

## Adoptions Section

### Education

#### State Board of Education

#### Notice of Administrative Changes

#### Change of English Language Learner to Multilingual Learner

N.J.A.C. 6A:8-1.3, 3.1, 4.1, 4.2, 4.4, and 5.1; 6A:9-3.3; 6A:9B-9.3, 11.2, and 11.6; 6A:11-1.2, 4.5, and 4.8; 6A:13A-1.2, 4.2, and 5.1; 6A:14-2.5, 3.4, 3.5, and 3.7; 6A:20-1.2, 2.3, and 2.5; 6A:26A-1.2 and 2.1; 6A:31-2.1; 6A:32-13.1; and 6A:33-1.3 and 2.1

Effective Date: April 22, 2024.

**Take notice** that the Department of Education (Department) requested, and the Office of Administrative Law agreed to permit, the administrative changes throughout Title 6A of the change in name of English language learner (ELL) to multilingual learner (ML). The State Board of Education approved the term change at its July 12, 2023, meeting through the readoption with amendments at N.J.A.C. 6A:15, Bilingual Education, and the change became effective on August 7, 2023 (see 55 N.J.R. 1708(a)). Therefore, the Department is changing “English language learner,” which means a student whose primary language is not English, who is identified through the process set forth at N.J.A.C. 6A:15, and who is developing proficiency in multiple languages (for example, English and a primary language), and “ELL” to “multilingual learner” or “ML,” respectively. The Department also is changing “limited English proficient” and “LEP,” which were previously replaced at N.J.A.C. 6A:15 by “ELL,” to “multilingual learner” or “ML,” respectively.

This notice of administrative changes is published in accordance with N.J.A.C. 1:30-2.7.

**Full text** of the changed rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

## Chapter 8 Standards and Assessment

### Subchapter 1. General Provisions

#### 6A:8-1.3 Definitions

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

“Accommodations or modifications to the Statewide assessment system” means changes in testing procedures or formats that provide students with disabilities and [English language learners (ELLs)] **multilingual learners (MLs)** an equitable opportunity to participate in assessment and demonstrate their knowledge and skills in the areas assessed.

...

"All students" means every student enrolled in public elementary, secondary, and adult high school education programs within the State of New Jersey, including general education students, students with disabilities, and [English language learners (ELLs)] **multilingual learners (MLs)**.

...

[“ELL” means English language learner, indicating a person who is in the process of acquiring English and has a first language other than English. ELLs sometimes are referred to as limited English proficient (LEP).]

...

“Instructional adaptation” means an adjustment or modification to instruction enabling students with disabilities, [ELLs] **MLs**, or students in alternative education programs or who are gifted and talented to participate in, benefit from, and/or demonstrate knowledge and application of the NJSL.

...

**“ML” means multilingual learner, indicating a person who is in the process of acquiring English and has a first language other than English. MLs sometimes are referred to as English language learners (ELL) or limited English proficient (LEP).**

...

### Subchapter 3. Implementation of the New Jersey Student Learning Standards

#### 6A:8-3.1 Curriculum and instruction

(a) District boards of education shall ensure that curriculum and instruction are designed and delivered in such a way that all students are able to demonstrate the knowledge and skills specified by the NJSLs and shall ensure that appropriate instructional adaptations are designed and delivered for students with disabilities, for [ELLs] **MLs**, for students enrolled in alternative education programs, and for students who are gifted and talented.

1. – 6. (No change.)

7. District boards of education shall be responsible for developing for [ELLs] **MLs** English language assistance programs that are aligned to the NJSLs and the English language development standards.

(b) (No change.)

(c) District boards of education shall be responsible for the review and continuous improvement of curriculum and instruction based upon changes in knowledge, technology, assessment results, and modifications to the NJSLs, according to N.J.A.C. 6A:8-2.

1. – 2. (No change.)

3. District boards of education shall provide the time and resources to develop, review, and enhance inter-disciplinary connections, supportive curricula, and instructional tools for helping students acquire required knowledge and skills. The tools include, but are not limited to:

i. – iii. (No change.)

iv. Modifications for special education students, for [ELLs] **MLs** in accordance with N.J.A.C. 6A:15, for students at risk of school failure, and for gifted students.

(d) (No change.)

