

18A:35-22

LEGISLATIVE HISTORY CHECKLIST
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(Bilingual education)

NJSA: 18A:35-22

LAWS OF: 1995 **CHAPTER:** 327

BILL NO: S1492

SPONSOR(S): Ewing and others

DATE INTRODUCED: October 3, 1994

COMMITTEE: **ASSEMBLY** Education

SENATE: Education

AMENDED DURING PASSAGE: Yes Amendments during passage
Second reprint enacted denoted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** February 27, 1995

SENATE: December 15, 1994

DATE OF APPROVAL: January 5, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

[SECOND REPRINT]

SENATE, No. 1492

STATE OF NEW JERSEY

INTRODUCED OCTOBER 3, 1994

By Senators EWING, PALAIA and Scott

1 AN ACT concerning bilingual education, amending ¹and
2 supplementing¹ P.L.1974, c.197 ¹[and repealing P.L.1991,
3 c.12]¹.

4
5 BE IT ENACTED *by the Senate and General Assembly of the*
6 *State of New Jersey:*

7 1. Section 8 of P.L.1974, c.197 (C.18A:35-22) is amended to
8 read as follows:

9 8. Each school district shall notify by mail the parents of the
10 pupils of limited English-speaking ability of the fact that their
11 child has been [enrolled] identified as eligible for enrollment in a
12 program of bilingual education. [In addition, whenever a school
13 district determines, on the basis of a pupil's level of English
14 proficiency, that a pupil should exit from a program of bilingual
15 education the district shall notify the parents of the pupil by
16 mail.] Such notice shall include the information that the parents
17 have the option of declining enrollment of their child in a
18 bilingual program, and they shall be given an opportunity to
19 decline enrollment if they so choose. The notice shall be in
20 writing and in the language of which the child of the parents so
21 notified possesses a primary speaking ability, and in English. ¹In
22 addition, whenever a school district determines, on the basis of a
23 pupil's level of English proficiency, that a pupil should exit from
24 a program of bilingual education the district shall notify the
25 parents of the pupil by mail.¹

26 **The** board shall provide for the maximum practicable
27 involvement of parents of children of limited English-speaking
28 ability in the development and review of program objectives and
29 dissemination of information to and from the local school
30 districts and communities served by the bilingual education
31 program within existing State law.

32 (cf: P.L.1991, c.12, s.3)

33 ¹[2. P.L.1991, c.12 (C.18A:35-19.1 et seq.) is repealed.]¹

34 ¹2. (New section) A parent or guardian may remove a pupil
35 who is enrolled in a bilingual education program at any time;
36 except that ²[if a parent or guardian wishes to remove a pupil
37 from a bilingual education program]² during the first three years
38 of a pupil's participation in a bilingual education program, ²a
39 parent or guardian may only remove the pupil at the end of each
40 school year. If a parent or guardian wishes to remove the pupil
41 prior to the end of each school year,² the removal shall be
42 approved by the county superintendent of schools. If the county
43 superintendent determines that the pupil should remain in the

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SED committee amendments adopted November 10, 1994.

² Assembly AED committee amendments adopted February 6, 1995.

1 bilingual education program ²until the end of the school year ² ,
2 the parent may appeal the county superintendent's decision to
3 the Commissioner of Education, or his designee, pursuant to the
4 provisions of section 2 of P.L.1991, c.12 (C.18A:35-19.2). The
5 commissioner's decision shall be rendered within 30 days of the
6 filing of the appeal. ¹

7 3. This act shall take effect on July 1 next following the date
8 of enactment.

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13 Requires parental consent for placement of child in a bilingual
14 education program.

