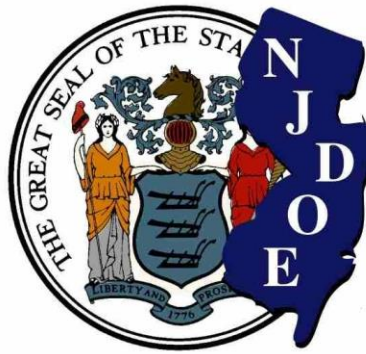


# Implementing English Language Learner Program Services in New Jersey

*A Summary of Program Review Based on N.J.A.C. 6A:15*



**New Jersey Department of Education  
Office of Supplemental Educational Programs  
Bureau of Bilingual/ESL Education**

# **Implementing English Language Learner Program Services in New Jersey**

## **A Summary of Program Review Based on N.J.A.C. 6A:15**

David C. Hespe, Commissioner  
New Jersey Department of Education

Susan Martz, Assistant Commissioner  
Division of Learning Supports and Specialized Services

Karen L. Campbell, Director  
Office of Supplemental Educational Programs

### **Acknowledgements**

Special thanks to Natasha Agrawal for coordinating the resources and input used to create this document.

**1<sup>st</sup> Edition**  
**Released in May 2016**



## Introduction

The guidance in this document is intended to provide assistance to district boards of education (including charter schools/renaissance school projects) and staff regarding the Three-Year Plan and Bilingual Education Program Waiver review processes. These processes allow for oversight of the implementation of English language learner (ELL) programs. The New Jersey Bilingual Education Code (bilingual code), which outlines rules and regulations for Bilingual, English as a second language (ESL), and English language services (ELS) programs in New Jersey, is based on N.J.S.A. 18A.35-15 through 26. The bilingual code ([N.J.A.C. 6A:15-1.1 et seq.](#)) gives authority to the New Jersey Department of Education (Department) to develop approval criteria for the Bilingual Education Program Waiver ([N.J.A.C. 6A:15-1.5](#)) and the Three-Year Plan ([N.J.A.C. 6A:15-1.6](#)). *Implementing English Language Learner Program Services in New Jersey* outlines these criteria based on the Department’s regulatory authority to approve Three-Year Plans and Bilingual Education Program Waivers.

### Areas of Program Review in N.J.A.C. 6A:15-1.1 et seq.

Three-Year Plan Review	Bilingual Education Program Waiver Review
<ul style="list-style-type: none"> <li>• Identification of students ..... page 4</li> </ul>	<ul style="list-style-type: none"> <li>• Age range ..... page 15</li> </ul>
<ul style="list-style-type: none"> <li>• Program descriptions ..... page 6</li> </ul>	<ul style="list-style-type: none"> <li>• Grade span ..... page 15</li> </ul>
<ul style="list-style-type: none"> <li>• Number of certified staff hired for the program ..... page 8</li> </ul>	<ul style="list-style-type: none"> <li>• Geographic location ..... page 16</li> </ul>
<ul style="list-style-type: none"> <li>• Bilingual and ESL curriculum development ..... page 10</li> </ul>	<ul style="list-style-type: none"> <li>• Achievement data ..... page 16</li> </ul>
<ul style="list-style-type: none"> <li>• Evaluation design ..... page 10</li> </ul>	
<ul style="list-style-type: none"> <li>• Review process for exit ..... page 11</li> </ul>	



# Overview of Three-Year Plan Review Components

## Introduction

Every three years, or when a program type (see [Appendix A](#)) is added or eliminated, districts with one or more ELLs must submit a Three-Year Plan to the Department for approval. At its discretion, the Department may request modifications according to criteria established by N.J.A.C. 6A:15-1.1 et seq. The Department has established the guidelines below to ensure that districts adhere to the regulations when developing their Three-Year Plan. Plans must include information on the following: identification of students, program description, the number of certified staff hired for the program, bilingual and ESL curriculum development, evaluation design, and the review process for exit.



## Three-Year Plan Component: Identification of Students

**Applicable 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**

- **Home-Language Survey** (*initial identification step 1*)

Districts must determine all students' native languages at enrollment and actively maintain a census of all enrolled students. [Federal regulatory guidance](#) requires that districts include, at a minimum, the following questions on a **home-language survey**:

1. What is the primary language used in the home, regardless of the language spoken by the student?
2. What is the language most often spoken by the student?
3. What is the language that the student first acquired (Lhamon & Gupta, 2015)?

**Note:** These three questions represent minimum requirements for districts. Questions can be added to appropriately gather additional information about home language use.

- **Screening Process** (*initial identification step 2*)

Districts must develop a screening process, initiated by a home-language survey, to determine which students, of those whose native language is other than English, must be tested to determine English language proficiency (ELP). A certified teacher must screen all students whose native language is other than English. The screening process must distinguish students who are proficient English speakers and need no further testing. The screening must include the following multiple sources, at a minimum:

- Observations based on oral interviews with student and/or parent/guardian;
- Review of available records (may include native language assessments); and
- Standard district entrance assessments (e.g., basic skills screeners).