#### Subchapter 4. Implementation of the Statewide Assessment System

##### 6A:8-4.1 Statewide assessment system

(a) – (c) (No change.)

(d) Pursuant to (b) and (c) above, all students at grade levels three through 12, and at any other grade(s) designated by the Commissioner pursuant to (a) above, shall take all appropriate Statewide assessments as scheduled.

1. District boards of education shall provide all appropriate accommodations or modifications to the Statewide assessment system as specified by the Department for [ELLs] **MLs** and students with disabilities as defined at N.J.A.C. 6A:14-1.3 or eligible [under] **pursuant to** Section 504 of the Rehabilitation Act as specified in a student's IEP or 504 plan.

i. District boards of education may administer the Statewide assessments in mathematics to [ELLs] **MLs** in their native language, when available, and/or English.

ii. District boards of education shall have the option for a first-year [ELL] **ML** of substituting a Department-approved language proficiency test only for the English language arts

component of the Statewide assessment, when the student has entered the United States after June 1 of the calendar year prior to the test administration.

2. (No change.)

3. At specific times prescribed by the Commissioner, district boards of education shall administer the alternative State assessment for students with disabilities to students with severe disabilities who cannot participate in other assessments due to the severity of their disabilities.

i. – ii. (No change.)

iii. The Department shall also implement an approved English language proficiency assessment to measure the progress in English language proficiency of [ELLs] **MLs** with an IEP who have been determined eligible by the IEP team for an alternative Department-approved English language proficiency assessment for students with disabilities.

4. (No change.)

(e) (No change.)

#### 6A:8-4.2 Documentation of student achievement

(a) After each test administration, the Department shall provide to chief school administrators the following:

1. – 2. (No change.)

3. School and school district summary data, including school and school district means, numbers tested, and percent achieving at each performance level. The school district summary data shall be aggregated and disaggregated, and school summary data shall be disaggregated, for students with disabilities as defined [by] **at** N.J.A.C. 6A:14-1.3 and for [ELLs] **MLs**.

(b) – (d) (No change.)

#### 6A:8-4.4 Annual review and evaluation of school districts

The Department shall review the performance of schools and school districts by using a percent of students performing at the proficient level as one measure of AMO and incorporating a progress criterion indicative of systemic reform. The review shall include the performance of all students, including students with disabilities as defined [by] **at** N.J.A.C. 6A:14-1.3, students from major racial and ethnic groups, economically disadvantaged students, and [ELLs] **MLs**. The review shall take place at each grade level in which Statewide assessments are administered, using the AMO targets.

### Subchapter 5. Implementation of Graduation Requirements

#### 6A:8-5.1 Graduation requirements

(a) – (g) (No change.)

(h) All [ELLs] **MLs** shall satisfy the requirements for high school graduation, except [ELLs] **MLs** may demonstrate they have attained State minimum levels of proficiency through passage of the portfolio appeals process in their native language, when available, and passage of a Department-approved, English fluency assessment.

(i) – (j) (No change.)

## Chapter 9 Professional Standards

### Subchapter 3. Professional Standards for Teachers and School Leaders

#### 6A:9-3.3 Professional Standards for Teachers

(a) Teacher preparation, school district induction, professional development programs, and the school district teacher evaluation system shall align with the standards at (a)1 through 11

below. The standards are grouped into the following four domains: The Learner and Learning (Standards One, Two, and Three); Content Knowledge (Standards Four and Five); Instructional Practice (Standards Six, Seven, and Eight); and Professional Responsibility (Standards Nine, Ten, and Eleven). The elements of each standard are divided into three categories: Performances, Essential Knowledge, and Critical Dispositions.

1. (No change.)

2. Standard Two: Learning Differences. The teacher uses understanding of individual differences and diverse cultures and communities to ensure inclusive learning environments that enable each learner to meet high standards.

i. Performances:

(1) – (4) (No change.)

(5) The teacher incorporates tools of language development into planning and instruction, including strategies for making content accessible to [English language] **multilingual** learners and for evaluating and supporting their development of English proficiency; and

(6) (No change.)

ii. – iii. (No change.)

3. – 11. (No change.)

## Chapter 9B State Board of Examiners and Certification

### Subchapter 9. Instructional Endorsements

#### 6A:9B-9.3 Department-issued endorsements and authorizations

(a) (No change.)

