

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

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Chapter 15. Bilingual Education

Subchapter 1. General Provisions

6A:15-1.1 General requirements

- (a) The purpose of this chapter is to:
1. Ensure all multilingual learners (MLs) as defined in this chapter are provided with a free, appropriate public education pursuant to N.J.S.A. 18A:35-15 to 26;
 2. Ensure the rights of MLs are protected;
 3. Ensure the provision of culturally and linguistically responsive, researched-based, and effective language instruction educational programs (LIEPs);
 4. Assist district boards of education in providing 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);
 5. Prepare students with the knowledge and skills to be able to succeed in a global society;
 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;
 7. Ensure the evaluation of the effectiveness of the LIEPs and education of MLs;
 8. Ensure MLs receive equal educational opportunities, programs, and services necessary to achieve a thorough and efficient education; and
 9. Ensure district boards of education are providing LIEPs that are aligned to the NJSLS, New Jersey Preschool Teaching and Learning Standards of Quality,

English Language Development (ELD) standards for kindergarten through grade 12, and the Early Language Development Standards.

- (b) The rules of this chapter shall apply to all district boards of education.
- (c) The Department shall:
 - 1. Administer the provisions of this chapter;
 - 2. Provide culturally and linguistically responsive technical assistance to each district board of education in the implementation of LIEPs; and
 - 3. Coordinate and monitor, in conjunction with the county offices of education, the local, State, and Federal programs designed to meet the educational needs of MLs.

6A:15-1.2 Definitions

The following words and terms shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.

“Alternate English language proficiency assessment” (alternate ELP assessment) means a Department-approved assessment for students with the most significant cognitive disabilities that assesses a student’s English language proficiency (ELP) on the four domains of listening, speaking, reading, and writing, and that is aligned with the ELD standards and the Individuals with Disabilities Education Act (IDEA).

“Bilingual education program” means a full-time LIEP in all courses or subjects provided in accordance with N.J.S.A. 18A:35-18. Students in a bilingual education program receive instruction in the primary language of MLs enrolled in the program and in English, while also receiving ESL instruction. 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 skills in English. 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 MLs enrolled in the program, and in the history and culture of the United States.

“Bilingual part-time program” means an instructional program alternative in which students receive their academic content area classes in English language arts (ELA) and mathematics instruction with a certified bilingual teacher who provides instruction in the primary language of the MLs in the program, as well as ESL instruction.

“Bilingual resource program” means an instructional program alternative in which students receive instruction and resources that are individualized for each student, daily instruction from a certified bilingual teacher in academic content areas as identified by the school district, as well as ESL instruction.

“Bilingual tutorial program” means an instructional program alternative in which students receive one period of instruction from a certified bilingual teacher in an academic content area required for graduation, a second period of tutoring in another required content area, as well as ESL instruction.

“Class period” means the time allocated for instruction in academic content areas as part of the regular school schedule for each day in session as set forth at N.J.A.C. 6A:32-8.3. In a block schedule, weekly instruction is equivalent to one class period for each day of school in a given week.

“Comprehensive equity plan” means the same as that term is defined pursuant to N.J.A.C. 6A:7-1.3.

“Cut score” means the same as that term is defined pursuant to N.J.A.C. 6A:8-1.3.

“District board of education” means the provider of publicly funded preschool, elementary, and secondary education programs, including a district board of education, charter school board of trustees, State agency, or other public education agency that acts as the school district of

residence for the location, identification, evaluation, determination of eligibility, and provision of a free and appropriate public education to MLs, except as defined otherwise.

“Dual language immersion program” means, for the purpose of meeting the LIEP requirements at N.J.S.A. 18A:35-18 and this chapter, a full-time LIEP that provides students structured English language instruction and instruction in a second language in all academic content areas. 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.

“Early Language Development Standards” means 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>.

“Educational activities and programs” means the same as that term is defined pursuant to N.J.A.C. 6A:7-1.3.

