Introduction

Section 3113 of the *Every Student Succeeds Act* of 2015 (*ESSA*) requires that all states must, “Establish and implement, with timely and meaningful consultation with local educational agencies representing the geographic diversity of the State, standardized statewide entrance and exit procedures.” Section 8101 of the *ESSA* defines English language learners (ELLs) as those who are denied, due to low proficiency in English speaking, reading, writing, or listening—

(i) the ability to meet the challenging State academic standards;
(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
(iii) the opportunity to participate fully in society.

The following criteria address the statewide evaluation and standardization of this definition for identification and exit of ELLs in Kindergarten through grade 12. The New Jersey Department of Education’s (NJDOE’s) standardized English language learner (ELL) identification and exit criteria meet the federal and state requirements in *ESSA* Section 3102, N.J.A.C. 6A:15-1.3, and N.J.A.C. 6A:15-1.10. Beginning in July 2019, all local education agencies (i.e., local school districts and charter schools) in New Jersey must follow these common procedures.

English language learner (ELL) Identification Process

All students entering New Jersey public schools must be evaluated using ELL identification process articulated below. This identification process includes the New Jersey Home-Language Survey, the Records Review Process, and Multiple Indicators for Identification. Below, each of these steps are detailed.

Step 1: Conduct New Jersey Home-Language Survey

- The home-language survey (HLS) must be administered for all students upon enrollment. It can be administered through writing or an oral interview. The survey questions are mandatory for all school districts/charters starting in July of 2019 and cannot be altered.

- The home-language survey indicates whether the student should be evaluated using ELL Identification Step 2: Records Review Process. This review process is mandatory for all school districts/charters starting in July of 2019 and cannot be altered according to *ESSA* §3111(b)(2)(A).

The decision rules for the HLS are shown on the following two pages. Parent-friendly forms for the HLS can be found in the Appendix.
HLS Page 1

ELL Identification Step 1: New Jersey Home-Language Survey (HLS)

**Purpose**
This survey is the first of three steps to identify whether a student is eligible to be classified as an English language learner (ELL).

**Instructions**
Start with “Question 1” and continue until the HLS is complete. Circle the answer for each question and follow the directions. When you arrive at a decision (“Proceed to Records Review Process” or “Do not proceed to Records Review Process”), the Home-Language Survey is complete.

**Diagram**

1. **Question 1:** What was the first language used by the student?
   - If language other than English, continue to question 2a
   - If English, continue to question 2b

2a. **Question 2a:** At home, does the student hear or use a language other than English more than half of the time?
   - Yes
   - No

2b. **Question 2b:** At home, does the student hear or use a language other than English more than half of the time?
   - Yes
   - If no, continue to Question 3

3. **Question 3:** Does the student understand a language other than English?
   - Yes
   - No

**Flowchart outcomes**
- If language other than English: List home language(s) spoken. HLS is complete. Proceed to Step 2: Records Review Process.
- If English and more than half the time: Turn to page 2 and continue to question 4
- If no, continue to Question 3
- If no, continue to Question 3 and no understanding: Do not proceed to Step 2: Records Review Process. HLS is complete. Student is not an ELL.
A New Jersey certified teacher must screen all students whose home language is other than English using a records review process (below). The screening process must distinguish students who are proficient in English and need no further testing. Three indicators are used for this determination.
Step 2: Conduct Records Review Process

ELL Identification Step 2: Records Review Process

Purpose
This process is the second of three steps to identify whether a student is eligible to be classified as an English language learner (ELL).

Instructions
Based on oral interviews with family/student and/or review of available documents (e.g., school records) by teaching staff, determine the answers to the following screening indicators. Circle the answer for each indicator.

Indicators

Indicator 1:
The student has never been classified as an English language learner and has been attending an English-language, U.S. school for more than three consecutive years.

- Yes—Identification process is complete. Student is not an ELL.
- No—Proceed to Indicator 2

Indicator 2:
The student tested proficient on both the English language arts and math New Jersey state assessment, administered in English, during the most recent administration.