(b) The teaching endorsements below authorize the holder to teach specific populations, subjects, ages, and/or grade levels:

1. Bilingual/bicultural education: This endorsement authorizes the holder to teach bilingual/bicultural education in all public schools. In addition to the content area(s) or grade level(s) authorized by the teachers' endorsement(s), the holder of a bilingual/bicultural education endorsement also may provide consultative services and supportive resource programs, including modification and adaptation of curriculum and instruction to [English language] **multilingual** learners and speakers of English as a second language in general education programs in preschool through grade 12.

2. – 6. (No change.)

Subchapter 11. Additional Requirements or Exceptions to Requirements for Instructional Certification with Special Endorsements

6A:9B-11.2 Preschool through grade three

(a) Candidates for the preschool through grade three endorsement shall complete all certification requirements at N.J.A.C. 6A:9B-8 and the endorsement requirements at N.J.A.C. 6A:9B-9, and:

1. – 2. (No change.)

3. Provisional teachers holding a CE with a preschool through grade three endorsement shall choose to complete either 350 hours of formal instruction, pursuant to N.J.A.C. 6A:9A-5.4(a)1, or 24 semester-hour credits of preschool through grade three pedagogy at a Department-approved New Jersey college or university program. Instruction through either choice shall include:



i. Child development and learning, including studies designed to foster understanding of the dynamic continuum of development and learning in children from birth through age eight. Required topics are cognitive and linguistic factors that affect learning and development; the creation of a climate that fosters and nurtures diversity and equitable opportunities for all children, including children who are [limited English proficient] **multilingual learners** and children with disabilities, and that addresses multiple intelligences and diverse learning styles; the integration of play; and language and literacy across the curriculum;

ii. – iii. (No change.)

(b) – (e) (No change.)

6A:9B-11.6 English as a second language

(a) (No change.)

(b) Provisional teachers holding a CE with an English as a second language endorsement shall complete the requirements for a standard certificate pursuant to N.J.A.C. 6A:9B-8.7, and shall complete, at a Department-approved New Jersey college or university, an educator preparation program that includes a minimum of 15 credit hours of formal instruction in the topics at (b)1 through 7 below. This requirement shall not apply to provisional teachers who hold a CEAS pursuant to N.J.A.C. 6A:9B-10.2.

1. The historical and cultural backgrounds of [limited English proficient students] **multilingual learners**;

2. – 7. (No change.)

(c) (No change.)

## Chapter 11 Charter Schools

### Subchapter 1. General Provisions

#### 6A:11-1.2 Definitions

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

...

“Demonstrable experience” means a record of success in engendering student growth and improving the academic performance of at-risk, [English language] **multilingual learners**, and special education students; and evidence of financial stability.

...

### Subchapter 4. Program Implementation

#### 6A:11-4.5 Lottery

(a) – (e) (No change.)

(f) A charter school may seek approval from the Commissioner to establish a weighted lottery that favors educationally disadvantaged students, including, but not limited to, students who are economically disadvantaged, students with disabilities, migrant students, [limited English proficient students] **multilingual learners**, neglected or delinquent students, or homeless students, in an effort to better represent a cross-section of the community’s school-age population.

#### 6A:11-4.8 [Limited English proficient students] **Multilingual learners**

A charter school shall provide an enrolled [limited English proficient student] **multilingual learner** with all required courses and support services to meet the New Jersey Student Learning Standards in accordance with N.J.S.A. 18A:7A-4 and 18A:7A-5 and N.J.A.C.

6A:15, Bilingual Education.

## Chapter 13A Elements of High-Quality Preschool Programs

### Subchapter 1. General Provisions

#### 6A:13A-1.2 Definitions

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

...

[“English language learner” or “ELL” means a child whose home language is not English or who primarily speaks a language other than English in the home.]

...

**“Multilingual learner” or “ML” means a child whose home language is not English or who primarily speaks a language other than English in the home.**

...

### Subchapter 4. Program Staffing

#### 6A:13A-4.2 Preschool instructional coaches

(a) The district board of education shall provide preschool instructional coaches at a ratio of no more than 20 preschool classrooms for each preschool instructional coach to ensure coaching and classroom support for classroom teachers. The district board of education shall provide additional preschool instructional coaches to assist novice teachers, and to provide professional development that supports [English language] **multilingual** learners and children in inclusive classroom settings. For school districts with fewer than 20 preschool classrooms, the preschool instructional coach position, described in the school district’s three-year preschool program plan and/or annual update, may be fulfilled in one of the following ways:

1. – 3. (No change.)