“Educational equity” means the same as that term is defined pursuant to N.J.A.C. 6A:7-1.3.

“Educational needs” means the particular educational requirements of MLs; the fulfillment of which will provide them with equal educational opportunities.

“English as a second language (ESL) program” means a daily class period of second-language acquisition instruction within a LIEP and based on a student’s English language proficiency that

teaches the English language development standards and incorporates the cultural aspects of the students' experiences in their ESL instruction.

“English language development standards” or “ELD standards” means the 2020 Amplification of the English Language Development Standards, Kindergarten-Grade 12, incorporated herein by reference, as amended and supplemented, developed by WIDA. They are the standards and language competencies 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 content areas. 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 <https://wida.wisc.edu/sites/default/files/resource/WIDA-ELD-Standards-Framework-2020.pdf>.

“English language proficiency assessment” or “ELP assessment” means a Department-approved assessment that evaluates a student’s English language proficiency on the four domains of listening, speaking, reading, and writing, and that is aligned with the ELD standards.

“English language services” means services designed to improve the English language skills of MLs. The services, provided in school districts with less than 10 MLs in kindergarten through 12th grade, are part of the regular school program and are designed to develop proficiency in the ELD standards.

“Equal educational opportunity” means the same as that term is defined pursuant to N.J.A.C. 6A:7-1.3.

“Exit criteria” means the criteria that must be applied before a student may be exited from an LIEP.

“High-intensity ESL program” means an instructional program alternative in which students receive two or more class periods each day in session of ESL instruction. One period is the standard ESL class, and the other period is a tutorial or ESL reading class.

“Instructional program alternative” means an LIEP, other than bilingual education and/or 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:35-18. All students in an instructional program alternative receive an ESL class period each day in session.

“Language instruction educational program” or “LIEP” means the program of services in which an ML receives instruction and support to develop and attain English language proficiency while meeting or exceeding the NJSLs in academic content areas. MLs in an LIEP develop proficiency in the English language while they develop skills and knowledge within the academic content areas. An 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.

“Multicultural curriculum” means the same as that term is defined pursuant to N.J.A.C. 6A:7.

“Multilingual learner” or “ML” means 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 (for example, English and a primary language). The term is synonymous with “English learner” or “English language learner.”

“Newcomer” means 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 MLs or students with interrupted formal education (SIFEs).

“NJSLs” means the New Jersey Student Learning Standards as defined at N.J.A.C. 6A:8-1.3.

“Parent” means the same as that term is defined pursuant to N.J.A.C. 6A:32-2.1.

“Primary language” means the language or mode of communication in which a ML is most fluent or speaks more regularly than any other language. In the case of a student, the primary language is the language normally used by the student’s parent.

“Sheltered English instruction” means an instructional program alternative to make academic instruction in English understandable to MLs. Sheltered English classes are taught by classroom teachers who deliver instruction in English, may not hold a bilingual/ESL endorsement, but have received training on strategies for instructional adaptation, pursuant to N.J.A.C. 6A:8-1.3, to make academic content areas comprehensible for MLs.

“State Seal of Biliteracy” means a recognition awarded pursuant to N.J.A.C. 6A:8-5.3.

“Statewide home-language survey” or “Statewide HLS” means a standardized questionnaire developed by the Department for school districts to use to help identify which students are potential MLs and which students will require a record review and an ELP assessment to determine whether they are eligible for placement in a LIEP.

“Student with interrupted formal education” or “SIFE” means an ML in grades four through 12 who has experienced disruptions in their formal education that took place outside of the United States.

