

New Jersey Department of Education

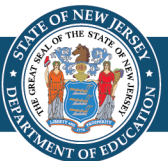


Chapter 15, Bilingual Education

Office of Supplemental Educational Programs

Division of Educational Services

November 9, 2022





Agenda



- Background
- Purpose and Rationale
- Proposed amendments at readoption
 - Definitions, shift to asset-based language.
 - Identification, including preschool.
 - Strengthening program design.
 - Supporting educators and building capacity.



Background



- 1998, New rules (N.J.A.C. 6A:15) corresponding to State law
 - 2003, 2008, 2016: readoptions
 - 2014: amendments
 - 2022: Every Student Succeeds Act (ESSA) amendments
- 2023: Amendments and readoption

Who are the Multilingual Learners (MLs) in NJ?



- Students with a primary language other than English.
- Students who are in the process of learning English.
- Students who are at varying degrees of English language proficiency as measured by an English language proficiency test.





Purpose and Rationale



To clarify the expectations regarding the full breadth of services, including language instruction educational programs (LIEPs), that school districts are expected to provide MLs.





N.J.A.C. 6A:15 – General Changes



The proposed amendments are a responsive approach to shifts occurring in education:

- **Definitions:** Change English language learner (ELL) to Multilingual learner (ML);
- **Identification:** Include preschool students as part of the identification of MLs;
- **Program Design:**
 - Connect Chapter 15 to Chapters 7 (Managing for Equality and Equity), 8 (Standards & Assessment), 9 (Professional Standards); and
 - Establish the use of an umbrella term “language instruction educational program” (LIEP);
- **Educator Capacity:** Ensuring all teachers and administrators have the skills to teach all students.



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



3. Ensure the provision of [bilingual education and related services] **culturally and linguistically responsive, researched-based, and effective language instruction educational programs (LIEPs);**
4. Assist district boards of education in providing [educational services to ELLs] **bilingual education and dual language immersion programs that promote bilingualism, biliteracy, cross-cultural competency, and high levels of academic achievement in English and the student's primary language(s);**
[and]
6. Lead high school students, if they choose and if provided by the school district, to be on a path toward attaining the State Seal of Biliteracy in their **primary language;**

Definitions





N.J.A.C. 6A:15-1.2 New Definitions *(1 of 4)*



Terms

New Definitions

Comprehensive equity plan

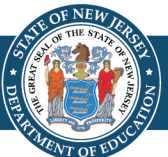
Educational activities and programs

Educational equity

Equal educational opportunity

Multicultural curriculum

All terms added
from the definitions
in N.J.A.C. 6A:7.



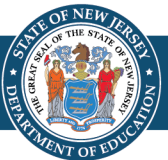


N.J.A.C. 6A:15-1.2 New Definitions *(2 of 4)*



Term: Early language development standards

The preschool English language development standards for preschool students developed by WIDA. The standards correspond to five domains of children's development and learning: approaches to learning, language and communication development, cognition and general knowledge, physical well-being and motor development, and social and emotional development. The standards incorporated herein by reference, are published by the Board of Regents of the University of Wisconsin System, on behalf of the WIDA Consortium and are available at <https://wida.wisc.edu/teach/early>.





N.J.A.C. 6A:15-1.2 New Definitions *(3 of 4)*



Term: Language instruction educational program (LIEP)

The program of services in which a ML receives instruction and support to develop and attain English language proficiency while meeting or exceeding the NJSLS in academic content areas. MLs in a LIEP develop proficiency in the English language while they develop skills and knowledge within the academic content areas. A LIEP includes the services that all MLs are entitled to receive, pursuant to N.J.S.A. 18A:35-16 and this chapter. LIEP includes “programs of bilingual education”, pursuant to N.J.S.A. 18A:35-16, and “instructional alternative programs,” pursuant to N.J.S.A. 18A:35-18.



