Policy Considerations for Newcomers

Supporting English language Learners
Pathways to College and Career
Enrollment for All
Growth in ELL Enrollment
<table>
<thead>
<tr>
<th>Year</th>
<th>Country</th>
<th>Population</th>
<th>Year</th>
<th>Country</th>
<th>Population</th>
<th>Year</th>
<th>Country</th>
<th>Population</th>
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</thead>
<tbody>
<tr>
<td>1910</td>
<td>Germany (122,880)</td>
<td>Italy (157,285)</td>
<td>1920</td>
<td>Italy (190,858)</td>
<td>Italy (169,063)</td>
<td>1930</td>
<td>Germany (87,692)</td>
<td>Russia (77,782)</td>
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<tr>
<td></td>
<td>Italy (115,444)</td>
<td>Germany (92,382)</td>
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<td>Germany (112,753)</td>
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<td></td>
<td>Poland (102,573)</td>
<td>Russia (55,307)</td>
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<td></td>
<td>Russia (93,566)</td>
<td>Poland (90,419)</td>
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<td>Poland (77,782)</td>
<td>Poland (77,782)</td>
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<tr>
<td></td>
<td>Ireland (82,749)</td>
<td>Russia (73,527)</td>
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<td>Russia (55,307)</td>
<td>Poland (77,782)</td>
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<td>Austria (56,778)</td>
<td>England (46,781)</td>
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<td>Ireland (44,702)</td>
<td>Poland (77,782)</td>
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<td>1950</td>
<td>Italy (150,680)</td>
<td>Italy (525,100)</td>
<td>1960</td>
<td>Italy (116,444)</td>
<td>Cuba (68,096)</td>
<td>1970</td>
<td>Germany (57,164)</td>
<td>Poland (40,768)</td>
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<td>Germany (75,823)</td>
<td>Germany (250,367)</td>
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<td>Russia (55,307)</td>
<td>Poland (40,768)</td>
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<td></td>
<td>Poland (69,404)</td>
<td>Poland (238,532)</td>
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<td>Poland (40,768)</td>
<td>Poland (40,768)</td>
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<td>USSR (50,620)</td>
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<td>England* (35,505)</td>
<td>USSR (153,052)</td>
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<td>1990</td>
<td>Italy (70,451)</td>
<td>India (119,497)</td>
<td>2000</td>
<td>India (206,050)</td>
<td>Mexico (129,852)</td>
<td>2010</td>
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<td></td>
<td>Cuba (62,867)</td>
<td>Dominican Republic (91,316)</td>
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<td>India (52,347)</td>
<td>Philippines (69,773)</td>
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<td>Colombia (40,404)</td>
<td>Colombia (69,754)</td>
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<td>China (83,139)</td>
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<td>Poland (39,305)</td>
<td>Mexico (67,667)</td>
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<td>Korea (77,810)</td>
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</tbody>
</table>

**TOP 5 in NJ**
Concentration of Newcomers
Accessible Registration and Enrollment

• Prohibited from requesting any documents that may reveal a parent’s or a family’s immigration status
• May not ask questions of students or parents that may expose their undocumented status
• Exclude any practices that may hinder or discourage parents from registering and enrolling their child in school

Age, Enrollment, and Residency

• **OAL Decision**: [http://lawlibrary.rutgers.edu/oal/html/initial/edu08740-07_1.html](http://lawlibrary.rutgers.edu/oal/html/initial/edu08740-07_1.html)

• **N.J.A.C. 6A:22-3.3**
  - Immigration/visa status shall not affect eligibility to attend school (does not apply to tuition students on a limited basis – F1 visa students)
  - Districts must provide “immediate” enrollment to unaccompanied minors

• **Plyler v. Doe**
  - Undocumented children cannot be denied enrollment
Age, Enrollment, and Residency (cont’d)

• School districts must **not** delay or deny attendance based on their non-receipt of:
  
  – A certified copy of the child’s birth certificate or other proof of identity. This is required within 30 days of initial enrollment *(N.J.A.C. 6A:22-4.1(g); N.J.S.A. 18A:36-25.1)*;
  