6A:15-1.3 Identification of eligible multilingual learners

- (a) The district board of education shall use, at the time of enrollment, the multi-step process set forth at (a)1 through 3 below to identify ML(s) enrolled in the school district.
 - 1. Each district board of education shall administer to each student enrolled in the school district the Statewide home-language survey (HLS). The district board of education shall use the Statewide HLS to determine which students in preschool

to 12th grade have a primary language(s) other than English and, therefore, may be an ML. The Statewide HLS shall be completed, in writing, or by verbal interview by any individual with knowledge of the student, such as a parent(s), trained school district personnel, or a bilingual or ESL teacher;

2. Following the administration of the Statewide HLS, the school district shall conduct a records review process to determine whether the student is an ML.
 - i. The records review process may include, but is not limited to, reviewing available information about the student's overall academic performance from current or prior years, observations of teaching staff members who have worked with the student, interviews with the student or the student's parent or family in their primary language, and/or additional school records, as needed, and in compliance with State and Federal student privacy laws; and
3. The district board of education shall then determine the English language proficiency of all kindergarten to 12th-grade students who are found eligible through (a)1 or 2 above and whose primary language is other than English by administering an English language proficiency assessment. Students who do not meet the Department-established cut score on the English language proficiency assessment shall be considered MLs and shall be offered entry into the district board of education's LIEP.
 - i. Preschool students who are identified, pursuant to the processes set forth at (a)1 and 2 above, as having a primary language other than English shall be identified as MLs. Prior to the start of their kindergarten year, the district board of education shall administer an ELP assessment to preschool MLs as part of the screener process to determine the ML's English language proficiency level.

- ii. The district board of education shall also use age-appropriate methodologies to identify preschool MLs to determine their individual language development needs.
- (b) Each district board of education shall maintain a roster indicating all identified students whose primary language is other than English and who are MLs.

6A:15-1.4 District board of education requirements, including LIEPs for multilingual learners

- (a) The district board of education shall provide all preschool to 12th-grade MLs enrolled in the school district pursuant to N.J.S.A. 18A:7F-46 and 18A:7F-54 with equal educational opportunities and all educational activities and programs, including required courses and support services defined at (b), (c), (d), and (e) below to prepare 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.
 - 1. Instructional opportunities may also include individualized and targeted supports, as needed by MLs.
 - 2. The district board of education shall ensure that all educational services, activities, and programs incorporate a linguistically and culturally responsive, multicultural curriculum in accordance with N.J.S.A. 18A:35-4.35, 4.36, and 4.36a, to ensure educational equity aligned to the district board of education's comprehensive equity plan, pursuant to N.J.A.C. 6A:7.
- (b) The district board of education shall provide all MLs with an LIEP.
 - 1. A district board of education shall provide appropriate instructional programs to preschool MLs pursuant to (c) below.
 - 2. Whenever there are 20 or more MLs in kindergarten through 12th grade in any one language classification enrolled in the school district, an LIEP shall include

bilingual education or dual language immersion programs pursuant to (e) below, unless waived pursuant to N.J.A.C. 6A:15-1.15.

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 with English language services. English language services shall be provided as part of the regular school program.
 5. Instructional program alternatives may be implemented pursuant to N.J.A.C. 6A:15-1.15.
- (c) 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.
- (d) The district board of education shall establish bilingual education or dual language immersion programs whenever there are 20 or more MLs in any one language classification enrolled in the school district in kindergarten through 12th grades, pursuant to N.J.S.A. 18A:35-18. Bilingual education or dual language immersion programs shall:
1. Be designed to prepare MLs to acquire sufficient English knowledge and skills to meet the NJSLs. All MLs participating in bilingual and dual language immersion programs shall also receive a class period of ESL instruction each day in session;

