R 2423. BILINGUAL EDUCATION (M)

A Definitions – N.J.A.C. 6A:15-1.2

1. "Alternate English language proficiency assessment" (alternate ELP assessment) means a New Jersey Department of Education (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 English Language Development (ELD) standards and the Individuals with Disabilities Education Act (IDEA).

2. "Bilingual education program" means a full-time language instruction educational program (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 multilingual learners (ML) enrolled in the program and in English, while also receiving English as a second language (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.

3. "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.

4. "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.

5. "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.

6. "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.

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

8. “Dual language immersion program” means, for the purpose of meeting the LIEP requirements at N.J.S.A. 18A:35-18 and N.J.A.C. 6A:15, 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 fifty 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.

9. “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.

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

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

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

13. “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.

14. “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 ELA 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.
15. “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.

16. “English language services” means services designed to improve the English language skills of MLs. The services, provided in school districts with less than ten MLs in Kindergarten

through twelfth- grade, are part of the regular school program and are designed to develop proficiency in the ELD standards.

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

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

19. “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.

20. “Instructional program alternative” means a LIEP, other than bilingual education and/or dual language immersion, that may be established by the Board of Education in consultation with, and approval of, the New Jersey Department of Education 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.

21. “Language instruction educational program” or “LIEP” means the program of services in which a ML receives instruction and support to develop and attain English language proficiency while meeting or exceeding the New Jersey Student Learning Standards (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 N.J.A.C. 6A:15. 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.

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

23. “Multilingual learner” or “ML” means a student whose primary language is not English, who is identified through the process set forth in N.J.A.C. 6A:15, 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”.

24. “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 heterogenous group of immigrants; some newcomers may also be MLs or students with interrupted formal education (SIFE).

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

26. “Parent(s)” means the natural or adoptive parent, legal guardian, surrogate parent appointed pursuant to N.J.A.C. 6A:14-2.2, or a person acting in the place of a parent (such as a grandparent or stepparent with whom the student lives or a person legally responsible for the

student's welfare). Unless parental rights have been terminated by a court of appropriate jurisdiction, the parent retains all rights pursuant to N.J.A.C. 6A:32. In addition, a resource family parent may act as a parent pursuant to N.J.A.C. 6A:32 if the parent's authority to make education decisions on the student's behalf has been terminated by a court of appropriate jurisdiction.

27. "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.

28. "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.

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

30. "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.

31. "Student with interrupted formal education" or "SIFE" means a ML in grades four to twelve who has experienced disruptions in their formal education that took place outside of the United States.

B. Identification of Eligible Multilingual Learners – N.J.A.C. 6A:15-1.3

1. The school district shall use, at the time of enrollment, the multi- step process set forth at N.J.A.C. 6A:15-1.3(a)1 through (a)3 and B.1.a. through B.1.c. below to identify MLs enrolled in the school district.

    a. The district shall administer to each student enrolled in the school district the Statewide HLS. The district shall use the Statewide HLS to determine which students in preschool to twelfth-grade have a primary language(s) other than English and, therefore, may be a ML. The Statewide HLS shall be completed, in writing, or by verbal interview by an individual with knowledge of the student, such as a parent(s), trained school district personnel, or a bilingual or ESL teacher;

    b. Following the administration of the Statewide HLS, the district shall conduct a records review process to determine whether the student is a ML.

        (1) 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 in compliance with State and Federal student privacy laws; and

c. The district shall then determine the English language proficiency of all Kindergarten to twelfth-grade students who are found eligible through N.J.A.C. 6A:15-1.3(a)1 or (a)2 and B.1.a. or B.1.b. above and whose primary language is other than English by administering an ELP assessment. Students who do not meet the Department-established cut score on the ELP assessment shall be considered MLs and shall be offered entry into the district's LIEP.

(1) Preschool students who are identified, pursuant to the processes set forth at N.J.A.C. 6A:15-1.3(a)1 and (a)2 and B.1.a. and B.1.b. above, as having a primary language other than English shall be identified as MLs. Prior to the start of their Kindergarten year, the district shall administer an ELP assessment to preschool MLs as part of the screener process to determine the ML's English language proficiency level.

(2) The district shall also use age-appropriate methodologies to identify preschool MLs to determine their individual language development needs.

2. The district shall maintain a roster indicating all identified students whose primary language is other than English and who are MLs.

C. Board Requirements, Including Language Instruction Educational Programs for Multilingual Learners – N.J.A.C. 6A:15-1.4

1. The district shall provide all preschool to twelfth-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 N.J.A.C. 6A:15-1.4(b) through (e) and C.2. through C.5. 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.

a. Instructional opportunities may also include individualized and targeted supports, as needed by MLs.

b. The district 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, 18A:35-4.36, and 18A:35-4.36a. to ensure educational equity aligned to the Board of Education's Comprehensive Equity Plan, pursuant to N.J.A.C. 6A:7.