  – Medical information, although attendance at school may be deferred while awaiting immunization records *(N.J.A.C. 6A:22-4.1(h); N.J.A.C. 8:57-4)*; or
  
  – The child’s prior educational record pursuant to *(N.J.A.C. 6A:22-4.1(i))*
ACLU-NJ Findings

• Lawsuit in 2016 – 5 NJ school districts and charter violate 1982 Supreme Court Decision, Plyer v. Doe

• Lawsuit in 2014 -136 NJ school districts imposed illegal barriers to immigrant student enrollment
  – It is illegal to require state identification or drivers license

• Importance of clear messaging, communication, and actual enrollment practices
Appropriate ELL Identification

The identification of ELLs must be in compliance with New Jersey Regulations
N.J.A.C. 6A:14-3.4(f); N.J.A.C. 6A:15-1.3(a)2; N.J.A.C. 6A:15-1.3(b); N.J.A.C. 6A:15-1.3(b); P.L. 1995 c.327

– Meet federal regulatory guidance
– Comply with office of civil rights
– Home language survey
– Multi-step process
– Department approved ELP test and multiple indicators
Foreign Transcripts

• Each district must have a policy for enrolling ELLs, which includes review of previous/available academic records and native language assessments (N.J.A.C. 6A:15-1.3(a-b))

• It is the school district responsibility to evaluate foreign transcripts
  – Develop SOP for evaluation
  – Person responsible
  – Timeframe
  – Communication with parents and student
# Do’s and Don’ts

## TRANSLATING FOREIGN TRANSCRIPTS: VALID & TIMELY

<table>
<thead>
<tr>
<th>DO’s</th>
<th>DON’Ts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Examine official documents for authenticity</td>
<td>Documents with white out, cross-outs, or other markings not original to the document may not be accepted</td>
</tr>
<tr>
<td>Ensure transcripts in a language other than English are translated by a competent translator</td>
<td>Documents translated by family members may not be accepted as official documents</td>
</tr>
<tr>
<td>Interview the student and parent/guardian to review the transcript and prior studies in order to obtain clarification</td>
<td>Paraphrased or interpretive translations or evaluation of information are not permitted</td>
</tr>
<tr>
<td>Consult with a Country Index to assist with conversion of grades</td>
<td>Do not delay or deny grade and program placement</td>
</tr>
<tr>
<td>Determine eligibility for course and/or exam waivers.</td>
<td></td>
</tr>
<tr>
<td>Update credit transfer on student’s official transcripts</td>
<td></td>
</tr>
<tr>
<td>Notify and consult with receiving teachers and department supervisors or heads</td>
<td></td>
</tr>
<tr>
<td>Establish a procedure for informing student and parent of the results of the evaluation</td>
<td>Language may not be used as a valid reason for not communicating with parents</td>
</tr>
</tbody>
</table>
Transfer Credits

• Award transfer credits if:
  – Transcript and other records indicate that the work is consistent with New Jersey Student Learning Standards
  – Work is comparable scope and quality to that which would have been done in the district

• Determine eligibility for course and/or exam waivers and transfer credits consistent with district and state policy.
Examples of Transfer Credits

• **World Language** - if the student is identified as an ELL and participating in a bilingual or ESL program, the student is learning a second language and does not need to take World Language (N.J.A.C. 6A:8-5.1(b)4)

• **Individualized learning opportunities** - the 120-credit requirement may be met in whole or part through completion of a range of experiences. (N.J.A.C. 6A:8-5.1(a)(2)(i)).
Grade Placement By Age

• Ensure students not placed in grade level far below age

• Maximize student’s ability to meet grade-level standards and graduation requirements within a reasonable time

<table>
<thead>
<tr>
<th>AGE(S)</th>
<th>LEVEL ASSIGNED</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-10</td>
<td>Elementary School</td>
</tr>
<tr>
<td>11</td>
<td>Elementary school or middle school depending on grade level configuration of the foreign school</td>
</tr>
<tr>
<td>12-13</td>
<td>Middle School</td>
</tr>
<tr>
<td>14</td>
<td>Middle School or high school depending on grade level configuration of the foreign school</td>
</tr>
<tr>
<td>15 and older</td>
<td>High School</td>
</tr>
</tbody>
</table>