- Yes—Identification process is complete. Student is not an ELL.
- No—Proceed to Indicator 3
- Not applicable (student is not in a tested grade)—Proceed to Indicator 3

Indicator 3:
The student was classified as an English language learner, but was exited using documented, New Jersey-approved multiple measures (found in this document), and has been attending U.S. schools since exit from ELL status. This indicator does not apply to students who have been former ELLs for less than two years and are being reconsidered for ELL status as a result of monitoring.

- Yes—Identification process is complete. Student is not an ELL.
- No—Complete next form—ELL Identification Step 3: Multiple Indicators for Identification.
Step 3: Apply Multiple Indicators for Identification (see Appendix A)

Identification criteria, based on the scores from the New Jersey-approved WIDA language proficiency assessments, must be used to determine eligibility. A student can be eligible for entrance with WIDA Screener, WIDA MODEL, or W-APT (Kindergarten only) composite proficiency level below 4.5 (See state-specific guidelines for Kindergarten for scoring variations in this grade).

ELL Identification Step 3: Multiple Indicators for Identification

**Purpose**
This process ensures multiple indicators for identification are used to make the final decision regarding whether a student is an ELL.

**Instructions**
If steps 1 and 2 indicate that step 3 must be completed, a New Jersey-approved English language proficiency test must be administered to the student. A student can be eligible for entrance with a WIDA Screener, WIDA MODEL, or W-APT (Kindergarten only) composite proficiency level below 4.5 (See state-specific guidelines for Kindergarten for scoring variations in this grade). Where available, certificated ESL and/or bilingual staff should be used to complete this step of the identification process.

1. Review indicators 1 through 3 on the ELL Identification Step 2: Records Review Process form to ensure that ELL Identification Step 3: Multiple Indicators for Identification is necessary.

2. Review score on the New Jersey-approved English language proficiency test to determine if the student achieved at or above a 4.5 overall composite score. The test must be administered by an individual that has received appropriate training (found on New Jersey’s WIDA state page). If a student is enrolling at the beginning of the year and took the ACCESS for ELLs test in another school district/charter school, those results can be used for identification purposes.
   - Test Name:
   - Overall Composite Score:
   - Did student meet the 4.5 overall composite score requirement? ☐ Yes ☐ No

**Final Decision (Select one)**

☐ Student is **not** an ELL because:
- Results of ELL Identification Step 2: Records Review Process indicated student is not an ELL; or
- Student achieved at or above a 4.5 overall composite score on an English language proficiency test

☐ Student is an ELL because he/she meets both of the following criteria:
- Results of ELL Identification Step 2: Records Review Process form indicated student needed to proceed to this step; and
- Student achieved below a 4.5 overall composite score on an English language proficiency test.
Additional Considerations for Entrance

Native Language Assessments
While the New Jersey Department of Education encourages school districts/charter schools to assess the native language literacy of students upon enrollment, it is not required to determine if a student meets the requirements to be identified as an ELL.

Parental Notification:
In accordance with ESSA §1112(e)(3), parents/guardians must be notified of program placement by mail within 30 days of the beginning of the school year or 14 days from the time of identification for mid-year enrollees. The notice must be in English and in the language in which the parents/guardians possesses a primary speaking ability. See Implementing ELL Program Services in New Jersey for information regarding notification requirements.

Considerations for Students with Disabilities or Potential Disability
ELLs with a disability that precludes assessment of a domain because no appropriate accommodations are available for the affected domain(s) (e.g., a non-verbal ELL who, because of an identified disability, cannot take the speaking portion of the assessment) can be evaluated with an English language proficiency test using a composite of the remaining domains that are able to be assessed. If documentation from a previous school does not arrive with a student and a disability is suspected, consult with your school district’s/charter school’s IEP team.