N.J.A.C. 6A:15-1.2 New Definitions *(4 of 4)*



Multilingual learner (ML)

A student whose primary language is not English, who is identified through the process set forth in this chapter, and who is developing proficiency in multiple languages (e.g., English and a primary language). The term is synonymous with “English learner” or “English language learner.”

Newcomer

Any student born outside of the United States who has recently arrived in the United States. Newcomer is an umbrella term that includes a heterogeneous group of immigrants; some newcomers may also be multilingual learners (MLs) or students with interrupted formal education (SIFEs).

Student with interrupted formal education (SIFE)

A multilingual learner (ML) in grades four to 12 who has experienced disruptions in their formal education that took place outside of the United States.





Bilingual Education Program Requirements



If a local education agency (LEA) has...

- **More than 20 multilingual learners (MLs) in a single language group**, the LEAs must provide, those students, at a minimum, a:
 - Bilingual education program, or
 - Dual language immersion program.
- **10-20 multilingual learners identified**, the LEA must provide at least an English as a Second Language (ESL) program with an ESL Certified Teacher.
- **1-9 multilingual learners identified**, the LEA must, at a minimum, provide English Language Services with a Basic Skills Teacher.



Term: Bilingual education program

A full-time [program of instruction] **LIEP** in all courses or subjects [that a child is required by law or rule to] **provided in accordance with N.J.S.A. 18A:35-18. Students in a bilingual education program receive[, given] instruction in the [native] primary language of [ELLs] MLs enrolled in the program and [also] in English[; in the aural comprehension], while also receiving ESL instruction...**



N.J.A.C. 6A:15-1.2 Updated Definitions (1 of 6)



Term: Bilingual education program *cont.*

... Educators use the primary language of instruction to enhance literacy in the primary language and as a support in the development of listening, speaking, reading, and writing [of the native language of ELLs enrolled in the program, and in the aural comprehension, speaking, reading, and writing of] **skills in English**[; and]. **Students also receive instruction** in the history and culture of the country, territory, or geographic area that is the native land of the parents **and families** of [ELLs] **MLs** enrolled in the program, and in the history and culture of the United States.





N.J.A.C. 6A:15-1.2 Updated Definitions (2 of 6)



Term: Dual language immersion (DLI)

For the purpose of meeting the LIEP requirements at N.J.S.A. 18A:35-18 and **this chapter**, a full-time [program of instruction in elementary and secondary schools] LIEP that provides **students** structured English language instruction and instruction in a second language in all **academic** content areas [for ELLs and for native English speaking students enrolled]. **MLs** in the program receive instruction in their primary language, as well as ESL instruction. A dual language immersion program provides daily instruction in English and a minimum of 50 percent of instruction in the primary language of enrolled **MLs**. A dual language immersion program that is designed to support **MLs** is sometimes referred to as a two-way bilingual education program.





N.J.A.C. 6A:15-1.2 Updated Definitions (3 of 6)



Term: Instructional program alternative

A [part-time program of instruction] **LIEP, other than bilingual education and dual language immersion**, that may be established by a district board of education in consultation with, and approval of, the Department **through a waiver request pursuant to N.J.S.A. 18A:35-15 to 26**. All students in an instructional program alternative receive [English as a second language] **an ESL class period each day in session**.



N.J.A.C. 6A:15-1.2 Updated Definitions (4 of 6)



Bilingual part-time [component] program

An instructional program alternative in which students [are assigned to mainstream] **receive their academic content area classes in English** [program classes but are scheduled daily for their developmental reading] **language arts (ELA) and mathematics instruction with a certified bilingual teacher(s) who provides instruction in the primary language of the MLs in the program, as well as ESL instruction.**

Bilingual resource program

An instructional program alternative in which students receive [on an individual basis] **instruction and resources that are individualized for each student, daily instruction from a certified bilingual teacher in academic content areas as identified [subjects and with specific assignments] by the school districts as well as ESL instruction.**