Districts also may want to include parent/guardian interviews, native-language arts, and math screeners to identify English language learners (ELLs) who are students with a limited or interrupted formal education (SLIFE). SLIFE are a subset of newcomers to U.S. schools, who have a limited background in literacy and/or interrupted schooling. They also are below grade level in content skills (Freeman & Freeman, 2002). These students are defined as ELLs, above the age of seven, who:

- Have missed more than six consecutive months of formal schooling prior to enrolling in a U.S. school; and/or
- Are more than two years below grade level in content due to limited educational supports prior to enrolling in a U.S. school.



- **Multiple Indicators for Identification** (*initial identification step 3*)

Districts must use the following multiple indicators/measures to determine the ELP of kindergarten to 12th-grade (K-12) students identified as possible ELLs in step 2:

- Administering a Department-approved English language proficiency test (ELP test) ([http://www.nj.gov/education/bilingual/resources/prof\\_tests.htm](http://www.nj.gov/education/bilingual/resources/prof_tests.htm));
- Assessing the level of reading in English;
- Reviewing the previous academic performance of students, including their performance on standardized tests in English (if applicable); and
- Reviewing the input of teaching staff that educate ELLs.

Students who do not meet the Department standard on a Department-approved ELP test and who have at least one other indicator/measure must be considered ELLs.

- **Parent/Guardian Notification for Entrance** (*initial identification step 4*)

Parents/guardians must be notified of program placement (see "[Program Description](#)" for more information) by mail within 30 days of identification in their primary language. The format must be understandable and uniform. The letter must address:

- Why the student was identified as an ELL;
- Why the student needs to be placed in a language instructional educational program that will help him/her develop and attain English proficiency and meet State academic standards;
- The student's ELP level, how the level of ELP was assessed, and the student's academic level;
- The method of instruction the school district will use to serve the student, including a description of other instruction methods available and how the methods differ in content, instructional goals, and the use of English and a native language, if applicable;
- How the program will meet the student's specific needs in attaining English and meeting State standards;
- The program's exit requirements, the expected rate of transition into a classroom not tailored for ELLs, and, in the case of high school students, the expected rate of graduation; and
- How the instructional program will meet the objectives of the individualized education program of a student with a disability.

See <http://www.nj.gov/education/bilingual/title3/accountability/notification/letters/> for a sample letter and translations.



- **Identifying ELLs who are Eligible for Special Education Services**

ELLs can be referred and/or evaluated for special education and related services while receiving bilingual/ESL/ELS services. Neither Federal nor State regulations prohibit a student who is receiving bilingual/ESL/ELS services from being evaluated for special education service. According to N.J.A.C. 6A:14-3.4(f):

An initial evaluation shall consist of a multi-disciplinary assessment in all areas of suspected disability. Such evaluation shall include at least two assessments and shall be conducted by at least two members of the child study team in those areas in which they have appropriate training or are qualified through their professional licensure or educational certification and other specialists in the area of disability as required or as determined necessary...

An ELL who is determined eligible for special education and related services or eligible for speech-language services must continue to receive bilingual/ESL/ELS services. Districts should consider embedding special education services in existing bilingual/ESL/ELS classes to provide the services in the general education setting.

## Three-Year Plan Component: Program Description

**Applicable New Jersey Regulations: N.J.A.C. 6A:15-1.2; N.J.A.C. 6A:15-1.8(b); N.J.A.C. 6A:15-1.15(b)**

- **Program Types**

Districts with small ELL populations are required to provide ELS or ESL depending on population size. Districts with populations of 20 or more ELLs in a single language group must provide a full-time bilingual program for ELLs in that language group. Districts can request a waiver for any specific grade level(s) to provide part-time alternative programs if it is impractical to offer full-time programs due to age range, grade span, and/or geographic location (see [“Overview of Bilingual Waiver Review Criteria”](#) for more).

Programs for Small ELL Populations	Alternatives to Full-Time Programs	Full-Time Programs
<ul style="list-style-type: none"> <li>• English Language Services</li> <li>• English as a Second Language*</li> </ul> <p>* Always a component of bilingual program types</p>	<ul style="list-style-type: none"> <li>• Sheltered Instruction</li> <li>• High-Intensity ESL</li> <li>• Bilingual Tutorial</li> <li>• Bilingual Resource</li> <li>• Bilingual Part-Time</li> </ul>	<ul style="list-style-type: none"> <li>• Full-Time Bilingual (Transitional Bilingual)</li> <li>• Dual Language (Two Way Immersion)</li> </ul>



- **Program Design Considerations:**
  - ELLs with lower ELP may need more instructional support than ELLs with higher ELP;
  - Various ELS/ESL/bilingual program models including co-teaching, small-group work, and pull-out programs may be effective. Program model effectiveness depends on district factors (e.g. ELP levels, schedules, and staffing);
  - ESL programs must support ELLs' ability to access the content and language of their subject-area classes;
  - ELLs in all program types (except for ELS) must receive at least one period of instruction every day by a certified ESL teacher (a period is the time allocated in the school schedule for instruction in core subjects);
  - Since the bilingual code does not take some scheduling practices into account for ESL scheduling, middle school and high school programs using block scheduling can provide weekly instruction that is the equivalent to at least one period for each day of school in a given week. For example, if there are five school days in a week, a student must receive the equivalent of 5 periods of ESL instruction in that week. Only districts using block scheduling will be permitted the alternative scheduling described; and
  - All district boards of education shall also provide appropriate instructional programs to eligible preschool ELLs based on need according to the New Jersey [Preschool Program Implementation Guidelines](#).
  