When screening tests are not an appropriate or reliable identification method due to a student’s disability (e.g. a significant cognitive disability), school districts/charter schools may convene a team of educators, including the certified ELL professional(s) and members of the child study team appropriate to the grade level of the student, to determine the appropriate EL classification status for a student. School districts/charter schools should develop a process to facilitate the team-based decision-making between certified ELL professional(s) and members of the child study team. This process must be documented with meeting minutes and kept on file.

Continuation

Annual English Language Proficiency Assessment
Students must be assessed annually with the ACCESS for ELLs or Alternate ACCESS for ELLs test. If students are not eligible for exit, they must continue to be identified as an ELL and must receive appropriate ELL program services as determined by N.J.A.C. 6A:15. There is no time limit for an ELL to exit program services.

Parental Notification
Annually, in accordance with ESSA §1112(e)(3), each school district /charter school must notify the parents/guardians when students continue to be identified as an ELL. The notice must be in English and in the language in which the parents/guardians possesses a primary speaking ability. A score report from the English language proficiency test used for continuation must be included in the parent/guardian notification. This notification must be sent to parents/guardians within 30 days of the beginning of the school year.
ELL Exit Process

Students must demonstrate readiness to exit based on a department-established standard on the English language proficiency assessment and criteria included in the English Language Observation Form. This process is mandatory for all school districts/charter schools starting in July of 2019 and cannot be altered.

**Step 1: Department-Established Standard on English Language Proficiency Test**

1. **Exit Criteria on WIDA Tests**
   - A student can be eligible for exit with an ACCESS for ELLs or WIDA MODEL composite proficiency level of 4.5 or higher. The ACCESS for ELLs test must be administered yearly according to New Jersey timelines. The WIDA Model can be used for mid-year exit determinations.

2. **Alternate ACCESS for ELLs Cut Score**
   - Alternate ACCESS for ELLs is an English language proficiency assessment for ELLs in grades 1 through 12 who have significant cognitive disabilities and take the alternate content assessment. The Alternate ACCESS for ELLs must be administered yearly according to New Jersey timelines. Please see the guidelines for participation criteria to find out more information.
   - A student can be eligible for exit with an Alternate ACCESS proficiency level of A3 Engaging or higher.

*Note:* The ACCESS for ELLs cut score requirement for exit can be replaced with proficient content test scores for students who score proficient on the New Jersey state content tests in English language arts and math (both administered in English) during the most recent test administration.

3. **Exit criteria**
   - The student took the ACCESS for ELLs or WIDA MODEL and scored a composite proficiency level of 4.5 or higher; or
   - The student took the Alternate ACCESS and scored a composite proficiency level of A3 Engaging or higher.

**Exit Step 1 Decision:**  ☐ Yes  ☐ No
Step 2: English Language Observation Form

This step verifies that students can successfully achieve in classrooms where the language of instruction is English and whether the student has the opportunity to participate fully in society. As required by the New Jersey Bilingual Administrative Code, N.J.A.C. 6A:15-1.10, the form takes classroom performance, the student’s reading level in English, judgement of the teaching staff member(s), and performance on achievement tests into account.

ELL Exit Step 2: English Language Observation Form

Purpose
This form determines whether or not an ELL is ready for exit from ELL status.

Instructions
School staff with knowledge of the student must meet to complete this form when Exit Step 1 Decision is “Yes”. This form must be completed collaboratively based on observations of an English language learner in content classes in which English is the medium of instruction. Where available, certificated ESL and/or bilingual staff must lead the meeting. Complete only if Exit Step 1 Decision is “Yes”.