2. Include a curriculum that is aligned to the NJSLs and the ELD standards and includes primary language instruction delivered to further master literacy in the primary language and as a support in the development of English proficiency;
 3. 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; and
 4. Utilize a curriculum for bilingual education programs that is adopted by the district board of education.
- (e) The district board of education shall provide at least one class period of ESL instruction each day in session based on a student's English language level to all MLs placed in an LIEP.
1. The district board of education shall develop and adopt an ESL curriculum that addresses the ELD standards to address the instructional needs of MLs.
 2. The ESL curriculum shall be cross referenced to the school district's bilingual education and academic content area curricula to ensure that ESL instruction is correlated to all academic content areas taught.
- (f) A district board of education may establish dual language immersion programs to meet the requirements at (b)2 above and N.J.S.A. 18A:35-15 through 18A:35-26.
1. Dual language immersion programs shall be designed to help students achieve proficiency in English and in a second language while mastering academic content area skills.
 2. Instruction shall be in all courses or subjects of study that allow students to meet all grade promotion and graduation standards.
 3. Classes in dual language immersion programs shall be comprised of at least 50 percent MLs.
 4. The program may be coordinated with the school district's world languages program.

5. Dual language immersion programs that are not established to provide the LIEP services required pursuant to N.J.S.A. 18A:35-15 through 18A:35-26 do not have to comply with the chapter's requirements.
- (g) A district board of education may establish a newcomer program for a limited duration in time to address the needs of recent immigrant students, particularly SIFEs, before the students transition to a general education classroom. A high-quality newcomer program shall:
1. Be age-appropriate;
 2. Include content that relates to the NJSLs;
 3. Include social-emotional learning; and
 4. 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.
- (h) The district board of education shall offer sufficient courses and other relevant supplemental instructional opportunities in grades nine through 12 to enable MLs to meet or exceed the NJSLs for graduation. When sufficient numbers of students are not available to form a bilingual class in an academic content area, the district board of education shall develop, in consultation with and approved by the Department, plans to meet the needs of the students.
- (i) In addition to (a) through (h) above, the district board of education shall design additional programs and services to meet the special needs of eligible MLs. The additional programs and services shall include, but not be limited to, individualized and targeted supports through Title I programs; special education; career and technical education programs; gifted and talented education services; supports to help MLs earn a State Seal of Biliteracy pursuant to N.J.A.C. 6A:8-5.3; and individualized learning opportunities pursuant to N.J.A.C. 6A:8-5.1.

- (j) The district board of education may establish a program in bilingual education or dual language immersion for any language classification with fewer than 20 students.
- (k) The district board of education shall establish a process for how MLs in high school 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. The district board of education shall verify on a student's record that the applicable ESL credits meet or exceed the NJSLS at the high school level.

6A:15-1.5 Approval procedures

- (a) Each school district providing a LIEP shall submit a plan every three years to the Department for approval.
- (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.
 - 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.
 - 3. MLs have equitable access to educational activities and programs in a manner aligned to the district board of education's comprehensive equity plan, pursuant to N.J.A.C. 6A:7.

4. School district staff engage in ongoing and continuous program evaluations 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;
 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, if available, toward attaining the State Seal of Biliteracy.
- (c) The district board of education LIEP plan submitted to the Department for approval shall include information on the following:
1. Identification of MLs in preschool through grade 12;
 2. LIEP description;
 3. The number of staff hired for the LIEP by certificate type;
 4. Bilingual and ESL curriculum;
 5. Evaluation design;
 6. Review process for a student's exit from ML status; and
 7. A budget for all components of the LIEP.
- (d) The Department will review the plan to ensure that the district board of education has a system of support for all MLs that is aligned to this chapter. The Department may request modifications of the plan, as appropriate, and shall determine whether to approve the district board of education's plan.
- (e) The Department will establish procedures for monitoring and evaluation of the school district's LIEP.

6A:15-1.6 Supportive services

- (a) Students enrolled in an LIEP shall have equal educational opportunities, including full access to educational opportunities and services available to other students in the school district.
- (b) A school district shall provide MLs with linguistically and culturally responsive supportive services, such as academic counseling, tutoring, career guidance, and mental health counseling. Bilingual personnel who are trained in social-emotional learning and are familiar with and knowledgeable about the unique assets and needs of the MLs, including newcomers and SIFEs, and their parents, shall provide the services.

