

6A:15-1.3 Identification of eligible limited English proficient (LEP) students

(a) The district board of education shall determine the native language of each LEP student at the time of enrollment. Each district board of education shall:

1. Maintain a census indicating all students identified whose native language is other than English; and
2. Report annually to the Department as part of the Fall Report, the number of all LEP students identified in the census whose native language is other than English and, of that group, the number who are LEP students.

(b) The district board of education shall develop a screening process to determine which students, of those whose native language is other than English, must be tested to determine English language proficiency. This prescreening shall be conducted by a bilingual/ESL or other certified teacher and shall be designed to distinguish those students that are fluent English speakers, from those whose English speech and comprehension are affected by language proficiency.

(c) The district board of education shall determine the English language proficiency of all kindergarten to 12th grade students, who are not screened out, whose native language is other than English by administering an English language proficiency test, assessing the level of reading in English, reviewing the previous academic performance of students as well as standardized tests in English and reviewing the input of teaching staff members responsible for the educational program for the limited English proficient students. Those students who do not meet the Department standard on a Department-approved language proficiency test and who have at least one other indicator, are students of limited English proficiency. The district board of education shall also use age appropriate assessment instruments to identify the English language proficiency and readiness of preschool LEP students to determine individual student eligibility for bilingual, ESL or mainstream classroom instruction.

(d) The district board of education shall administer a language proficiency test approved by the Department to all limited English proficient students who enter New Jersey schools after grade eight at the time of enrollment to determine their level of English language fluency.

6A:15-1.4 Bilingual programs for limited English proficient students

(a) The district board of education shall provide all kindergarten to 12th grade LEP students enrolled in the district pursuant to N.J.S.A. 18A:7F-4 with all required courses and support services defined in (b) through (h) below to prepare LEP students to meet the Core Curriculum Content Standards for high school graduation. All district boards of education shall also provide appropriate instructional programs to eligible prekindergarten LEP students based on

need according to N.J.A.C. 6A:15-1.3(b). This may also include tutoring, after school programs, summer programs and remedial services as needed by LEP students.

(b) The district board of education shall establish English language services designed to improve the English language proficiency of LEP students whenever there are one or more, but fewer than 10 LEP students enrolled within the schools of the district. English language services shall be in addition to the regular school program.

(c) The district board of education shall establish an ESL program that provides up to two periods of ESL instruction based on student needs whenever there are 10 or more LEP students enrolled within the schools of the district.

1. An ESL curriculum that addresses the Core Curriculum Content Standards and the ESL standards for Pre-K through 12 Students, incorporated herein by reference, as amended and supplemented, shall be developed and adopted by the district board of education to address the instructional needs of LEP students.

2. The ESL curriculum shall be cross referenced to the district's bilingual education and content area curricula to ensure that ESL instruction is correlated to all the content areas being taught.

(d) The district board of education shall establish bilingual education programs whenever there are 20 or more limited English proficient students in any one language classification enrolled in the district, pursuant to N.J.S.A. 18A:35-18. Bilingual education programs shall:

1. Be designed to prepare LEP students to acquire sufficient English skills and content knowledge to meet the Core Curriculum Content Standards. All LEP students participating in bilingual programs must also receive ESL instruction;

2. Include a bilingual program curriculum that addresses the Core Curriculum Content Standards, the ESL Standards for Pre-K through 12 Students and the use of two languages. The bilingual education curriculum shall be adopted by the district board of education; and

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.

(e) Limited English proficient students shall be provided with equitable instructional opportunities to participate in all non-academic courses necessary to meet the Core Curriculum Content Standards including comprehensive health and physical education, the visual and performing arts and career awareness programs. These instructional opportunities shall be designed to assist LEP students to fully comprehend all subject matter and demonstrate their mastery of the content matter.

(f) The district board of education shall offer sufficient courses and other relevant supplemental instructional opportunities in grades nine through 12 to enable LEP students to meet the Core Curriculum Content Standards for graduation. When sufficient numbers of students are not available to form a bilingual class in a subject area, plans shall be developed in consultation with and approved by the Department to meet the needs of the students.

(g) In addition to (a) through (f) above additional programs and services shall be designed to meet the special needs of eligible LEP students and include, but not be limited to, remedial instruction through Title I programs; special education; school-to-work programs; computer training; and gifted and talented education services.

(h) A district board of education may establish dual language bilingual education programs in the schools and may make provisions for the coordination of instruction and services with the district's World Languages program. Such programs of dual language bilingual education shall also enroll students whose primary language is English and shall be designed to help students achieve proficiency in English and in a second language, while mastering subject matter skills. Instruction shall, to the extent necessary, be in all courses or subjects of study which shall allow students to meet all grade promotion and graduation standards. Where possible classes in these dual language bilingual programs shall be comprised of approximately equal numbers of students of limited English proficiency and of students whose native language is English.

(i) The district board of education may establish a program in bilingual education for any language classification with fewer than 20 pupils.

Amended by R.2003 d.388, effective October 6, 2003.
See: 35 N.J.R. 1500(a), 35 N.J.R. 4718(a).
Amended N.J.S.A. references in (a) and (d).

6A:15-1.5 Waiver process provided by statute

(a) A district may request a waiver from N.J.A.C. 6A:15-1.4(d) to establish an instructional program alternative on an annual basis with the approval of the Department of Education when there are 20 or more students eligible for the bilingual education program in grades kindergarten through 12, and the district is able to demonstrate that due to the age range, grade span and/or geographic location of eligible students, it would be impractical to provide a full-time bilingual program.

1. Instructional program alternatives shall be developed in consultation with and approved annually by the Department of Education after review of students enrollment and achievement data. All bilingual instructional program alternatives shall be designed to assist LEP students to develop sufficient English skills and subject

matter skills to meet the Core Curriculum Content Standards.

2. The instructional program alternatives that shall be established include, but are not limited to: the bilingual part-time component, the bilingual resource program, the bilingual tutorial program and the high-intensity ESL program.

3. District boards of education implementing program alternatives shall submit annually, student enrollment and achievement data that demonstrate the continued need for these programs.

4. A district board of education may not request a waiver when the number of LEP students increases in one language group to the point where the district can establish two or more self-contained or subject area classes in two consecutive grades within any one school in the district, the local board of education shall establish a full-time bilingual education program for that language group.

6A:15-1.6 Approval procedures

(a) Each school district providing a bilingual program, ESL program or English language services shall submit a plan every three years to the Department of Education for approval.

1. Plans submitted by each district board of education for approval shall include information on the following:
 - i. Identification of students;
 - ii. Program description;
 - iii. Bilingual and ESL curriculum development
 - iv. Evaluation design; and
 - v. Review process for exit.

(b) Each district board of education shall submit annually:

1. Data on the number of LEP students served;
2. Data on the number of certified staff hired for the program;
3. Evaluation data which shall include achievement information in ESL, and data on the performance of eligible LEP students on the fourth grade, eighth grade and 11th grade tests;
4. Exit data for the LEP students enrolled in the district; and
5. A budget for the bilingual and ESL program or English language services. The budget shall indicate how the bilingual categorical aid funds are directly related to the bilingual/ESL program instructional services and materials.