Form

Student name:   Student State ID:   Grade:

Student Birth Date:

Certificated ESL and/or Bilingual Staff in attendance:

Additional staff members in attendance (Names and titles):

Meeting date:

Other teachers present (at least one):   ☐ English Language Arts   ☐ Math   ☐ Other

Listening used in the classroom (select all that apply)

☑ Listens and follows along
☑ Responds to teacher questions
☑ Interprets oral information to complete content-related tasks
☑ Responds to unexpected/spontaneous questions appropriately
☑ Asks for clarification if necessary
☑ Provides clarification if necessary
☑ Clears up misunderstandings (by backtracking, restating, etc.)
☑ Other:

Notes and other information

...
<table>
<thead>
<tr>
<th>Speaking used in the classroom</th>
<th>Notes and other information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>In general, teachers elicit student responses that are mostly:</td>
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<tr>
<td>☐ Words/phrases</td>
<td></td>
</tr>
<tr>
<td>☐ A sentence</td>
<td></td>
</tr>
<tr>
<td>☐ Connected Sentences</td>
<td></td>
</tr>
<tr>
<td>Non-ELLs use mostly:</td>
<td></td>
</tr>
<tr>
<td>☐ Words/phrases</td>
<td></td>
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<tr>
<td>☐ A sentence</td>
<td></td>
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<tr>
<td>☐ Connected Sentences</td>
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<tr>
<td>Observed student uses mostly:</td>
<td></td>
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<tr>
<td>☐ Words/phrases</td>
<td></td>
</tr>
<tr>
<td>☐ A sentence</td>
<td></td>
</tr>
<tr>
<td>☐ Connected Sentences</td>
<td></td>
</tr>
<tr>
<td>To what extent does the observed student use language in the ways expected for the task?</td>
<td></td>
</tr>
<tr>
<td>☐ All or most of the time</td>
<td></td>
</tr>
<tr>
<td>☐ Some of the time</td>
<td></td>
</tr>
<tr>
<td>☐ Rarely</td>
<td></td>
</tr>
</tbody>
</table>

Performance on achievement tests (e.g. local benchmark tests) and reading level in English demonstrate that the student has the ability to achieve at levels similar to his/her non-ELL peers in the classrooms where the language is English.

| ☐ All or most of the time | |
| ☐ Some of the time | |
| ☐ Rarely | |

Based on this observation form, student has shown the ability to successfully achieve in the classrooms where the language of instruction is English.

**Note:** Determination must consider the performance of non-ELLs in similar settings that have similar characteristics to the student being evaluated (e.g. disability, grade level, educational background, etc.).

**Exit Step 2 Decision:**

| ☐ Yes (Ready for exit) | ☐ No (Not ready for exit) |

**Final Decision (Select one)**

| ☐ Student is exited from ELL status because he/she meets received a “Yes” on ELL Exit steps 1 and 2 | |
| ☐ Student is still an ELL because he/she received a “No” on ELL Exit steps 1 and/or 2 | |
Additional Considerations for Exit

**Parental Notification**
Each school district/charter school shall notify the parents/guardians when students meet the exit criteria and are placed in a monolingual English program. The notice must be in English and in the language in which the parents/guardians possesses a primary speaking ability. A score report from the ELP test used for exit must be included in the parent/guardian notification for exit.

**Considerations for Students with Disabilities:**
In accordance with 34 C.F.R. § 200.16(c), when no appropriate accommodations are available for the affected domain(s), ELLs with a disability that precludes assessment of a domain can be exited using a composite of the remaining domains that are able to be assessed. This decision must be determined on an individualized basis, by the student's IEP team, 504 team, or individual or team designated by the school district/charter school to make these decisions under Title II of the Americans with Disabilities Act.
Appendix A: Home Language Survey Forms

In addition to this static form, an online version of the HLS is available for school districts/charter schools to copy and utilize. In addition, HLS translations will be made available on the NJDOE’s Bilingual/ESL Education.

Home Language Survey Form

Introduction
This survey is the first of three steps to identify whether or not a student is eligible to be an English language learner (ELL). Start with “Question 1” and continue until the HLS is complete. Select the answer for each question and follow the directions.

Student Information

Student name: Student birth date:
Street Address:
City: State: Zip Code:
Phone number:

Survey Questions

Question 1
What was the first language used by the student?

A language other than English. Proceed to question 2a.

English. Proceed to question

Question 2a
At home, does the student hear or use a language other than English more than half of the time?

Yes. Proceed to 7.