- **Staff Considerations:**
  - ESL-certified teachers are qualified to fulfill the English language arts requirements for ELLs; and
  - District boards of education must develop a plan for training bilingual, ESL, and mainstream teachers/administrators based on their needs, and include instructional strategies to help ELLs meet the [New Jersey Core Curriculum Content Standards](#) (NJCCCS) and the [WIDA English Language Development](#) (WIDA ELD) Standards.
  
- **Parent Considerations:**
  - All districts with full-time bilingual programs or alternatives to full-time programs must establish a parent advisory committee on bilingual/ESL education of which the majority membership must be parents/guardians of ELLs. The committee must meet multiple times per year.

**Note:** See [Appendix A](#) for a detailed description of specific programs types.





## Three-Year Plan Component: Number of Certified Staff Hired for the Program

Applicable New Jersey Regulations: N.J.A.C. 6A:15-1.6(a)1.iii; N.J.A.C.6A:13-3.1(b); N.J.A.C. 6A:32-1 et seq.; P.L. 2007, c. 260; N.J.A.C. 6A:13-3.1

- **Numbers of Certified Staff and Class Size**

Districts should hire the appropriate number of bilingual/ESL-certified staff to ensure that class sizes do not exceed the numbers indicated below. Class sizes are based on grade level, program type, and ELP. More information about ELP levels can be found at: [https://www.wida.us/standards/RG\\_Performance%20Definitions.pdf](https://www.wida.us/standards/RG_Performance%20Definitions.pdf).

In addition, research has shown that small group interventions have a strong impact on ELLs who are at risk in reading. Class size maximums allow teachers to organize their classroom to provide these research-based interventions (U.S. Department of Education, Institute of Education Sciences (IES), 2007, p. 15).

Note: The following charts are a framework for the maximum number of students for ESL and bilingual classes. *In most cases, class sizes should fall well below class size maximums.* Districts should adhere to best practices when making decisions about class structure and size.

Framework for Bilingual Class Size Maximums*		
	Classes including ELP 1-2 students	Classes including only ELP 3 and higher students
K-1	21 Students	25 Students
2-12	18 Students**	25 Students

\*These class size maximums will be in effect starting with the June 2017 collection of the Three-Year Plan and are based on feedback from the New Jersey Bilingual Advisory Committee, stakeholders, and application of research (IES, 2007). Districts will need to provide a significant justification if maximums are exceeded.

\*\*These class sizes also reflect maximum size for classes with SLIFEs.



Framework for ESL Class Size Maximums*		
	Classes including ELP 1-2 students	Classes including only ELP 3 and higher students
K-1	21 Students	25 Students
2-12	15 Students**	20 Students

\*These class size maximums will be in effect starting with the June 2017 collection of the Three-Year Plan and are based on feedback from the New Jersey Bilingual Advisory Committee, stakeholders, and application of research (IES, 2007). Districts will need to provide a significant justification if maximums are exceeded.

\*\*These class sizes also reflect maximum size for classes with SLIFEs.

**Note for all program types:** Class size in school districts in which 40 percent or more of the students are “at-risk”, as defined in [P.L. 2007, c. 260](#), shall not exceed 21 students in grades kindergarten through three, 23 in grades four and five, and 24 students in grades six through 12; provided that if the district chooses to maintain lower class sizes in grades kindergarten through three, class sizes in grades four and five may equal, but not exceed, 25. “At-risk pupils”, as defined in P.L. 2007, c. 260, means those resident pupils from households with a household income at or below the most recent federal poverty guidelines available on October 15 of the prebudget year.

- **Number of Certified Staff and Grade Span**

Districts should hire the appropriate number of staff to ensure that students are grouped appropriately for their grade.

**Note:** The following charts show the recommended maximum grade grouping for ESL and bilingual classes. *In most cases, groupings should be specific to each individual grade.* Districts should adhere to best practices when making decisions about grade span.

ESL Grade Span Maximums				
K-1	1-3	2-5	4-8	9-12

Bilingual Grade Span Maximums							
K	1-2	2-3	3-4	4-5	5-6	6-8	9-12



## Three-Year Plan Component: Bilingual and ESL Curriculum Development

**Applicable New Jersey Regulations: N.J.A.C. 6A:15-1.8(A); N.J.A.C 6A:15-1.4(d); N.J.A.C. 6A:15-1.4(c)**

- **Curriculum Development Requirements**

Bilingual education curriculum must:

- Prepare ELLs to acquire sufficient English skills and content knowledge to meet [NJCCCS](#);
- Align with [NJCCCS](#), all of the [WIDA ELD standards](#), and the use of two languages; and
- Attain adoption by the district board of education.

ESL curriculum must:

- Align with all of the [WIDA ELD standards](#);
- Attain adoption by the district board of education; and
- Cross reference the school district's content area curricula (including bilingual education, if applicable) to ensure that ESL instruction is correlated to all content areas.

- **Curriculum Training Requirements**

All bilingual and ESL teachers must receive training in the use of the ESL curriculum.