Bilingual tutorial program

An instructional program alternative in which students receive one period of instruction from a certified bilingual teacher in [a] **an academic content area required for graduation, [and] a second period of tutoring in [other] another required content area, as well as ESL instruction.**





N.J.A.C. 6A:15-1.2 Updated Definitions *(5 of 6)*



Term: English language development standards

The [2012] **2020** Amplification of the English Language Development Standards, Kindergarten-Grade 12, incorporated herein by reference, as amended and supplemented, developed by [the World-Class Instructional Design and Assessment (WIDA) Consortium] **WIDA**. They are the standards and language competencies [ELLs] **in listening, speaking, reading, and writing that MLs** in preschool programs, and elementary and secondary schools, need to become fully proficient in English and to have unrestricted access to grade-appropriate instruction in challenging academic [subjects] **content areas**.





N.J.A.C. 6A:15-1.2 Updated Definitions (6 of 6)

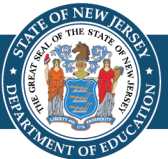


Term: English language development standards *cont.*

...The standards are a version of English language arts that have been crafted to address the specific developmental stages of students learning English. The standards are published by the Board of Regents of the University of Wisconsin System, on behalf of the WIDA Consortium (www.wida.us) and are available for review at [<http://www.wida.us/standards/eld.aspx>]
<https://wida.wisc.edu/sites/default/files/resource/WIDA-ELD-Standards-Framework-2020.pdf> .



Identification of multilingual learners (MLs) Preschool to Grade 12





N.J.A.C. 6A:15-1.3(a)(3)(i): Identification



- i. Preschool students who are identified, through the processes set forth at (a)1 and (a)2 above, as having a primary language other than English shall be identified as MLs. Beginning in the July prior to the start of their kindergarten year, the district board of education shall administer an ELP assessment to preschool MLs to determine the ML's English language proficiency level.**

Strengthening LIEP Program Design





N.J.A.C. 6A:1.4 Section Title Change



Former Section Title

Bilingual programs for
English language
learners

Proposed Section Title

District board of
education requirements,
including LIEPs for
multilingual learners





N.J.A.C. 6A:15-1.4(a): District Requirements



The district board of education shall provide all [kindergarten] **preschool** to 12th-grade [ELLs] **MLs** enrolled in the school district pursuant to N.J.S.A. 18A:7F-46 with **equal educational opportunities** and all **educational activities and programs, including** required courses and support services defined [in] at (b) through [(h)] **(e)** below to prepare [ELLs] **MLs** to meet **or exceed** the NJSLS for high school graduation. **The instructional opportunities shall be designed to assist MLs to fully comprehend all subject matter and demonstrate their mastery of all NJSLS academic content areas.**



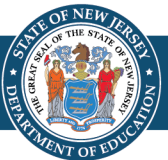


N.J.A.C. 6A:15-1.4(b): District Requirements (1 of 2)



1. A district board of education shall provide appropriate instructional programs to preschool MLs pursuant to (b) below. Such services shall be considered a preschool LIEP if approved by the Department, pursuant to N.J.A.C. 6A:15-1.5.

2. Whenever there are 20 or more MLs in kindergarten through 12th grade in any one language classification enrolled in the school district, a LIEP shall include bilingual education or dual language immersion programs pursuant to (e) below, unless waived pursuant to N.J.S.A. 6A:15-1.15.





N.J.A.C. 6A:15-1.4(a)(4): District Requirements (2 of 2)



- 3. Whenever there are 10 or more MLs in kindergarten through 12th grade enrolled in the school district, an ESL program shall be provided.**

- 4. Whenever there are at least one but fewer than 10 MLs in kindergarten through 12th grade enrolled in a school district, the district board of education shall provide the MLs English language services. English language services shall be provided in addition to the regular school program.**

- 5. Instructional alternative programs may be implemented pursuant to N.J.A.C. 6A:15-1.15.**



N.J.A.C. 6A:15-1.4(b): District Requirements



All district boards of education shall provide appropriate instructional programs to eligible preschool MLs based on the New Jersey Preschool Program Implementation Guidelines and the New Jersey Preschool Teaching and Learning Standards of Quality, pursuant to N.J.A.C. 6A:13A, Elements of High-Quality Preschool Programs. All district boards of education shall provide appropriate instructional programs to eligible preschool MLs based on the New Jersey Preschool Program Implementation Guidelines and the New Jersey Preschool Teaching and Learning Standards of Quality, pursuant to N.J.A.C. 6A:13A, Elements of High-Quality Preschool Programs.