No. Proceed to question 4.

Question 2b
At home, does the student hear or use a language other than English more than half of the time?

Yes. Proceed to question 4.

No. Proceed to question 3.

Question 3
Does the student understand a language other than English?

Yes. Proceed to question 4.

No. Proceed to 9.

Question 4
When interacting with his/her parents or guardians, does the student use a language other than English more than half of the time?

Yes. Proceed to 7.

No. Proceed to question 5.
**Question 5**  
When interacting with caregivers other than their parents or guardians, does the student use a language other than English more than half of the time?  
- Yes  
- No

**Question 6**  
Has the student recently moved from another school district/charter school where he/she was identified as an English language learner?  
- Yes  
- No

**7. List home languages spoken and proceed to 8**

**8. Proceed to Step 2: Records Review Process.**
Home Language Survey is complete.

**9. Do not proceed to Step 2: Records Review Process.**
Home Language Survey is complete. Student is not an English-Language Learner (ELL)
Appendix B: Parent/Guardian Notification Exemplars

In addition to the parent notification exemplars below, notification letter translations are available on the NJDOE’s Bilingual/ESL Education web page. All parent/guardian notifications must meet the requirements under ESSA and N.J.A.C. 6A:15, but this letter format is not mandatory.

Notification of Initial Placement in Bilingual/ESL/ELS Program

Name of Student: [enter name of student]  Date: [enter date of notification]

District/charter school: [enter District or Charter School Name]

School: [enter school name]

Current Grade Level: [enter current grade level]

Dear parent(s) or guardian(s):

Based on your child’s English proficiency test scores, level of academic achievement, and teacher recommendation, we are pleased to inform you that your child will receive instruction in our school district’s/charter school’s [enter name of Bilingual/ESL/ELS program] program. The goal of the school district’s/charter school’s [enter name of Bilingual/ESL/ELS program] program is to help your child learn English and meet age-appropriate academic standards. Although you may request to have your child removed from the [enter name of Bilingual/ESL/ELS program] program, students normally participate for a period of [enter minimum years] to [enter maximum years] years. Multiple criteria are used in making determinations regarding when a student no longer needs program services. These criteria include:

[enter criteria used]

Your child’s level of English was measured using the following test:

[enter name of test: WIDA Screener, W-APT (Kindergarten only), or WIDA Model]

Level of English proficiency: [enter level of English proficiency]

Your child’s level of academic achievement was measured during a records review process upon entrance.

If your child has a learning disability, improvement in his/her ability to speak, read, and write in English will help meet the objectives of his/her Individualized Education Program.
Level of academic achievement based on the above assessment: [enter level of academic achievement]

The method of instruction used in your child’s language assistance program is:

[leave the method used; delete the other two methods]

English as a Second Language (ESL)

English Language Services (ELS)

Bilingual Education

Part-time or Full-time: [for Bilingual Education only, enter part-time or full-time]

Program Description:

[enter description of program]

Please contact the below staff member in order to request additional information regarding available services or decline program services. You have the right to immediately decline program services or choose another program, if available.

Name: [enter name of staff member]

Title: [enter title of staff member]

Phone: [enter phone number of staff member]

Email: [enter email of staff member]

Sincerely,

[enter name]
Notification of Continuing Placement in Bilingual/ESL/ELS Program

Name of Student: [enter name of student]  Date: [enter date of notification]

District/charter school: [enter District or Charter School Name]

School: [enter school name]

Current Grade Level: [enter current grade level]

Dear parent(s) or guardian(s):

Based on your child’s English proficiency test scores, level of academic achievement, and teacher recommendation, we are pleased to inform you that your child will receive instruction in our school district’s/charter school’s [enter name of Bilingual/ESL/ELS program] program. The goal of the school district’s/charter school’s [enter name of Bilingual/ESL/ELS program] program is to help your child learn English and meet age-appropriate academic standards. Although you may request to have your child removed from the [enter name of Bilingual/ESL/ELS program] program, students normally participate for a period of [enter minimum years] to [enter maximum years] years. Multiple criteria are used in making determinations regarding when a student no longer needs program services. These criteria include:

[enter criteria used]

Your child’s level of English was measured using the following test:

[enter name of test: WIDA Screener, W-APT (Kindergarten only), or WIDA Model]

Level of English proficiency: [enter level of English proficiency]

Your child’s level of academic achievement was measured during a records review process upon entrance.