SENATE, No. 1492

STATE OF NEW JERSEY

INTRODUCED OCTOBER 3, 1994

By Senators EWING, PALAIA and Scott

1 AN ACT concerning bilingual education, amending P.L.1974,
2 c.197 and repealing P.L.1991, c.12.

3

4 BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:

6 1. Section 8 of P.L.1974, c.197 (C.18A:35-22) is amended to
7 read as follows:

8 8. Each school district shall notify by mail the parents of the
9 pupils of limited English-speaking ability of the fact that their
10 child has been [enrolled] identified as eligible for enrollment in a
11 program of bilingual education. [In addition, whenever a school
12 district determines, on the basis of a pupil's level of English
13 proficiency, that a pupil should exit from a program of bilingual
14 education the district shall notify the parents of the pupil by
15 mail.] Such notice shall include the information that the parents
16 have the option of declining enrollment of their child in a
17 bilingual program, and they shall be given an opportunity to
18 decline enrollment if they so choose. The notice shall be in
19 writing and in the language of which the child of the parents so
20 notified possesses a primary speaking ability, and in English.

21 The board shall provide for the maximum practicable
22 involvement of parents of children of limited English-speaking
23 ability in the development and review of program objectives and
24 dissemination of information to and from the local school
25 districts and communities served by the bilingual education
26 program within existing State law.

27 (cf: P.L.1991, c.12, s.3)

28 2. P.L.1991, c.12 (C.18A:35-19.1 et seq.) is repealed.

29 3. This act shall take effect on July 1 next following the date
30 of enactment.

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STATEMENT

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35 This bill provides that a school district would notify by mail the
36 parents of a child who has been identified as eligible for
37 enrollment in a program of bilingual education. The notice would
38 include the information that the parents may decline the
39 enrollment of their child in a program of bilingual education, and
40 the bill provides that they would be given an opportunity to
41 decline the enrollment if they so choose. Under the current
42 statute, the parents are notified after the child has been enrolled
43 in a bilingual education program.

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

Matter underlined thus is new matter.

1 The bill also repeals P.L.1991, c. 12 (C.18A:35-19.1 et seq.)
2 which provided criteria for the placement of a pupil in the
3 English-only program and a procedure for parents and teaching
4 staff members to use in appealing the placement decision.

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9 Requires parental consent for placement of child in a bilingual
10 education program.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 1492

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 30, 1995

The Assembly Education Committee favorably reports Senate Bill No. 1492 (1R) with committee amendments.

As amended by committee, this bill requires a school district to notify by mail the parents of a child who has been identified as eligible for enrollment in a program of bilingual education. The notice would include the information that the parents may decline the enrollment of their child in a program of bilingual education, and the bill provides that they would be given an opportunity to decline the enrollment if they so choose. Under the current statute, the parents are notified after the child has been enrolled in a bilingual education program.

In addition, the bill provides that while parents may remove a pupil who is enrolled in a bilingual education program at any time, during the first three years of a pupil's participation in a bilingual education program, a parent or guardian may only remove the pupil at the end of each school year. If a parent or guardian wishes to remove a pupil prior to the end of each school year, the removal must be approved by the county superintendent of schools. If the county superintendent determines that the pupil should remain in the bilingual education program, the parents may appeal the decision to the Commissioner of Education, or his designee, pursuant to the provisions of the current appeal process.

The committee amended the bill to provide that during the first three years of a pupil's participation in a bilingual education program, a parent or guardian may remove the pupil at the end of each school year and to require that if during that three year period a parent or 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.

As amended by committee, this bill is identical to Assembly Bill No. 2181 with Assembly committee amendments.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1492

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 1, 1994

The Senate Education Committee favorably reports Senate Bill No. 1492 with committee amendments.

As amended, this bill requires a school district to notify by mail the parents of a child who has been identified as eligible for enrollment in a program of bilingual education. The notice would include the information that the parents may decline the enrollment of their child in a program of bilingual education, and the bill provides that they would be given an opportunity to decline the enrollment if they so choose. Under the current statute, the parents are notified after the child has been enrolled in a bilingual education program.

In addition, the bill provides that while parents may remove a pupil who is enrolled in a bilingual education program at any time, if they wish to remove the pupil during the first three years of the pupil's participation in the program, the removal must be approved by the county superintendent of schools. If the county superintendent determines that the pupil should remain in the bilingual education program, the parents may appeal the decision to the Commissioner of Education, or his designee, pursuant to the provisions of the current appeal process.

The committee amended the bill to omit the deletion of the current appeal process and to require that if the parents wish to remove a child from a bilingual program during the first three years of participation, the removal must be approved by the county superintendent.