- 1. A program that meets the New Jersey Preschool Teaching and Learning Standards of Quality and is approved pursuant to N.J.A.C. 6A:13A will be considered a preschool LIEP.**





N.J.A.C. 6A:15-1.4(g): Newcomer Program



- For a limited duration in time;
- Address the needs of recent immigrant students, particularly SIFEs;
- Be age-appropriate;
- Include content that relates to the NJSLS;
- Include social-emotional learning; and
- Include courses that are credit-bearing and count toward graduation pursuant to N.J.A.C. 6A:8, or promotion requirements to allow students to meet grade-level standards within a reasonable period of time.



N.J.A.C. 6A:1.4(k): ESL and WL and ELA



The district board of education may develop and adopt a policy that sets forth how MLs may meet the world language or ELA course graduation requirements, pursuant to N.J.A.C. 6A:8-5.1, by applying credits earned in an ESL course.

- 1. If a district board of education's policy allows students to apply ESL coursework toward their ELA course requirements, the applicable ESL course shall be taught by an appropriately certified teacher who holds an ELA endorsement and the ESL coursework shall be aligned to grade-level NJSLS for ELA.**



N.J.A.C. 6A:15-1.5 (b)(1): Approval Procedures



(b) A district board of education's LIEP plan shall demonstrate that:

- 1. For kindergarten through 12th grade, LIEP curricula include or are aligned with:**
 - i. The NJSLS;**
 - ii. The ELD standards; and**
 - iii. A multicultural curriculum, pursuant N.J.S.A. 18A:35-4.36a and N.J.A.C. 6A:7.**





N.J.A.C. 6A:15-1.5 (b)(2): Approval Procedures



2. For preschool, the ML instruction and support meets the language instruction requirements in the New Jersey Preschool Program Implementation Guidelines and the New Jersey Preschool Teaching and Learning Standards of Quality, pursuant to N.J.A.C. 6A:13A and the curricula include or are aligned with:


- i. The NJSLS;**
- ii. The Early Language Development Standards for preschool; and**
- iii. A multicultural curriculum, pursuant N.J.S.A. 18A:35-4.36a and N.J.A.C. 6A:7.**



N.J.A.C. 6A:15-1.5 (b)(4): Approval Procedures



4. School district staff engage in ongoing and continuous program evaluation that shall include regular reviews of student performance data (for example, graduation rates and assessment results) and other measures (for example, absenteeism, disciplinary records, and course enrollment) to evaluate whether MLs in the school district have equitable access to educational opportunities, including, but not limited to, gifted and talented programs, advanced coursework and dual enrollment, work-based learning opportunities, extra-curricular activities, and career counseling;



N.J.A.C. 6A:15-1.5 (b)(5-6): Approval Procedures



5. Preschool students participate in instructional activities pursuant to N.J.A.C. 6A:13A.

6. Bilingual and dual language immersion programs promote bilingualism, biliteracy, cross-cultural competency, high levels of academic achievement in both languages, and a path toward attaining the State Seal of Biliteracy.



