit "15.", insert "11."

Amend page 4, section 16, lines 1-8, omit "16.", and entire section, and insert new section as follows:

"12. The State board and the State Board of Higher Education shall develop resources, programs, curriculum and instructional materials and undertake such other activities as will enable boards of education to provide programs pursuant to this act; the boards shall, where appropriate, jointly or cooperatively undertake such activities."

Amend page 4, section 17, lines 1-5, omit entire section.

Amend page 4, section 18, lines 1-4, omit entire section.

Amend page 4, section 19, lines 1-8, omit entire section.

Amend page 4, section 20, lines 1-2, omit entire section.

Amend page 4, section 21, line 1, omit "21.", insert "13.", after "effect", omit "July 1 next following enactment", insert "immediately except that section 4 shall not take effect until July 1, 1975".

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 811

STATE OF NEW JERSEY

DATED: APRIL 29, 1974

The inability to speak and understand English excludes certain children from effective participation in the educational programs provided in our schools.

Senate Bill No. 811 as amended by the Senate Education Committee addresses this problem in two phases. First, during the school year beginning July 1, 1974, the Departments of Education and Higher Education would be required to develop resources, materials and programs, including teacher education programs, and undertake such other activities as will assist and enable local school boards to provide programs for children with limited English speaking ability. Second, commencing with the school year beginning July 1, 1975, local boards of education would be required to provide bilingual education programs if there are 20 or more such children in the district.

The major goal of the bilingual education programs is to facilitate the integration of these children into the regular school program within three years. This would be accomplished by assisting the children in the normal development of language skills in their native language while concurrently teaching them English. As the child's ability to use and work in English increased, the use of the native language for classroom instruction would be reduced and finally eliminated. Such an approach allows these children to acquire the same knowledge and skills as would children without a language handicap while learning to function in English.

The funds necessary for the implementation of this bill for next year are included in the appropriations act. It is anticipated by the Education Committee that the funding of school district bilingual programs for the 1975-76 school year will be provided for in the new school aid program currently being developed by the Joint Education Committee.

The Departments of Education and Higher Education are both in favor of this bill and will be participating cooperatively in its implementation.

FROM THE OFFICE OF THE GOVERNOR

JANUARY 8, 1975

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

DICK CAMPBELL

Governor Brendan Byrne signed into law Wednesday a bill providing for bilingual education in the public schools.

The bill, S-811, sponsored by Senator Alexander J. Menza, D-Union, provides for programs of bilingual education in school districts with 20 or more pupils of limited English speaking ability in any one language classification.

In such districts, children of limited English speaking ability will receive instruction in both their native language and in English. The students will be entitled to participate in the bilingual education program for a period of three years.

Byrne said the new program is designed to ensure equal educational opportunity for all children regardless of their native environment or their fluency in the English language.

"Too many children must deal with the problem of coping with the public school program in a language that is unfamiliar to them," said the Governor. "This new law recognizes the special educational needs of children of limited English speaking ability, and will help overcome the obstacle to a quality education."

He said the bilingual education program will help ease the integration of non-English speaking pupils into the regular public school curriculum.

The bill provides for the State Commission of Education and the Chancellor of Higher Education to establish rules and regulations to implement the program.

The measure provides for bilingual education in all courses required by law; a full-time program of instruction in the aural comprehension, speaking, reading and writing of the pupil's native language and English; and a full-time program of instruction in the history and culture of both the native land of the pupil and of the United States.

In subjects in which verbalization is not essential, such as music, art or physical education, pupils of limited English speaking ability will participate fully in the regular classes.

The bill also provides for the establishment of a State Advisory Committee on Bilingual Education to assist the Department of Education and the Department of Higher Education in implementing the law.

The provision for bilingual education programs in the public schools is effective July 1.

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