

**CHAPTER 15  
BILINGUAL EDUCATION**

**Authority**

N.J.S.A. 18A:1-1, 18A:4-15, 18A:7F-4, and 18A:35-15 to 26.

**Source and Effective Date**

R.2008 d.306, effective September 16, 2008.  
See: 40 N.J.R. 2161(a), 40 N.J.R. 6200(b).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 15, Bilingual Education, expires on September 16, 2015. See: 43 N.J.R. 1203(a).

**Chapter Historical Note**

Chapter 15, Bilingual Education, was adopted as new rules by R.1998 d.335, effective July 6, 1998. See: 30 N.J.R. 1249(a), 30 N.J.R. 2472(a).

Chapter 15, Bilingual Education, was readopted as R.2003 d.388, effective September 8, 2003. See: 35 N.J.R. 1500(a), 35 N.J.R. 4718(a).

Chapter 15, Bilingual Education, was readopted as R.2008 d.306, effective September 16, 2008. See: Source and Effective Date. See, also, section annotations.

**Law Review and Journal Commentaries**

Toward parity in education: Abbott v. Burke and the future of New Jersey school systems. 5 Temp.Pol. & Civ.Rts.L.Rev. 183 (1996).

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**6A:15-1.1 General requirements**

(a) The purpose of this chapter is to:

1. Ensure that all limited English proficient (LEP) students 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 that the rights of LEP students are protected;
3. Ensure the provision of bilingual education and related services;
4. Assist district boards of education in providing educational services to LEP students; and
5. Ensure the evaluation of the effectiveness of the education of LEP students.

(b) The rules of this chapter shall apply to all district boards of education providing funded educational programs and services to LEP students.

(c) The Department shall:

1. Administer the provisions of this chapter;
2. Provide technical assistance to each district board of education in the implementation of bilingual, ESL, and English language services programs; 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 LEP students.

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

In (c), substituted "Specialized Populations" for "Bilingual Education".

Amended by R.2008 d.306, effective October 20, 2008.  
See: 40 N.J.R. 2161(a), 40 N.J.R. 6200(b).

In the introductory paragraph of (c), deleted "Office of Specialized Populations established in the" preceding "Department of Education".

Amended by R.2014 d.050, effective March 17, 2014.  
See: 45 N.J.R. 399(a), 46 N.J.R. 501(a).

In (a)1, substituted "pursuant to" for the second occurrence of "as defined in"; in (a)5 and (c)3, substituted "LEP" for "limited English proficient"; in the introductory paragraph of (c), deleted "of Education (Department)" preceding "shall"; and in (c)2, deleted "their" preceding "bilingual".

**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.

"Bilingual education program" means a full-time program of instruction in all courses or subjects that a child is required by law or rule to receive, given in the native language of LEP students enrolled in the program and also in English; in the aural comprehension, speaking, reading, and writing of the native language of LEP students enrolled in the program, and in the aural comprehension, speaking, reading, and writing of English; and in the history and culture of the country, territory, or geographic area that is the native land of the parents of LEP students enrolled in the program, and in the history and culture of the United States.

“Bilingual part-time component” means a program alternative in which students are assigned to mainstream English program classes but are scheduled daily for their developmental reading and mathematics instruction with a certified bilingual teacher.

“Bilingual resource program” means a program alternative in which students receive on an individual basis daily instruction from a certified bilingual teacher in identified subjects and with specific assignments.

“Bilingual tutorial program” means a program alternative in which students are provided one period of instruction from a certified bilingual teacher in a content area required for graduation and a second period of tutoring in other required content areas.

“CCCS” means as defined in N.J.A.C. 6A:8-1.3.

“Dual-language bilingual education program” means a full-time program of instruction in elementary and secondary schools that provides structured English language instruction and instruction in a second language in all content areas for LEP students and for native English speaking students enrolled in the program.

“Educational needs” means the particular educational requirements of LEP students, the fulfillment of which will provide them with equal educational opportunities.

“English as a second language (ESL) program” means a daily developmental second-language program of up to two periods of instruction based on student language proficiency that teaches aural comprehension, speaking, reading, and writing in English using second language teaching techniques, and incorporates the cultural aspects of the students’ experiences in their ESL instruction. A period is the time allocated in the school schedule for instruction in core subjects.

“English language development standards” means the 2012 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. They are the standards and language competencies LEP students 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. The standards are published by the Board of Regents of the University of Wisconsin System, on behalf of the WIDA Consortium ([www.wida.us](http://www.wida.us)) and are available for review at <http://www.wida.us/standards/eld.aspx>.

“English language proficiency test” means a test that measures English language skills in the areas of aural comprehension, speaking, reading, and writing.

“English language services” means services designed to improve the English language skills of LEP students. The services, provided in school districts with less than 10 LEP students, are in addition to the regular school program and are designed to develop aural comprehension, speaking, reading, and writing skills in English.

“Exit criteria” means the criteria that must be applied before a student may be exited from a bilingual, ESL, or English language services education program.

“High-intensity ESL program” means a program alternative in which students receive two or more class periods a day 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 a part-time program of instruction that may be established by a district board of education in consultation with and approval of the Department. All students in an instructional program alternative receive English as a second language.

“Limited English proficient (LEP) students” means students from preschool through grade 12 whose native language is other than English and who have sufficient difficulty speaking, reading, writing, or understanding the English language as measured by an English language proficiency test, so as to be denied the opportunity to learn successfully in classrooms where English is the language of instruction. This term means the same as limited English speaking ability as used in N.J.S.A. 18A:35-15 to 26.

“Native language” means the language first acquired by the student, the language most often spoken by the student, or the language most often spoken in the student’s home regardless of the language spoken by the student.

“Parent(s)” means the natural parent(s) or the legal guardian(s), foster parent(s), surrogate parent(s), or person acting in the place of a parent with whom the student legally resides. When parents are separated or divorced, parent means the person(s) who has legal custody of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

“Review process” is the process established by the district board of education to assess LEP students for exit from bilingual, ESL, or English language services programs.

“Sheltered English instruction” is an instructional approach used to make academic instruction in English understandable to LEP students. Sheltered English classes are taught by regular classroom teachers who have received training on strategies to make subject-area content comprehensible for LEP students.

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

Amended “Standards” for “standards” and “Pre-K” for “pre-K”.