2. The Board shall provide all MLs with a LIEP.

a. The Board shall provide appropriate instructional programs to preschool MLs pursuant to N.J.A.C. 6A:15-1.4(c) and C.3. below.
b. Whenever there are twenty or more MLs in Kindergarten through twelfth-grade in any one language classification enrolled in the school district, a LIEP shall include bilingual education or dual language immersion programs pursuant to N.J.A.C.

6A:15-1.4(e) and C.5. below, unless waived pursuant to N.J.A.C. 6A:15-1.15 and N. below.

c. Whenever there are ten or more MLs in Kindergarten through twelfth-grade enrolled in the school district, an ESL program shall be provided.
d. Whenever there are at least one, but fewer than ten MLs in Kindergarten through twelfth-grade enrolled in the school district, the Board shall provide the MLs with English language services. English language services shall be provided as part of the regular school program.
e. Instructional program alternatives may be implemented pursuant to N.J.A.C. 6A:15-1.15 and N. below.

3. The Board 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.

    a. 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.

4. The Board shall establish bilingual education or dual language immersion programs whenever there are twenty or more MLs in any one language classification enrolled in the school district in Kindergarten through twelfth-grade, pursuant to N.J.S.A. 18A:35- 18. Bilingual education or dual language immersion programs shall:
    a. 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;
    b. 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;
    c. 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
    d. Utilize a curriculum for bilingual education programs that is adopted by the Board.

5. The Board 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 a LIEP.

    a. The Board shall develop and adopt an ESL curriculum that addresses the ELD standards to address the instructional needs of MLs.
    b. 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.

6. The Board may establish dual language immersion programs to meet the requirement at N.J.A.C. 6A:15-1.4(b)2. and C.2.b. above and N.J.S.A. 18A:35-15 through 18A:35-26.
    a. 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.
    b. Instruction shall be in all courses or subjects of study that allow students to meet all grade promotion and graduation standards.
    c. Classes in dual language immersion programs shall be comprised of at least fifty percent MLs.

d. The program may be coordinated with the school district's world languages program.

e. 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 requirements of N.J.A.C. 6A:15, Policy 2423, and this Regulation.

7. The Board 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:

    a. Be age-appropriate;
    b. Include content that relates to the NJSLS;
    c. Include social-emotional learning; and
    d. 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.

8. The Board shall offer sufficient courses and other relevant supplemental instructional opportunities in grades nine through twelve 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 Board shall develop, in consultation with and approved by the Department, plans to meet the needs of the students.
9. In addition to N.J.A.C. 6A:15-1.4(a) through (h) and C.1. through C.8. above, the Board 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.
10. The Board may establish a program in bilingual education or dual language immersion for any language classification with fewer than twenty students.
11. The Board 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 Board shall verify on a student's record that the applicable ESL credits meet or exceed the NJSLS at the high school level.

D. Approval Procedures – N.J.A.C. 6A:15-1.5

1. The school district providing a LIEP shall submit a plan every three years to the Department for approval.
2. The Board of Education's LIEP plan shall demonstrate that:

    a. For Kindergarten through twelfth-grade, LIEP curricula include or are aligned with:
        (1) The NJSLS;
        (2) The ELD standards; and
        (3) A multicultural curriculum, pursuant to N.J.S.A. 18A:35-4.36a and N.J.A.C. 6A:7.

    b. 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:

(1) The NJSLS;
(2) The ELD standards for preschool; and
(3) A multicultural curriculum, pursuant to N.J.S.A. 18A:35-4.36a and N.J.A.C. 6A:7.

c. MLs have equitable access to educational activities and programs in a manner aligned to the Board's Comprehensive Equity Plan, pursuant to N.J.A.C. 6A:7.

d. 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 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.

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

f. 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.

3. The Board's LIEP plan submitted to the Department for approval shall include information on the following:
   a. Identification of MLs in preschool through twelfth-grade;
   b. LIEP description;
   c. The number of staff hired for the LIEP by certificate type;
   d. Bilingual and ESL curriculum;
   e. Evaluation design;
   f. Review process for a student's exit from ML status; and
   g. A budget for all components of the LIEP.

4. The Department will review the plan to ensure the Board has a system of support for all MLs that is aligned to N.J.A.C. 6A:15, Policy 2423, and this Regulation. The Department may request modifications of the plan, as appropriate, and shall determine whether to approve the Board's plan.

E. Supportive Services – N.J.A.C. 6A:15-1.6

1. Students enrolled in a LIEP shall have equal educational opportunities, including full access to educational opportunities and services available to other students in the district.
2. The 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.

F. Professional Development – N.J.A.C. 6A:15-1.7

1. As part of the district- and school-level plans for professional development requirements at N.J.A.C. 6A:9C-4.2, the 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.
2. The district- and school-level professional development plan shall:
    a. 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;
    b. Address the needs of bilingual and ESL teachers, who shall receive training in the use of the ESL curriculum and the ELD standards; and
    c. 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.

G. Certification – N.J.A.C. 6A:15-1.8

1.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., N.J.S.A. 18A:35-15 to 26, and N.J.A.C. 6A:9B-11.5.