(b) – (f) (No change.)

## Subchapter 5. Curriculum And Assessment

### 6A:13A-5.1 Curriculum

(a) (No change.)

(b) The preschool program and curriculum shall include, but need not be limited to, the following:

1. Systematic support for language acquisition for all children, including approaches for helping [English language] **multilingual** learners maintain their home language while acquiring English within their regularly assigned preschool classroom;

2. – 3. (No change.)

## Chapter 14 Special Education

### Subchapter 2. Procedural Safeguards

#### 6A:14-2.5 Protection in evaluation procedures

(a) (No change.)

(b) Each district board of education shall ensure:

1. That evaluation procedures including, but not limited to, tests and other evaluation materials according to N.J.A.C. 6A:14-3.4:

i. – ii. (No change.)

iii. Measure the extent to which a student who is [an English language] a **multilingual** learner has a disability and needs special education, rather than measure the student's English language skills;

2. – 7. (No change.)

(c) (No change.)

### Subchapter 3. Services

#### 6A:14-3.4 Evaluation

(a) – (e) (No change.)

(f) An initial evaluation shall consist of a multi-disciplinary assessment in all areas of suspected disability. An initial evaluation shall include at least two assessments and shall be conducted by at least two members of the child study team in the areas in which the child study team members have appropriate training or are qualified through their professional licensure or educational certification and other specialists in the area of disability as required or as determined necessary. Each evaluation of the student shall:

1. – 3. (No change.)

4. Include a functional assessment of academic performance and, where appropriate, a functional behavioral assessment, an assessment of the language needs of a child who is [an English language] **a multilingual** learner, assessment of the student’s communication needs, and assessment of the need for assistive technology devices and services. Each of the following components shall be completed by at least one evaluator:

i. – vi. (No change.)

5. (No change.)

(g) – (j) (No change.)

#### 6A:14-3.5 Determination of eligibility for special education and related services

(a) (No change.)

(b) In making a determination of eligibility for special education and related services, a student shall not be determined eligible if the determinant factor is due to a lack of instruction in

reading, including the essential components of reading instruction, or mathematics, or if the student is [an English language] **a multilingual learner** [(ELL)] **(ML)**.

(c) (No change.)

#### 6A:14-3.7 Individualized education program

(a) – (b) (No change.)

(c) When developing the IEP, the IEP team shall:

1. – 5. (No change.)

6. In the case of a student who is [an English language] **a multilingual learner**, consider the language needs of the student as related to the IEP;

7. – 12. (No change.)

(d) – (m) (No change.)

### Chapter 20 Adult Education Programs

#### Subchapter 1. General Provisions

##### 6A:20-1.2 Definitions

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

...

[“English language learner” or “ELL” means a student whose native language is other than English. The term refers to students with varying degrees of English language proficiency in any one of the domains of speaking, reading, writing, or listening and is synonymous with limited English-speaking ability as used at N.J.S.A. 18A:35-15 through 26.]

...

**“Multilingual learner” or “ML” means a student whose native language is other than English. The term refers to students with varying degrees of English language proficiency in any one of the domains of speaking, reading, writing, or listening and is synonymous with limited English-speaking ability as used at N.J.S.A. 18A:35-15 through 26.**

...

## Subchapter 2. Adult High Schools

### 6A:20-2.3 [English language] **Multilingual** learners

(a) [English language] **Multilingual** learners shall be required to demonstrate language proficiency on a State-approved English proficiency assessment at a score level determined by the State Board of Education.

1. [English language] **Multilingual** learners shall be referred to appropriate classes in the adult high school to attain English language proficiency. If the language improvement needs of the individual cannot be met by the adult high school, then the principal shall refer the person to a New Jersey Department of Labor and Workforce Development Career Connections site (<https://careerconnections.nj.gov/>).

### 6A:20-2.5 Graduation

(a) A district board of education operating an adult high school shall adopt policies for adult high school graduation requirements pursuant to N.J.A.C. 6A:8-5.1. Policies shall include passing the Statewide assessment for graduation pursuant to N.J.A.C. 6A:8-5.1.