## Three-Year Plan Component: Evaluation Design

**Applicable New Jersey Regulations: N.J.A.C. 6A:15-1.6(a)1.v; 6A:15-1.13**

- **Student Evaluation Design**

Districts should evaluate the progress of ELLs with valid assessment measures which take the language of instruction, as well as the ELP level of ELLs, into consideration. In addition, all ELLs must be assessed annually with an ELP test (including students whose parents/guardians refused program services). [Federal regulatory guidance](#) requires districts to use these and other evaluations to conduct internal program reviews every two years to ensure, "that the EL programs were in fact reasonably calculated to enable EL students to attain parity of participation in the standard instructional program within a reasonable length of time" (Lhamon & Gupta, 2015, p. 35).



- **Evaluation Reports for Parents**

Each district must send progress reports to parents/guardians of students enrolled in bilingual, ESL, or English language services programs in the same manner and frequency as progress reports are sent to parents/guardians of other students enrolled in the school district. This report must include a bilingual/ESL/ELS report card and a score report from the annual ELP test. It may also include benchmark test results, online grade updates, etc. Progress reports must be written in English and in the native language of parents/guardians of students enrolled in the bilingual and ESL program.

- **Former ELL Evaluation Design**

[Federal regulatory guidance](#) requires that districts monitor students for at least two years after they exit ELL status. Districts must evaluate the academic progress of these students to ensure that ELLs have not been prematurely exited; gaps in content knowledge due to ELL program services have been addressed; and ELLs are meaningfully participating in the standard instructional program comparable to their English-speaking peers (Lhamon & Gupta, 2015, p. 35).

- **ELL Enrollment Evaluation**

Charter schools and renaissance school projects must evaluate enrollment practices to ensure the enrollment of ELLs is not hindered. Enrollment information must be provided in a language parents/guardians understand (Lhamon & Gupta, 2015, p. 38).

## Three-Year Plan Component: Review Process for Exit

**Applicable New Jersey Regulation: N.J.A.C. 6A:15-1.10; P.L. 1995 c.327**

- **Multiple Indicators for Exit**

Districts must use each of the following multiple indicators/measures to determine which students exit ELL status:

- Department-established standard on an ELP test ([http://www.nj.gov/education/bilingual/resources/prof\\_tests.htm](http://www.nj.gov/education/bilingual/resources/prof_tests.htm));
- Classroom performance and the student's reading level in English;
- Judgment of the teaching staff member(s); and
- Performance on achievement tests in English.

See [Appendix B](#) for multiple indicators.



- **Parent/Guardian Notification for Exit**

Each district board of education shall notify the parents/guardians when students meet the exit criteria and are placed in a monolingual English program. The notice must be in English and in the language in which the parents/guardians possesses a primary speaking ability. A score report from the ELP test used for exit must be included in the parent/guardian notification for exit.

- **Reentry**

Newly exited students who are not progressing in the mainstream English program may be considered for reentry to bilingual and ESL programs as follows:

- After a minimum of one-half an academic year and within two years of exit, the mainstream English classroom teacher may recommend retesting with the approval of the principal;
- A waiver of the minimum time limitation may be approved by the executive county superintendent upon request of the chief school administrator, if the student is experiencing extreme difficulty in adjusting to the mainstream program;
- The recommendation for retesting shall be based on the teacher's judgment that the student is experiencing difficulties due to problems in using English as evidenced by the student's inability to: communicate effectively with peers and adults; understand directions given by the teacher; and/or comprehend basic verbal and written materials;
- The student shall be tested using a different form of the test or a different language ELP test than the one used to exit the student; and
- If the student scores below the State-established standard on an ELP test ([http://www.nj.gov/education/bilingual/resources/prof\\_tests.htm](http://www.nj.gov/education/bilingual/resources/prof_tests.htm)), the student can be reenrolled into ELL program services.

- **Parent/Guardian Refusal**

[Federal regulatory guidance](#) states the following:

Although school districts have an obligation to serve all English Learner (EL) students, parents have a right to decline or opt their children out of a school district's EL program or out of particular EL services within an EL program. For example, parents may choose to enroll their child in ESL classes, but decline to enroll their child in EL-only bilingual content classes. School districts may not recommend that parents decline all or some services within an EL program for any reason, including facilitating scheduling of special education services or other scheduling reasons (Lhamon & Gupta, 2015, p. 29).



Districts must notify parents/guardians that their child has been identified for enrollment in a bilingual, ESL or ELS program. Each school year, parents/guardians of all ELLs should be informed of their child's status and of their rights to decline program participation. For ELLs who are currently enrolled in a program, this notification should take place after the students are tested for ELP at the end of the school year. For newly enrolled students, such notice should occur at the beginning of the school year.

During the first three years of a student's participation in a program, a parent/guardian may only remove an ELL from program services at the end of the school year or during the ELL parent notification for entrance process. If the parent/guardian wishes to remove the pupil prior to the end of the school year, he/she must have the approval of the executive county superintendent. More information regarding this process can be found at <http://www.nj.gov/education/bilingual/policy/consent.htm>. After the first three years of a student's participation in a program, a parent/guardian may remove an ELL from program services at any time.