6A:15-1.7 Professional development

- (a) As part of district- and school-level plans for professional development requirements at N.J.A.C. 6A:9C-4.2, the district board of education shall describe professional learning for bilingual, ESL, and 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 MLs.
- (b) The district- and school-level professional development plan shall:
 - 1. Include instructional adaptational strategies, pursuant to N.J.A.C. 6A:8-3.1, and training on appropriate assessments to help MLs meet the NJSLS and the ELD standards;
 - 2. Address the needs of bilingual and ESL teachers, who shall receive training in the use of the ESL curriculum and the ELD standards; and
 - 3. Ensure all teachers receive training on the ELD standards, and how to provide linguistically and culturally accessible instruction and appropriate modifications and accommodations for MLs.

6A:15-1.8 Certification

- (a) All teachers of bilingual programs shall hold a valid New Jersey instructional certificate with an endorsement for the appropriate grade level and/or academic content area 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) Dual language immersion programs, for the purpose of meeting the LIEP requirements at N.J.S.A. 18A:35-18 and this chapter, may be taught by one or more teachers. In these dual language immersion programs, the following endorsements to an instructional certificate shall be fulfilled by one or more teachers:
 - 1. An endorsement for the appropriate grade level and/or academic content area being taught; and
 - 2. An endorsement in bilingual/bicultural education or world languages.
 - i. A teacher of a language other than English has demonstrated linguistic competence in the language of their instruction, pursuant to N.J.A.C. 6A:9B-10.5 or 11.5(a)2.
- (c) All teachers of ESL classes shall hold a valid New Jersey instructional certificate with an ESL endorsement, pursuant to N.J.S.A. 18A:6-38 et seq., and N.J.A.C. 6A:9B-11.6.
- (d) All teachers providing English language services shall hold a valid New Jersey instructional certificate.

6A:15-1.9 LIEP placement, assessment, exit, and reentry

- (a) All MLs from kindergarten through grade 12 shall be enrolled in an LIEP established by the district board of education in accordance with N.J.A.C. 6A:15-1.4(b) through (f) and 1.15(a), and P.L. 1995, c. 59 and c. 327.
- (b) Students identified as MLs shall be assessed annually using ELP assessments to measure the progress toward English language proficiency and to determine readiness for exiting

the LIEP. Students who meet the criteria for Statewide alternate assessments, pursuant to N.J.A.C. 6A:14-4.10(a)2, shall be assessed annually using an alternate ELP assessment.

- (c) An ML enrolled in the LIEP shall be placed in a classroom(s) where the primary language of instruction is English when the ML has demonstrated readiness to exit an LIEP first by achieving the Department-established cut score on an ELP or alternate ELP assessment. The student's readiness shall be further assessed by the use of a Department-established English language observation form that considers, at a minimum: classroom performance; the student's reading level in English; the observations of the teaching staff members responsible for the educational program of the student; and performance on achievement tests in English.
 - 1. Pursuant to 34 CFR 200.6(h)(4)(ii), an ML with a disability whose disability makes it impossible for the student to be assessed in a particular domain because there are no appropriate accommodations for assessing the student in that domain may be exited from ML status based on the student meeting the Department-determined cut score on the remaining domains in which the student was assessed.
- (d) When the review process for exiting a student from an LIEP has been completed, the district board of education shall notify, by written communication, the student's parent of the placement determination. If the parent or a teaching staff member disagrees with the student's placement, the parent or teaching staff member may appeal the placement to the Commissioner, pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:3, after exhausting the school district's appeal process.
- (e) A parent may remove a student who is enrolled in an LIEP pursuant to N.J.S.A. 18A:35-22.1.
 - 1. A student who is identified as an ML and whose parent refuses placement in an 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.

