

Resolution - English Learner

Whereas, it is the right of every child, regardless of national origin, home language, or citizenship status, to access a free public K-12 education;

Whereas, to make good on this right to a free and appropriate public education, federal law requires school districts to take affirmative steps to ensure that English Learner (EL) students can meaningfully participate in the educational program;

Whereas, in addition to federal laws governing the obligations of state and local education agencies vis-à-vis EL students, New Jersey has enacted statutes, N.J.S.A. 18A:35-15 to 26, and regulations, N.J.A.C. 6A:15, to protect and promote these students' rights;

Whereas, for ELs, effectuating these rights means providing regular language instruction programming as well as accommodations in the child's home language, with personalized attention to each student; Whereas, the COVID-19 pandemic has exacerbated existing racial, immigration status-related, and socioeconomic inequalities in New Jersey public schools, and may have diminished the quality of instruction many ELs received despite the special needs of this population;

Whereas, the Newark Board of Education ("Board") celebrates the language skills EL students and their families bring to school as valuable assets to their education, and is committed to creating a supportive and culturally affirming atmosphere for all students, regardless of national origin, home language, or citizenship status;

Whereas the Board has entered into a Settlement Agreement with the United States Department of Justice, which requires certain action to be taken for the benefit of the Board's EL students, and the provisions of this Resolution are consistent with that Settlement Agreement;

THEREFORE, BE IT RESOLVED THAT:

1. The school district shall continue to implement policies to support every student, regardless of national origin, home language, or citizenship status.
2. These policies include the measures described below. The school district shall implement these policies regardless of whether the school is operating in-person or remotely.
3. The school district reaffirms its obligation and shall continue to ensure that EL students have equal opportunities to meaningfully participate, including through nondiscriminatory access and language instruction and accommodation, in all curricular and extracurricular activities. These equal opportunities for meaningful participation apply to all courses necessary to meet the New Jersey Student Learning Standards for graduation and all additional programs and services designed to meet the special needs of eligible students.
4. The school district reaffirms its obligation and shall continue to screen all students, identifying EL students, and providing written notice to their parents or caregivers.

5. The school district's obligation to identify and serve EL students does not negate its obligation to evaluate students for disabilities and provide special education and related services or accommodations. The school district reaffirms its obligation and shall continue to providing each EL student with a disability access to both the EL and disability-related services to which the student is entitled by law.

6. The school district reaffirms its obligation and shall continue to provide EL students with the level of language instruction programming required by law in New Jersey under N.J.A.C. 6A:15-1.4.

7. The school district reaffirms its obligation and shall continue to exit an EL student from EL programming only if (1) valid and reliable criteria, including a grade-appropriate valid and reliable assessment of the student's English Language Proficiency level in each of the four language domains, indicate readiness OR (2) if the child's parent or caregiver declines services.

8. When the school district is operating in remote or hybrid learning, EL students may receive priority for in-person instruction, consistent with New Jersey Department of Education guidance.

9. The school district shall continue to ensure that all teachers who provide instruction to ELs, all supervisors and administrators who evaluate teachers who provide instruction to ELs, and all staff members who provide services to ELs have access to relevant, linguistically and culturally sustaining professional development opportunities.

10. The school district shall continue to recruit bilingual and/or Black, Indigenous, and people of color educators, mental health professionals, counselors, and administrators, who are currently underrepresented in the New Jersey PK-12 educational system, in order to ensure that the racial, ethnic, and linguistic demographics of Newark's diverse student population are reflected in the school workforce.

11. The school district reaffirms its obligation and shall continue to ensure that parents and caregivers whose primary language is not English receive communications in a language they understand about any program, service, or activity called to the attention of parents who are proficient in English. The district reaffirms its obligation and shall continue to provide appropriate translation and interpretation services to parents and caregivers of both EL and non-EL students who need those services.

12. The school district reaffirms its obligation and shall continue to foster the involvement of parents of ELs in the development and review of EL programs and in the dissemination of information to the communities served by these programs, including through the involvement of a parent advisory committee.

13. The school district reaffirms its obligation and shall continue to avoid any practices that have the effect of chilling enrollment by undocumented students, and reaffirms its obligation to refrain from requesting immigration-related documentation in order to allow a child to enroll or stay in school (with the limited exception of students who are applying for F-1 visas to study in the

United States). The district reaffirms its obligation to give students, parents, and caregivers flexibility in the type of documentation they can provide to enroll or stay in school by complying with N.J.A.C. 6A:22-3.4.

14. The school district shall continue to follow Fair and Welcoming principles to minimize the risk that participation in school will bring families into contact with Immigration and Customs Enforcement (ICE). These principles include prohibiting ICE agents from entering school grounds or accessing school records unless absolutely required by law.

15. The school district commits to devising and implementing affirmative steps to find and engage EL students who lost contact with district schools during the pandemic. Of particular concern to the district are very young students, students who lacked access to remote learning or the Internet, and older students who lost engagement and are at risk of dropping out.