When parents/guardians refuse program services, districts are obligated to provide alternative supports for these students (e.g., training the student's classroom teacher in sheltered instruction) as well as administer an annual ELP test until the student has been exited from ELL status. In addition, if a district has a high number of parent/guardian refusals, it is important to research and rectify underlying issues for parent/guardian refusal (Lhamon & Gupta, 2015, p. 31). Districts may want to work with their bilingual parent advisory committees, PTAs, and other parent organizations to determine issues that exist, rectify issues, and reach out to parents/guardians who have refused services.

- **Exiting ELLs with Disabilities**

An ELL with a disability can be "exited" from ELL status when he/she no longer meets the definition of an ELL. This occurs when the student meets the Department's definition of "proficient" in English. The district, school personnel, and the IEP Team may have input into the decision of whether a student is proficient in English in accordance with the district's ELL exit policy. However, there is no provision in state or federal law that would authorize the IEP Team to remove the ELL designation before the student has attained English proficiency. In addition, other district and/or school personnel do not have the authority under federal law to remove a student's ELL designation solely because the student has an IEP.



# Overview of Bilingual Waiver Review Components

## Introduction

A school district may request a waiver from N.J.A.C. 6A:15-1.4(d), which requires full-time bilingual education for districts that enroll 20 or more students that are in any one language classification. To receive a waiver, districts must establish annually an instructional alternative program type (see [Appendix A](#)) with the approval of the Department when there are 20 or more students eligible for the bilingual education program in grades kindergarten through 12. The school district must demonstrate that it would be impractical to provide a full-time bilingual program due to the age range, grade span, and/or geographic location of eligible students. Districts implementing alternative program type(s) must also submit, on an annual basis, student enrollment and achievement data that demonstrate the continued need for the programs. See “Program Description” section for more information. Districts can establish multiple alternative program types to meet the needs of its population.

**Note:** A Bilingual Waiver will not be approved if it is requested due to funding or staffing shortages. Also, if a district adds or eliminates an alternate program type, it must resubmit its Bilingual Waiver to the Department for approval.



## Bilingual Waiver Component: Age Range

### Applicable New Jersey Regulation: Bilingual Waiver N.J.A.C. 6A:15-1.5(a)

- Grouping Age Ranges**  
 If implementing full-time bilingual education would cause districts to group students of multiple age ranges into a class that would inhibit developmentally appropriate instruction, districts may request an alternative program type.
- ELP of Age Range**  
 If implementing full-time bilingual education would cause districts to group students of a wide distribution of ELP levels into a class that would inhibit linguistically appropriate instruction, districts may request an alternative program type.

## Bilingual Waiver Component: Grade Span

### Applicable New Jersey Regulations: Bilingual Waiver N.J.A.C. 6A:15-1.5(a), N.J.A.C. 6A:15-1.4(d)

- Consecutive Grade Spans**  
 Except in Kindergarten, if there are enough ELLs in one language classification to create a full-time bilingual class, but surrounding grades do not have enough ELLs for a full-time bilingual class, districts may request an alternative program type. It may be impractical to provide full-time bilingual education in only one grade since it may impact program sustainability.
- Grade Span in Departmentalized Programs Requiring Customized Programs of Study**  
 The bilingual code states that full-time bilingual programs must, “Include the full range of required courses and activities offered on the same basis and under the same rules that apply to all students within the school district” (N.J.A.C. 6A:15-1.4(d)3). If, as a result of departmentalization required for customized programs of study, districts are unable to meet this requirement, they may request an alternative program type.
- ELP Levels in one Grade Span**  
 Some districts implement newcomer classes for SLIFEs. If there are low numbers of ELLs outside of newcomer classes, and it becomes impractical to provide full-time bilingual education to these ELLs, districts may request an alternative program type.





## Bilingual Waiver Component: Geographic Location

### Applicable New Jersey Regulation: Bilingual Waiver N.J.A.C. 6A:15-1.5(a)

- **Geographic Location of Schools**

If the district has 20 or more ELLs in one language classification, but the students are spread across a large geographic area, it may be impractical to offer bilingual education if there are not enough ELLs to form full-time bilingual education classes in neighborhood schools.

## Bilingual Waiver Component: Achievement Data

### Applicable New Jersey Regulations: Bilingual Waiver N.J.A.C. 6A:15-1.5(a)

- **District Achievement Data Review**

Before submitting a bilingual waiver, districts should conduct an internal data review to determine the effectiveness of existing alternative program types. Districts should review district-generated data (e.g., benchmark assessments, ELL grades, scheduling, and curriculum) as well as progress of proficiency level growth, attainment of proficiency, and district performance for the ELL subgroup. Teachers, administrators, support staff, and other stakeholders should be included in this review. If the district determines that its ELL program types should be adjusted, then the district must document adjustments in its bilingual waiver submission.

- **Department Achievement Data Review**

Student performance must be considered when deciding whether to educate ELLs in a full-time bilingual, alternative bilingual alternative program type, or English-based alternative program type. During the review of Bilingual Waivers, the Department reviews proficiency level growth, attainment of proficiency, and district performance for the ELL subgroup. If a district requests a waiver, but has not addressed these achievement data, the district may have to reorganize its program to provide additional bilingual supports and/or full-time bilingual education. For more information about reviewing achievement data see:

<http://www.nj.gov/education/bilingual/title3/accountability/reviewing.htm>.