Example

Citation: A Guide for Placement of Students Presenting Foreign Transcripts, The District School Board of Pasco County
State Approved Alternative Programs for SIFEs

- Program requirements:
  - A maximum student-teacher ratio of 12:1 for high school programs;
  - A maximum student-teacher ratio of 10:1 for middle school programs;
  - An Individualized Program Plan (IPP) shall be developed for each student each student;
  - Individualized instruction to students shall address the New Jersey Student Learning Standards;
  - Instructional staff shall be appropriately certified;
  - Academic instruction sufficient to fulfill graduation requirements shall be provided to high school students;
  - Comprehensive support services and programs shall address each student's health, social and emotional development and behavior; and
  - A minimum student enrollment period of not less than two complete marking periods shall be required.
Federal Regulations for SIFEs

• U.S. Departments of Justice and Education (http://www2.ed.gov/about/offices/list/ocr/letters/collage-el-201501.pdf) (page 18)

• Age-appropriate curriculum; not “watered down”

• Access to core curriculum and grade-level standards

• Avoid unnecessary segregation; provide opportunities to interact with English-speaking peers
Considerations for Grade Level and Promotion Requirements

• Some schools may follow an “un-graded” approach, where students track progress based on credits earned and exams passed, but do not associate with particular grade levels.
• Some schools develop a grading policy for ELLs.
• Opportunities to attend summer school
• Assignment of graduation cohort placement
Graduation Requirements

Pursuant to N.J.A.C. 6A:15-1.11, all ELLs shall satisfy requirements for high school graduation according to N.J.A.C. 6A:8- 5.1(a). In addition, State law requires students to pass a statewide assessment to graduate from high school.

- 120-credit requirement
- State assessments
Multiple and Diverse Paths to Student Success

• **State Assessments** - *During the transition to PARCC, students are able to satisfy state requirements by demonstrating proficiency in alternate ways.*
  
  – **Accuplacer Write Placer ESL** (Passing score: 4)
  – **Portfolio Appeal** (may demonstrate in native language)

• **Option Two** (N.J.A.C. 6A:8-5.1(a)1ii )
  
  – Alternative to traditional high school courses
  – Involves in-depth experiences that focus on student interest and abilities
# High School Diploma

<table>
<thead>
<tr>
<th>Diploma Type/Recognition</th>
<th>Student Eligibility</th>
<th>Description/Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>High School Diploma</td>
<td>Any student that meets the graduation requirements (N.J.A.C. 6A:8-5.1)</td>
<td>See Above; Standards and Assessments, Portfolio, Option Two</td>
</tr>
<tr>
<td>Seal of Biliteracy</td>
<td>World language and English language learner students who meet the criteria</td>
<td>For more information about how students may demonstrate proficiency in English and one or more additional languages, <a href="http://www.state.nj.us/education/students/adulted/cp/passing.htm">click here</a></td>
</tr>
<tr>
<td>High School Diploma (GED HI-SET, TASC)</td>
<td>Individuals age 16 or older who are no longer enrolled in school and have not achieved high school credential</td>
<td>Pursuant to N.J.A.C. 6A:20-1.4, the Commissioner shall award a state issued based on achieving the Statewide standard score. (<a href="http://www.state.nj.us/education/students/adulted/cp/passing.htm">http://www.state.nj.us/education/students/adulted/cp/passing.htm</a>)</td>
</tr>
</tbody>
</table>
Resources

• US ED Newcomer Toolkit
• Annual Broadcast - Enrollment Considerations for Homeless and Immigrant Students
• Information on Specific ELL Populations
• Alternative Programs for SIFEs
The educator has the duty of not being neutral.

Paulo Freire
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Bureau of Bilingual/ESL Education

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www.state.nj.us/education
http://www.nj.gov/education/bilingual/

(609) 292-8777
Breakout Sessions

• ROOM 213
  Forging Partnerships to Serve Refugee Youth: A Case Study

• ROOM 214
  Developing a Newcomer Program for a Growing Population: A Panel Discussion
Breakout Sessions

• ROOM 215
  Understanding and Addressing the Social and Emotional Needs of ELLS

• AUDITORIUM
  Teaching SIFE Students in an ESL Program