



STATE OF NEW JERSEY  
**DEPARTMENT OF EDUCATION**

A Memo from the New Jersey Department of Education

Date: May 4, 2022  
To: Local Educational Agency Leads  
Route To: Bilingual/ESL Supervisors  
From: Kathy Ehling, Assistant Commissioner  
Division of Educational Services  
Deadline: July 31, 2022

### **2022-2023 Bilingual Program Waiver Request**

In accordance with [N.J.A.C. 6A:15-1.4\(d\)](#), Local Educational Agencies (LEAs) must implement a full-time bilingual education program when enrolling 20 or more English language learners (ELLs) in a single language group throughout grades kindergarten through 12. As stipulated in [N.J.A.C. 6A:15-1.4\(d\)](#), if the age range, grade span, and/or geographic location of the LEA's ELLs make it impractical for the LEA to provide a full-time bilingual program, LEAs may **annually** submit a request to the New Jersey Department of Education (NJDOE) to waive this requirement.

For the 2022-2023 school year, if an LEA enrolls 20 or more ELLs in a single language group and is not currently providing or planning to provide a full-time bilingual education program, the LEA must request a waiver in order to implement an alternative bilingual instructional program. Instructional program alternatives include, but are not limited to, a part-time bilingual program, a bilingual resource program, a bilingual tutorial, a sheltered English instruction program, and a high-intensity ESL program. For a description of these bilingual program alternatives, please see [N.J.A.C. 6A:15-1.2](#). The NJDOE encourages LEAs to review student performance data to identify the most effective program to meet the needs of its English language learners (ELLs) prior to submitting a waiver request. This review should include assessing the LEA's capacity to reallocate resources in support of a full-time bilingual education program.

The Bilingual Waiver State Data Submission application can be found under "[Bilingual Waiver](#)" on the [NJDOE's Homeroom](#) webpage. The completed waiver request must be submitted no later than **July 31, 2022**. Please contact your district web user administrator for login information. The NJDOE will notify your district superintendent via email when the review of the district's bilingual waiver application is complete.

If you have any questions, call the Office of Supplemental Educational Programs at (609) 376-9080 or email [ell@doe.nj.gov](mailto:ell@doe.nj.gov).

c: Members, State Board of Education  
Angelica Allen-McMillan, Ed.D., Acting Commissioner of Education  
NJDOE Staff  
Statewide Parent Advocacy Network  
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