1. (No change.)

2. [English language] **Multilingual** learners who are enrolled in an adult high school and are unable to pass the Statewide assessment for graduation, required at N.J.A.C. 6A:8-5.1,

shall receive further evaluation pursuant to N.J.A.C. 6A:8-5.1(h), and shall demonstrate English language fluency on a Department-approved English proficiency assessment. The portfolio appeals process shall be undertaken in the [English language] **multilingual** learner’s native language, when available.

(b) – (f) (No change.)

## Chapter 26A Securing Our Children’s Future Bond Act

### Subchapter 1. General Provisions

#### 6A:26A-1.2 Definitions

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

...

[“English language learner” means as defined at N.J.A.C. 6A:15-1.2.]

...

**“Multilingual learner” means as defined at N.J.A.C. 6A:15-1.2.**

...

### Subchapter 2. Applications for County Vocational School District Career and Technical Education Grants

#### 6A:26A-2.1 Requirements for county vocational school district career and technical education grants

(a) (No change.)

(b) The school district’s application shall demonstrate the extent to which the proposed project addresses the following objectives of this grant program:

1. Equitable access, which means how the school district will identify, recruit, and support students with a disability, [English language] **multilingual** learners, economically disadvantaged students, students preparing for nontraditional fields, homeless students, students



placed in a resource family home, and students whose parent or guardian has been ordered into active military service in the United States Armed Forces;

2. – 6. (No change.)

(c) – (d) (No change.)

## Chapter 31 Renaissance Schools

### Subchapter 2. Application Process

#### 6A:31-2.1 Renaissance school district's request for proposals

(a) (No change.)

(b) The renaissance school district shall assign the following weights in the scoring rubric used to evaluate a nonprofit entity's RFP response:

1. The following factors shall comprise at least 70 percent of the renaissance school district's RFP scoring rubric:

i. (No change.)

ii. A nonprofit entity's record of success in engendering student growth and improving the academic performance of at-risk students, [English language] **multilingual** learners, and students with a disability; and

iii. (No change.)

2. – 3. (No change.)

(c) – (d) (No change.)

## Chapter 32 School District Operations

### Subchapter 13. Virtual or Remote Instruction

#### 6A:32-13.1 Virtual or remote instruction

(a) – (b) (No change.)

(c) The district board of education may apply to the 180-day requirement established pursuant to N.J.S.A. 18A:7F-9.b, one or more days of virtual or remote instruction under the following conditions:

1. – 2. (No change.)

3. The school district’s program of virtual or remote instruction:

i. – ii. (No change.)

iii. Addresses the needs of [English language] **multilingual** learners [(ELLs)] **(MLs)** and includes the following:

(1) How the school district includes an English as a second language (ESL) and/or bilingual education program aligned with State and Federal requirements to meet the needs of [ELLs] **MLs**;

(2) The process to communicate with parents of [ELLs] **MLs**, including providing translation materials, interpretative services, and information available at the parent’s literacy level;

(3) The use of instructional adaptations, for example, differentiation, sheltered instruction, Universal Design for Learning, access to technology, and strategies to ensure [ELLs] **MLs** access the same standard of education as [non-ELL] **non-ML** peers; and

(4) (No change.)

iv. – viii. (No change.)

4. (No change.)

(d) (No change.)

## Chapter 33 School Turnaround and Improvement

### Subchapter 1. General Provisions

#### 6A:33-1.3 Definitions

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

...

“Student subgroup” means students who are grouped together for the collection of data required by ESSA and for the identification of schools in need of support and improvement.

Section 1111(c)(2) of ESSA defines student subgroups, for accountability purposes, as specific racial and ethnic groups, economically disadvantaged students, students with disabilities, and [English language] **multilingual** learners [(ELLs)] (**MLs**).

...

### Subchapter 2. Accountability Process and System

#### 6A:33-2.1 Data utilized for identification

(a) The Department will utilize the following data, if applicable, to measure a school’s performance on the accountability indicators and to identify Comprehensive and Targeted Schools:

1. – 3. (No change.)

4. Progress of [English language] **multilingual** learners toward English language proficiency, as measured by the school’s growth on the English language proficiency test; and

5. (No change.)