



STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: June 8, 2023
To: Local Educational Agency Leads
Route To: Bilingual/ESL Supervisors
From: Kathy Ehling, Assistant Commissioner
Division of Educational Services
Deadline: July 31, 2023

Bilingual Program Waiver Request 2023-2024

New Jersey's Bilingual Education Law requires that local educational agencies (LEAs) 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 2023-2024 school year, if your 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/or a high-intensity English as a Second Language (ESL) program. For a description of these bilingual program alternatives refer to [N.J.A.C. 6A:15-1.2](#). Before submitting a waiver request, the NJDOE encourages LEAs to review student performance data to identify the most effective program to meet the needs of its ELLs. 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](#) page. The completed waiver request must be submitted no later than **July 31, 2023**. Please contact the LEA's web user administrator for login information. When the review of an LEA's bilingual waiver application is completed, the NJDOE will notify each LEA of the status.

If you have any questions please call (609) 376-9080 or e-mail ml@doe.nj.gov.

c: Members, State Board of Education
Statewide Parent Advocacy Network
Garden State Coalition of Schools
NJ LEE Group
NJTESOL-NJBE