



STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION

Bilingual Education

N.J.A.C. 6A:15

Background

Purpose of Regulations: To establish programs for limited English proficient students to ensure their equal educational opportunity and recognize their individual needs.

State Board Action: Readoption with amendments (previously amendments recommended by the Transformation Task Force)

Sunset date: September 16, 2015

State Board First Discussion Level: June 3, 2015

Growth of New Jersey's English Language Learners

2011-2012	2012-2013	2013-2014
57,034	61,631	68,396

General Changes

- Clarify existing rules
- Make consistent with state and federal requirements
- Correct grammar, reorganize, make stylistic changes
- Correct citations
- Replace “limited English proficient students” or “LEP students” with “English language learner” or “ELL” throughout.

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- **N.J.A.C. 6A:15-1.1(b) *General Requirements***

Removes the term “funded” when referencing educational programs and services for ELLs since the School Funding Reform Act of 2008 no longer provides categorical aid for bilingual education.

- **N.J.A.C. 6A:15-1.2 *Definitions***

Adds a definition for “district board of education” including the charter school board of trustees for clarity.

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- **N.J.A.C. 6A:15-1.2 *Definitions (cont.)***
 - Revises “English as a second language program” to clarify that based on their needs, students may receive more than two periods of ESL instruction per day. The current language suggests that school districts are limited to two periods of ESL instruction per day.
 - Changes terminology from “Limited English Proficient” to “English language learner” to use currently accepted terminology and to clearly define a student whose native language is other than English and who is in the process of learning English.
 - Refers to any student in bilingual education, English as a second language and English language services programs rather than those at the lowest levels of proficiency.

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- **N.J.A.C. 6A: 15-1.4 (f) and 1.4(g) *Required bilingual programs for limited English proficient students* and 1.13(c) *Notification***

Amended to active voice to clearly establish that the district board of education is responsible to, respectively,

- Develop ELL plans when sufficient numbers of students are not available to form a bilingual class in a subject area;
- Develop additional programs and services to address the unique needs of ELLs beyond language assistance; and
- Demonstrate and document “unreasonable burden” if unable to write progress reports for parents in their native language.

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- **N.J.A.C. 6A:15-1.4(a) *Required bilingual programs for limited English proficient students***

Replaces “N.J.S.A. 18A:7F-4” with “N.J.S.A. 18A:7F-46” to reference the correct citation and updates the reference to the New Jersey Preschool Program Implementation Guidelines by replacing “2010” with “2014”

- **N.J.A.C. 6A:15-1.6 *Approval procedures***

For consistency with SFRA, deletes requirement for school districts’ program plan to articulate how the bilingual categorical aid funds are directly related to the bilingual/ESL program instructional services and materials.

- **N.J.A.C. 6A:15-1.13(a) *Notification***

For consistency with Federal regulations, specifies that school districts must notify parents of their child’s eligibility for enrollment in a bilingual, ESL or English language services program **within 30 days** of the child being identified for eligibility.