## Appendix A

# Program Type Descriptions

### *A Description of Program Types as Defined by N.J.A.C.6A:15*

## Programs for Districts with a Small Population of ELLs

### English Language Services (ELS)

**Minimum requirements for school districts with fewer than 10 ELLs.**

**Services must be:**

- Designed to improve English reading, writing, speaking and listening for ELLs; and
- In addition to the regular school program and taught by a certified teacher (any instructional certificate).

**Example:** A school district with eight ELLs provides approximately 90 to 100 minutes weekly of ELS instruction taught by a certified basic skills teacher.

### English as a Second Language (ESL)

**Minimum requirements for district populations with 10 or more ELLs but fewer than 20 ELLs in a single language group.**

- ELLs need to be provided at least one period of instruction every day by a certified ESL teacher (A period is the time allocated in the school schedule for instruction in core subjects); and
- Services must be designed to improve English reading, writing, speaking, and listening.

**Note:**

- All bilingual education programs must include a minimum of one period of ESL daily.
- ESL instruction must address the full range of the [WIDA ELD standards](#).

**Example:** A school district with 15 Spanish-speaking ELLs and 10 Gujarati-speaking ELLs provides one period of ESL instruction daily. Bilingual instructional assistants work in grades with high concentrations of ELLs, and content area teachers receive district-provided ELL professional development.



## English Alternatives to Full-Time Programs

### Sheltered Instruction

#### Requirements:

- Teachers in Sheltered English classes must be content-certified teachers who have received training on strategies to make subject-area content rigorous, culturally relevant, and comprehensible for ELLs;
- ELLs must be provided at least one period of instruction every day by a certified ESL teacher (A period is the time allocated in the school schedule for instruction in core subjects); and
- Districts with 20 or more ELLs of a single language group must:
  - Receive a bilingual education waiver for this program type from the Department and
  - Establish a parent advisory committee so that parents can provide input about ELL programs.

**Example:** A school district with 24 Spanish-speaking ELLs provides one period of ESL instruction every day. All content teachers who work with ELLs have been trained with at least 15 hours of sheltered instruction strategies and bilingual instructional assistants work in grades with high concentrations of ELLs.

### High-Intensity English as a Second Language

#### Requirements:

- ELLs must be provided at least two periods of instruction every day by a certified ESL teacher (A period is the time allocated in the school schedule for instruction in core subjects);
- One period is the standard ESL class, and the other period is a tutorial or ESL reading class; and
- Districts with 20 or more ELLs of a single language group must:
  - Receive a bilingual education waiver for this program type from the Department and
  - Establish a parent advisory committee so that parents can provide input about ELL programs.

**Example:** A school district with approximately 25 bilingual Spanish students and three ESL teachers offers high-intensity ESL. Students receive two class periods of ESL instruction. The ESL teachers provide a period of push-in instruction for content classes and daily pull-out instruction for ESL. Content area teachers receive district-provided ELL professional development.



## Bilingual Alternatives to Full-Time Programs

### Bilingual Tutorial

#### Requirements:

- One period of instruction from a certified bilingual teacher in a content area required for graduation and a second period of tutoring in other required content areas;
- Students enrolled in a bilingual program must receive instruction from bilingual teachers who are certified in bilingual education and the content area of the classes;
- ELLs must be provided at least one period of instruction every day by a certified ESL teacher (A period is the time allocated in the school schedule for instruction in core subjects); and
- Districts with 20 or more ELLs of a single language group must:
  - Receive a bilingual education waiver for this program type from the Department and
  - Establish a parent advisory committee so that parents can provide input about ELL programs.

**Example:** An elementary school district with approximately 40 Haitian-Creole-speaking ELLs and two bilingual-certified teachers offers a bilingual science and language arts tutorial class during group work in the respective subjects. Students also receive at least one period of ESL daily.

### Bilingual Resource

#### Requirements:

- Students must receive a minimum of one period of daily bilingual reading and writing instruction from the bilingual teacher, in addition to their regular ESL instruction;
- On an individual basis, students must receive daily instruction from a certified bilingual teacher in identified subjects and with specific assignments;
- ELLs must be provided at least one period of instruction every day by a certified ESL teacher (A period is the time allocated in the school schedule for instruction in core subjects); and
- Districts with 20 or more ELLs of a single language group must:
  - Receive a bilingual education waiver for this program type from the Department and
  - Establish a parent advisory committee so that parents can provide input about ELL programs.

**Example:** A school district with approximately 30 Spanish-speaking ELLs, 30 Portuguese-speaking ELLs, and two bilingual-certified teachers offers a part-time pull-out bilingual resource program.



## Bilingual Part-Time Program

### Requirements:

- Students are assigned to mainstream English program classes, but are also scheduled daily for their developmental reading and mathematics instruction with a certified bilingual teacher;
- ELLs must be provided at least one period of instruction every day by a certified ESL teacher (A period is the time allocated in the school schedule for instruction in core subjects); and
- Districts with 20 or more ELLs of a single language group must:
  - Receive a bilingual education waiver for this program type from the Department and
  - Establish a parent advisory committee so that parents can provide input about ELL programs.