2.Dual language immersion programs, for the purpose of meeting the LIEP requirements at N.J.S.A. 18A:35-18; N.J.A.C. 6A:15; Policy 2423; and this Regulation may be taught by one or more teaching staff members. In these dual language immersion programs, the following endorsements to an instructional certificate shall be fulfilled by one or more teaching staff members:

a. An endorsement for the appropriate grade level and/or academic content area being taught; and
b. An endorsement in bilingual/bicultural education or world languages.

(1) A teaching staff member 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.

3. All teaching staff members 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.

4. All teaching staff members providing English language services shall hold a valid New Jersey instructional certificate.

H. Language Instruction Educational Program Placement, Assessment, Exit, and Reentry – N.J.A.C. 6A:15-1.9

1. All MLs from Kindergarten through twelfth-grade shall be enrolled in a LIEP established by the Board of Education in accordance with N.J.A.C. 6A:15-1.4(b) through (f) and C.2. through C.6. above, N.J.A.C. 6A:15-1.15(a) and N.1. below, and N.J.S.A. 18A:35-18 and N.J.S.A. 18A:35-22.
2. 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.
3. A 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 a 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.

    a. Pursuant to 34 CFR §200.6(h)(4)(ii), a 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.

4. When the review process for exiting a student from a LIEP has been completed, the district 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 of Education, pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:3, after exhausting the school district's appeal process.

5. A parent may remove a student who is enrolled in a LIEP pursuant to N.J.S.A. 18A:35-22.1.

    a. A student who is 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, N.J.A.C. 6A:15-1.6, and E. above, the district shall ensure that students whose parents refuse placement are provided the appropriate instructional adaptations and appropriate assessment modifications and accommodations for Statewide assessments.

6. The district 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.

7. Newly exited students who are not academically progressing in classes where English is the primary language of instruction may be considered for reentry to a LIEP as follows:

    a. After a minimum of one-half an academic year and within two years of exit, the teaching staff member delivering instruction in English may recommend retesting with the approval of the Principal.
    b. A waiver of the minimum time limitation may be approved by the Executive County Superintendent upon request of the Superintendent if the student is experiencing

extreme difficulty in adjusting to classes where English is the primary language of instruction.

c. The recommendation for retesting shall be based on the teaching staff member'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 teaching staff member; and/or comprehend basic verbal and written materials.
d. 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.
e. If the student scores below the Department-determined cut score on the English language proficiency assessment, the student shall be reenrolled into a LIEP.

I. Graduation Requirements for Multilingual Learners – N.J.A.C. 6A:15-1.10

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

J. Location – N.J.A.C. 6A:15-1.11

1. All Kindergarten through twelfth-grade LIEPs shall be conducted within classrooms within the school district pursuant to N.J.S.A. 18A:35-20, except under the following circumstances:
   a. A LIEP is conducted in another school district as part of a joint program, pursuant to N.J.A.C. 6A:15-1.13 and L. below; or
   b. 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.

K. Notification – N.J.A.C. 6A:15-1.12

1. The district shall notify, by written communication, the parent of a ML of the fact that their child has been identified as eligible for placement in a LIEP.
   a. The district shall issue the notification within thirty calendar days of the start of the school year.
   b. For a student who enrolls after the beginning of the school year, the district shall issue the notification within fourteen calendar days of the student being placed in a LIEP.
2. 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:

   a. Why the student was identified as a ML;

   b.Why the school district determined the student needs to be placed in a LIEP that will help the student develop and attain English proficiency and meet the NJSLS;
   c. 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;
   d. 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;
   e. How the program will meet the student's specific needs in attaining English language proficiency and meeting or exceeding the NJSLS;

f. 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;
g. How the LIEP will meet the objectives of the individualized education program of a student with a disability; and
h. 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.

3. The district shall send progress reports to the parents of students enrolled in a LIEP in the same manner and frequency as progress reports are sent to the parent of other students enrolled in the school district.

4. Progress reports shall be written in English and in the primary language spoken by the parent of students enrolled in the LIEP.

5. The district 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.

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

1. With approval of the Executive County Superintendent on a case- by-case basis, the Board of Education may join with another district Board to provide:
a. A LIEP; and
b. 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.

M. Parental and Family Engagement – N.J.A.C. 6A:15-1.14

1. The Superintendent or designee 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 Boards of Education and communities served by the LIEP .

a. This duty includes ensuring all information regarding a 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 it 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.

2. With the exception of a Board implementing an English language services or ESL program, each Board implementing a LIEP shall establish a parent advisory committee on bilingual education of which the majority membership shall be the parents of MLs.

N. Waiver Process Provided by Statute – N.J.A.C. 6A:15-1.15

1. A school district that has twenty or more students eligible for the bilingual education program in Kindergarten through twelfth-grade may request annual approval from the Department to waive the requirement at N.J.A.C. 6A:15-1.4(d) and C.4. above 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.

a. 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.

b. 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.

c. Instructional program alternatives shall be developed in consultation with the Department based on student enrollment and achievement data.

d. A 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.

e. Instructional program alternatives shall be approved annually by the Department based on the Department's review of student enrollment and achievement data.

Adopted: March 17, 2016
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