Educator Skills and Capacity Building





N.J.A.C. 6A:15-1.7(a): Professional Development



(a) [The] **As part of the professional development requirements at N.J.A.C. 6A:9C, the district board of education shall develop a professional development plan [for inservice training] for bilingual, ESL, and [mainstream] academic content teachers whose classroom instruction is in English; administrators who supervise bilingual/ESL programs; and administrators and any personnel who observe and evaluate teachers of [ELLs] MLs.**



N.J.A.C. 6A:15-1.7(b)(1): Professional Development



(b) The district board of education's professional development plan shall:
[include]

1. Include instructional **adaptational** strategies, pursuant to N.J.A.C. 6A:8-3.1, and **training on** appropriate assessments to help [ELLs] MLs meet the NJSLS and the [WIDA English language development] **ELD** standards[.]; [All bilingual and ESL teachers shall receive training in the use of the ESL curriculum.]

[(b)] **2.** [The Professional Development Plan of the school district shall include] **Address** the needs of bilingual and ESL teachers, [which] **who** shall [be addressed through inservice] **receive** training[.] **in the use of the ESL curriculum and the ELD standards; and**



N.J.A.C. 6A:15-1.8 (a-b): Certification



(a) All teachers of bilingual [classes] **programs** shall hold a valid New Jersey instructional certificate with an endorsement for the appropriate grade level [and]/or **academic** content area[, as well as an endorsement in] **and a standard certificate with a bilingual/bicultural education endorsement**, pursuant to N.J.S.A. 18A:6-38 et seq. and 18A:35-15 to 26 **and N.J.A.C. 6A:9B-11.5.**

(b) All teachers of dual language immersion programs shall:

1. Hold a valid New Jersey instructional certificate with an endorsement for the appropriate grade level and/or academic content area and an endorsement in bilingual/bicultural education or world languages;
2. Demonstrate fluency in the language(s) of their instruction, pursuant to N.J.A.C. 6A:9B-11.5; and
3. Teach in the academic content area(s) authorized by the endorsement to their instructional certificate.



N.J.A.C. 6A:15-1.8 (c-e): Certification



- [(b)] (c)** All teachers of ESL classes shall hold a valid New Jersey **instructional** certificate [in] **with an ESL endorsement**, pursuant to N.J.S.A. 18A:6-38 et seq. and N.J.A.C. 6A:9B-[10.5]**11.6**.
- [(c)] (d)** All teachers providing English language services shall hold a valid New Jersey instructional certificate.
- (e)** All instructional support staff who provide bilingual instructional support services in preschool through grade 12 shall hold a bilingual language paraprofessional credential, pursuant to N.J.A.C. 6A:9B-14.22.



N.J.A.C. 6A:15-1.9(e): Parent Refusal



(e) A parent [or guardian] may remove a student who is enrolled in a [bilingual education program] LIEP pursuant to [provisions in P.L. 1995 c. 327] **N.J.S.A. 18A:35-22.1.**

1. Students who are identified as a ML and whose parent refuses placement in a LIEP shall still access and meet the academic expectations of the NJSLS. Pursuant to N.J.A.C. 6A:8 and 6A:15-1.6, a district board of education shall ensure that students whose parents refuse placement are provided the appropriate instructional adaptations and appropriate assessment modifications and accommodations for Statewide assessments.



N.J.A.C. 6A:15-1.9(f): Monitoring Former MLs



(f) The district board of education shall monitor, for a minimum of two years, the academic progress of students who are exited from a LIEP to ensure that the students are continually meeting or exceeding the NJSLS when the curriculum and instruction are delivered in English.



N.J.A.C. 6A:15-1.9(g): LIEP Re-Entry (1 of 2)



[(e)] (f) Newly exited students who are not **academically** progressing in [the mainstream] **classes where** English [program] **is the primary language of instruction** may be considered for reentry to [bilingual and ESL programs] a **LIEP** as follows:

1. After a minimum of one-half an academic year and within two years of exit, the [mainstream English classroom] teacher **delivering instruction in English** may recommend retesting with the approval of the principal.



N.J.A.C. 6A:15-1.9(g): LIEP Re-Entry (2 of 2)



2. 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] **classes where English is the primary language of instruction.**

3. The recommendation for retesting shall be based on the teacher's [judgment] **documented observation of a student's academic performance and data-based determination** that the student is experiencing difficulties due to problems in using **the English** [as evidenced by the student's inability to:] **language to** communicate effectively with peers and adults; understand directions given by the teacher; and/or comprehend basic verbal and written materials.