### Example:

A school district with approximately 35 Haitian-Creole-speaking ELLs and two bilingual-certified teachers offers two periods-per-day of bilingual reading and mathematics instruction. Students also receive at least one period of ESL daily.

## Full-Time Programs

### Full-Time Bilingual

#### Requirements for a full-time program of instruction in all courses or subjects that a child is required by law or rule to receive:

- Instruction in speaking, listening, reading, and writing of the native language of ELLs;
- Instruction in speaking, listening, reading, and writing in English;
- Instruction designed to prepare ELLs to acquire sufficient English skills and content knowledge to meet the NJCCCS; and
- At least one period of instruction every day by a certified ESL teacher (A period is the time allocated in the school schedule for instruction in core subjects).
- A parent advisory committee must be established so that parents can provide input about ELL programs.

### Example:

A school district with 500 Spanish-speaking ELLs and 45 bilingual-certified teachers offers a self-contained program (all core content areas) for grades K-5 and a departmentalized program (all core content areas) for grades 6-12. The use of native language for instruction is determined by the English language proficiency and academic level of the students in their native language. Students also receive at least one period of ESL daily.



## Dual Language (Two Way Immersion)

### Requirements:

- A full-time program of instruction in elementary and secondary schools that provides English language instruction and instruction in a second language (the native language of enrolled ELLs) in all core content areas
- For approximately equal numbers of ELLs and native-English speaking students
- Designed to help students achieve proficiency in English and in a second language while mastering subject-matter skills
- Provisions may be made for the coordination of instruction and services with the school district's world languages program
- ELLs must be provided at least one period of instruction every day by a certified ESL teacher (A period is the time allocated in the school schedule for instruction in core subjects)
- A parent advisory committee must be established so that parents can provide input about ELL programs

### Example:

ELLs who speak Spanish at home are placed in classes with students who speak English at home. All content classes are taught in both English and Spanish, and students from both language backgrounds become biliterate in English and Spanish.



## Appendix B

### Figure B.1: Sample Multiple Measures Exit Criteria for Grades 1-12

School Year: \_\_\_\_\_ Date: \_\_\_\_\_

Last Name: \_\_\_\_\_

First Name: \_\_\_\_\_

Current Grade: \_\_\_\_\_

ESL Teacher: \_\_\_\_\_

Classroom Teacher: \_\_\_\_\_

#### I. English Language Proficiency Scores

Test Name: \_\_\_\_\_

	Scale Score	Proficiency
<b>Listening</b>		
<b>Speaking</b>		
<b>Reading</b>		
<b>Writing</b>		

Overall Proficiency Level: \_\_\_\_\_ Date: \_\_\_\_\_

#### II. Classroom Grades As of (date): \_\_\_\_\_

#### III. ESL Teacher Recommendation

Teacher: \_\_\_\_\_ Date: \_\_\_\_\_

Observations: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I recommend that this student  Remain in ESL

Exit ESL

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**IV. Classroom Teacher(s) Recommendation**

Teacher: \_\_\_\_\_ Date: \_\_\_\_\_

Observations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I recommend that this student  remain in ESL  
 Exit ESL

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**V. IEP or basic skills concerns, if applicable:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**VI. Achievement test scores:**

Math: \_\_\_\_\_ Rating: \_\_\_\_\_

Language Arts: \_\_\_\_\_ Rating: \_\_\_\_\_

Reading level score: \_\_\_\_\_

**VII. Parent/Guardian Input (if applicable):**

\_\_\_\_\_  
\_\_\_\_\_

**VIII. Other Considerations**

\_\_\_\_\_  
\_\_\_\_\_

**ELL Exit Decision**

Yes  No Date: \_\_\_\_\_





**Figure B.2: Sample Multiple Measures Exit Criteria for High School**

<u>DEMOGRAPHIC INFORMATION</u>	<u>PERSONAL INFORMATION</u>
<p>Date: _____</p> <p>Student Name _____</p> <p>Parents/Guardians Name _____</p> <p>Address _____ (Street) _____ (City, State)                      (Zip Code)</p> <p>Telephone _____</p>	<p>Country of Origin _____</p> <p>Native Language _____</p> <p>Date of Birth _____</p> <p>Current Age _____</p> <p>Sex (circle one)    Male    Female</p>
<u>SCHOOL INFORMATION</u>	<u>TESTING INFORMATION</u>
<p>Date Entered U.S.A. ___/___/____</p> <p>Date Entered N.J. Schools ___/___/____</p> <p>Date Entered District ___/___/____</p> <p>ESL Entry Date ___/___/____</p> <p>Current Grade _____</p> <p>Homeroom _____</p> <p>Year(s) in ESL _____</p>	<p>Spring ACCESS Composite Score _____</p> <p>Reading:___ Writing:___ Speaking:___ Listening:___</p> <p>Student classified (circle one)    YES    NO If yes, type of classification _____</p> <p>PARCC Scores: _____</p>