- (f) The district board of education shall monitor, for a minimum of two years, the academic progress of students who are exited from an LIEP to ensure that the students are continually meeting or exceeding the NJSLs when the curriculum and instruction are delivered in English.
- (g) Newly exited students who are not academically progressing in classes where English is the primary language of instruction may be considered for reentry to an LIEP as follows:
 1. After a minimum of one-half an academic year and within two years of exit, the teacher delivering instruction in English may recommend retesting with the approval of the principal.
 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 classes where English is the primary language of instruction.
 3. The recommendation for retesting shall be based on the teacher's 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 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 English language proficiency assessment than the one used to exit the student from the LIEP.
 5. If the student scores below the Department-determined cut score on the English language proficiency assessment, the student shall be reenrolled into an LIEP.

6A:15-1.10 Graduation requirements for multilingual learners

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

6A:15-1.11 Location

- (a) All kindergarten through grade 12 LIEPs shall be conducted within classrooms within the school district pursuant to N.J.S.A. 18A:35-20, except under the following circumstances:
1. An 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. An 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.

6A:15-1.12 Notification

- (a) Each district board of education shall notify, by written communication, the parent of an ML of the fact that their child has been identified as eligible for placement in an LIEP.
1. The district board of education shall issue the notification within 30 calendar days of the start of the school year.
 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 an LIEP.
- (b) The notice shall be in writing and in the language in which the parent possesses a primary speaking ability, and in English, and shall include the following information:
1. Why the student was identified as an ML;
 2. Why the school district determined that the student needs to be placed in an LIEP that will help the student develop and attain English proficiency and meet the NJSLs;
 3. The student's level of English language proficiency, how the level of English language proficiency was assessed, and the student's performance in academic content areas;
 4. The method of instruction the school district will use to serve the student, including a description of other instruction methods available and how those

methods differ in content, instructional goals, and the use of English and a primary language, if applicable;

5. How the program will meet the student's specific needs in attaining English language proficiency and meeting or exceeding the NJSLs;
 6. The program's exit requirements, the expected amount of time that the ML will need to successfully achieve in classrooms where the language of instruction is English, and, in the case of high school students, the expected rate of graduation;
 7. How the 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 an 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.
- (c) Each district board of education shall send progress reports to the parents of students enrolled in an LIEP in the same manner and frequency as progress reports are sent to the parent of other students enrolled in the school district.
- (d) Progress reports shall be written in English and in the primary language spoken by the parent of students enrolled in the LIEP.
- (e) Each district board of education shall notify the parent when the student meets the exit criteria and is placed in a monolingual English program. The notice shall be in English and in the language in which the parent possesses a primary speaking ability.

6A:15-1.13 Joint programs

- (a) With approval of the executive county superintendent on a case-by-case basis, a district board of education may join with another district board of education to provide:
1. An LIEP; and

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

6A:15-1.14 Parental and family engagement

- (a) Each district board of education shall provide for the maximum practicable engagement of the parent of MLs in the development and review of program objectives and dissemination of information to and from the district boards of education and communities served by the LIEP.
 1. This duty includes- ensuring all information regarding an ML’s educational experience is available in the language in which the parent possesses a primary speaking ability, and in English. This information includes, but is not limited to, district- and school-level policies, invitational letters regarding school or district programs, information regarding student discipline policies and procedures, registration and enrollment, report cards, requests for parent permission for student participation in district or school activities, parent-teacher conferences, parent handbooks, and gifted and talented programs.
- (b) With the exception of a district board of education implementing an English language services or ESL program, each district board of education implementing an LIEP shall establish a parent advisory committee on bilingual education of which the majority membership shall be the parents of MLs.

6A:15-1.15 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 that shall be established 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.

6A:15-1.16 State advisory committee on bilingual education

- (a) Pursuant to N.J.S.A. 18A:35-24, the State Board of Education shall establish a State advisory committee on bilingual education. The Commissioner shall appoint the members of the committee with representation from parents and families of MLs, institutions of higher education, bilingual and ESL teachers, district board of education members, school administrators, and community members.
- (b) The committee shall advise the Department in the formulation of policies and procedures relating to N.J.S.A. 18A:35-15 to 26.