



STATE OF NEW JERSEY

# DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: May 1, 2024  
To: Local Educational Agency Leads  
Route To: Bilingual/ESL Supervisors  
From: Kathy Ehling, Assistant Commissioner  
Division of Educational Services

## N.J.A.C. 6A:15, Bilingual Education

The amendments to the NJDOE's Bilingual Education regulations ([N.J.A.C. 6A:15](#)) adopted by the State Board of Education in July 2023 incorporate minimum State law requirements as well as Federal laws which require all local educational agencies (LEAs) to ensure multilingual learners can participate meaningfully and equally in educational programs. Multilingual learners are held to the same rigorous standards and assessment requirements as their English proficient peers as they are acquiring the English language. The United States Department of Education (USED) has issued [guidance](#) on the obligations for both states and LEAs.

According to the USED guidance, under Title VI of the Civil Rights Act of 1964, the Equal Educational Opportunities (EEOA) Act of 1974, and Title III of ESSA, the State has a duty to ensure multilingual learners do not exit from required language instruction educational programs (LIEPs), services, or status until they demonstrate English language proficiency (ELP) on a Department-approved ELP assessment. N.J.A.C. 6A:15-1.9(c) sets forth exiting requirements that comply with State and Federal law. As Federal law has evolved significantly since the enactment of State law regarding transfer to English-only programs (N.J.S.A. 18A:35-19.1), the regulations at N.J.A.C. 6A:15 represent updated requirements for LEAs to ensure compliance with all State and Federal requirements.

### Contact information

Please direct any questions to the Title III/Bilingual/ESL Unit, Office of Supplemental Educational Programs, at [ML@doe.nj.gov](mailto:ML@doe.nj.gov).

c: Members, State Board of Education  
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New Jersey Teachers of English to Students of Other Languages/Bilingual Education