<b>Figure B.2: Sample Multiple Measures Exit Criteria for High School</b>	
<p style="text-align: center;"><u>RECOMMENDATIONS FOR NEW COURSES</u> (check the appropriate courses)</p> <p>1. <input type="checkbox"/> English: _____</p> <p>2. <input type="checkbox"/> Academic Support Instruction Language Arts</p> <p>3. <input type="checkbox"/> Academic Support Instruction Mathematics</p> <p>4. <input type="checkbox"/> Physical Education/Health</p> <p>5. <input type="checkbox"/> Mathematics: _____</p> <p>6. <input type="checkbox"/> Science: _____</p> <p>7. <input type="checkbox"/> Social Studies: _____</p> <p>8. <input type="checkbox"/> Elective: _____</p>	<p style="text-align: center;"><u>CRITERIA FOR PROGRAM EXIT</u> (check all that apply)</p> <p>Criteria:                      Data Source:</p> <p><input type="checkbox"/> Reading Level                      _____</p> <p><input type="checkbox"/> Writing Samples                      _____</p> <p><input type="checkbox"/> Previous academic performance                      _____</p> <p><input type="checkbox"/> Achievement on standardized tests in English</p> <p style="padding-left: 40px;"><input type="checkbox"/> English Language Arts</p> <p style="padding-left: 40px;"><input type="checkbox"/> Math</p> <p><input type="checkbox"/> Teacher judgment                      _____</p> <p>Supervisor: _____</p> <p>Guidance Supervisor: _____</p> <p>Guidance Counselor: _____</p> <p>Classification/504 Considerations:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><b>EXIT DATE:</b> _____</p>
<p style="text-align: center;"><u>PARENT/GUARDIAN INPUT</u> (include a short narrative if applicable):</p>	



Figure B.3: Sample Multiple Measures Exit Criteria for Grades K-8

Figure B.3: Sample Multiple Measures Exit Criteria for Grades K-8	
SCHOOL _____ YEAR _____ DATE: _____	
Name/Student ID	
School	
Current Grade/ Date of Birth	
Country/ Language	
Years in Bilingual/ESL	
Previous ELP Level(s)	R: _____ W: _____ S: _____ L: _____  Overall: _____
Previous State Assessment Scores (if applicable)	
Reading Level	
Teacher Recommendation (Include short narrative) Subject: _____	
Teacher Recommendation (Include short narrative) Subject: _____	
Teacher Recommendation (Include short narrative) Subject: _____	
I & RS Referral (Y/N)*	
Classification/504 Considerations	
Parent/Guardian Input (Include short narrative if applicable)	
Decision: Exiting (E), Continuing (C), Parent Refusal (NO), Retention (R)	
* Attach rationale for I & RS Referral with date and outcome	



## Glossary

### A

---

**alternatives to full-time programs (also part-time alternative and alternative program type):**

a part-time program of instruction that may be established by a district board of education in consultation with and approval of the Department; all students in an instructional program alternative receive English as a second language.

### B

---

**bilingual education program (also full-time bilingual):**

see Appendix A

**Bilingual Education Program Waiver (also Bilingual Waiver):**

a waiver from a full-time bilingual program granted on an annual basis when a district can demonstrate that it would be impractical to provide a full-time bilingual program due to the age range, grade span, and/or geographic location of eligible students.

### C

---

**curriculum:**

a distinct document adopted by the district board of education that is aligned to the WIDA standards, correlated to content area, and addresses the instructional needs of ELLs.

### E

---

**English language learner (ELL or EL):**

a student whose native language is other than English and who has varying degrees of English language proficiency in any one of the domains of speaking, reading, writing, or listening.

**English language proficiency (ELP):**

the degree to which an ELL can process and use language in any one of the domains of speaking, reading, writing, or listening.

**English language services (ELS):**

see Appendix A

**English as a second language (ESL):**

see Appendix A

**English language proficiency (ELP) test:**

a test that measures English language skills in the areas of listening, speaking, reading, and writing.

### H

---

**home-language survey:**

a survey of language use that is given to all students upon enrollment in a district.



**N**

---

**New Jersey bilingual education code (also bilingual code or *N.J.A.C. 6A:15*)**

a chapter of the New Jersey Administrative Code that ensures the rights of ELLs are protected; the education of ELLs is evaluated for effectiveness; and ELLs are provided with a free, appropriate public education.

**S**

---

**students with a limited or interrupted formal education (SLIFEs or SIFEs):**

a subset of **ELL** newcomers to U.S. schools, above the age of seven, who have missed more than six consecutive months of formal schooling prior to enrolling in a U.S. school and/or are more than two years below grade level in content due to limited educational supports.

**T**

---

**Three-Year Plan:**

a plan submitted every three years to the New Jersey Department of Education by districts that enroll ELLs; at its discretion, the Department may request modifications, as appropriate.



## References

Freeman, Y., & Freeman, D. (2002). *Closing the achievement gap: How to reach limited-formal-schooling and long-term English learners*. Portsmouth, NH: Heinemann.

Lhamon, C., & Gupta, V. (2015, January 7). *Dear colleague letter*. Washington, DC: U.S. Department of Education, Office for Civil Rights and U.S. Department of Justice, Civil Rights Division.

*New Jersey Administrative Code N.J.A.C. 6A:14*

*New Jersey Administrative Code N.J.A.C. 6A:15*

U.S. Department of Education, Institute of Education Sciences. (2007). *Effective literacy and English language instruction for English learners in the elementary grades*. Retrieved from <http://ies.ed.gov/ncee/wwc/PracticeGuide.aspx?sid=6>

