

## CHAPTER 15

### BILINGUAL EDUCATION

#### Authority

N.J.S.A. 18A:1-1, 18A:4-15, 18A:7A-1 et seq., and specifically,  
18A:7A-4 and 5, 18A:35-15 to 35-26, and P.L. 1991, c.12  
and P.L. 1995, c.59 and c.327.

#### Source and Effective Date

R.1998 d.335, effective July 6, 1998.  
See: 30 N.J.R. 1249(a), 30 N.J.R. 2472(a).

#### Executive Order No. 66(1978) Expiration Date

Chapter 15, Bilingual Education, expires on July 6, 2003.

#### 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 as defined in 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 limited English proficient 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 Office of Bilingual Education established in the Department of Education (Department) shall:

1. Administer the provisions of this chapter;
2. Provide technical assistance to each district board of education in the implementation of their 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 limited English proficient students.

#### 6A:15-1.2 Definitions

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

"Act" means P.L. 1974, c.197 (N.J.S.A. 18A:35-15 to 26).

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

"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 daily instruction from a certified bilingual teacher in identified subjects and with specific assignments on an individual student basis.

"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.

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

"Educational needs" means the particular educational requirements of students of limited English proficiency, 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 needs which 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.

"English language fluency" means the ability to speak the language with sufficient structural accuracy; to use vocabulary to participate effectively in most formal and informal conversations on practical, social and school topics; to read material for information; and to complete forms and write essays and reports on familiar topics. Language fluency is not the same as language proficiency, which is the full command of language skills.

"English language proficiency test" means a test which 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 students of limited English proficiency. These services, provided in district boards of education with less than 10 students of limited English proficiency, are in addition to the regular school program and have as their goal the development of aural comprehension, speaking, reading and writing skills in English.

"ESL standards for pre-K through 12 students" means the standards and language competencies limited English proficient students in 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 were developed by Teachers of English to Speakers of Other Languages, Inc. (TESOL) in 1996. The address to obtain these standards is: Teachers of English to Speakers of Other Languages, Inc., 1600 Cameron Street, Suite 300, Alexandria, VA 22314-2751.

"Exit criteria" means the criteria which 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 of Education. All students in an instructional program alternative receive English as a second language.

"Limited English proficient (LEP) students" means students from pre-kindergarten 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 the classrooms where the language of instruction is English. This term means the same as limited English speaking ability, the term 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. Where 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 limited English proficient students for exit from bilingual, ESL, or English language services programs.

### **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.