4. The student shall be tested using a different form of the [test or a different] **English** language proficiency [test] **assessment** than the one used to exit the student **from the LIEP.**

5. If the student scores below the [State-established standard] **Department-determined cut score** on the **English** language proficiency [test] **assessment**, the student shall be reenrolled into [the bilingual or ESL program] **a LIEP.**



N.J.A.C. 6A:15-1.10: Graduation



All [ELLs] MLs shall satisfy requirements for high school graduation [according] **pursuant** to N.J.A.C. 6A:8-5.1(a).



N.J.A.C. 6A:15-1.12: Location



(a) All [bilingual, ESL, and English language services programs] **LIEPs** shall be conducted within classrooms within the [regular school buildings of the] school district pursuant to N.J.S.A. 18A:35-20[.], **except under the following circumstances:**

- 1. A LIEP is conducted in another school district as part of a joint program, pursuant to N.J.A.C. 6A:15-1.13; or**
- 2. A ML's individualized learning opportunity, pursuant to N.J.A.C. 6A:8-5.1(a)2, occurs outside of the school district's classrooms.**

N.J.A.C. 6A:15-12(a)1-2: Notification



Current

Mail

Enrollment

Start of SY: 30 days

Midyear: 14 days

Proposed Change

Written Communication

Placement

Start of SY: 30 calendar days

Midyear: 14 days of a student being placed in a LIEP





N.J.A.C. 6A:12 (b)7 and 8: Notification



1. The district board of education shall issue the notification within **30 calendar days** of the [child's identification] **start of the school year**. [Notice shall include a statement that the parents may decline their child's enrollment in a bilingual program, and they shall be given an opportunity to do so if they choose.]
2. For a student who enrolls after the beginning of the school year, the district board of education shall issue the notification **within 14 calendar days** of the student being placed in a LIEP.



N.J.A.C. 6A:12 (b)(5-6): Notification



7. How the [instructional program] LIEP will meet the objectives of the individualized education program of a student with a disability[.]; and
8. **A statement that the parent may decline the child's enrollment in a LIEP, and that the parent shall be given an opportunity to do so or to select a different type of LIEP service available at the child's school.**



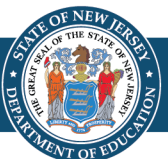
N.J.A.C. 6A:15-1.13: Joint Programs



(a) With approval of the executive county superintendent on a case-by-case basis, a [school] district **board of education** may join with another district board of education to provide: [bilingual, ESL, or English language services programs.]

1. A LIEP; and

2. An individualized learning opportunity, pursuant to N.J.A.C. 6A:8-5.1(a)2, to a ML who chooses to utilize it to meet the 120-credit graduation requirement, in whole or in part.





N.J.A.C. 6A:1.15: Waiver process provided by statute



- (a) A school district that has 20 or more students eligible for the bilingual education program in kindergarten through grade 12 may request annual approval from the Department to waive the requirement at N.J.A.C. 6A:15-1.4(d) and, instead, to establish an instructional program alternative if the school district is able to 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.
1. Instructional program alternatives shall include, but are not limited to: the bilingual part-time program; the bilingual resource program; the bilingual tutorial program; the sheltered English instruction program; and the high-intensity ESL program.
 2. All instructional program alternatives shall be designed to assist MLs to develop English language proficiency while learning the knowledge and skills for academic content areas to meet or exceed the NJSLs.
 3. Instructional program alternatives shall be developed in consultation with the Department based on student enrollment and achievement data.
 4. A district board of education implementing instructional program alternatives annually shall submit to the Department student enrollment and achievement data that demonstrate the continued need for the programs.
 5. Instructional program alternatives shall be approved annually by the Department based on the Department's review of student enrollment and achievement data.



Thank You!



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