If your child has a learning disability, improvement in his/her ability to speak, read, and write in English will help meet the objectives of his/her Individualized Education Program.
Level of academic achievement based on the above assessment: [enter level of academic achievement]

The method of instruction used in your child’s language assistance program is:

[leave the method used; delete the other two methods]

English as a Second Language (ESL)

English Language Services (ELS)

Bilingual Education

Part-time or Full-time: [for Bilingual Education only, enter part-time or full-time]

Program Description:

[enter description of program]

Please contact the below staff member in order to request additional information regarding available services or decline program services. You have the right to immediately decline program services or choose another program, if available.

Name: [enter name of staff member]

Title: [enter title of staff member]

Phone: [enter phone number of staff member]

Email: [enter email of staff member]

Sincerely,

[enter name]
Notification of Bilingual/ESL/ELS Program Exit

Name of Student: [enter name of student] Date: [enter date of notification]

District/charter school: [enter District or Charter School Name]

School: [enter school name]

Current Grade Level: [enter current grade level]

Dear parent(s) or guardian(s):

Based on your child’s English proficiency test scores, level of academic achievement, and teacher recommendation, we are pleased to inform you that your child has exited English language learner services.

Your child’s level of English was measured using the following test:

[enter name of test used: WIDA ACCESS for ELLs, WIDA Alternate Access for ELLs, or WIDA Model]

Level of English proficiency: [enter level of English proficiency]

For more information about your child’s score, see the attached score report.

Our school will monitor your child’s progress to ensure that additional support is provided as needed. We commend your child’s attainment of English proficiency and your engagement in your child’s education. Please contact the below staff member in order to request additional information regarding any questions you may have.

Name: [enter name of staff member]

Title: [enter title of staff member]

Phone: [enter phone number of staff member]

Email: [enter email of staff member]

Sincerely,

[enter name]
# Appendix C: Parent/Guardian Notification Checklist

Each school district/charter school using funds under Title I or Title III to provide a language instruction educational program shall provide written notification to parents regarding their child’s language instructional educational program. This check list allows school districts/charter schools to evaluate their parent/guardian notification letter for compliance.

<table>
<thead>
<tr>
<th>Required Element</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The school(s) has/have informed the parent(s) of an English language learner (ELL) that their child has been identified for participation in a language instruction educational program within 30 days after the beginning of the school year (or, for students who arrive after the beginning of the school year, within two weeks of the child’s placement in a language instruction program).</td>
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<tr>
<td>2. The notification is distributed to parent(s) of participating ELL children, in an understandable and uniform format and, to the extent practicable, in a language the parents understand.</td>
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<td>3. The notification identifies why the child was identified as ELL and why the child needs to be place in a language instructional educational program that will assist the child to develop and attain English proficiency and meet state standards.</td>
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<td>4. Parents are informed about the child’s level of English proficiency, how such level was assessed, and the child’s academic level.</td>
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<td>5. The method of instruction that will be used to serve the ELL child, including a description of other methods of instruction available and how those methods differ in content, instructional goals, and the use of English and a native language, if applicable are communicated to parents.</td>
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<tr>
<td>6. The parents are notified of how the program will meet the specific needs of the child in attaining English and meeting state standards.</td>
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<tr>
<td>7. Parents of participating ELL children are informed about the program’s exit requirements, the expected rate of transition into a classroom not tailored for ELL students, and, in the case of high school students, the expected rate of graduation.</td>
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<td></td>
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<tr>
<td>Required Element</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------</td>
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<tr>
<td>8. The school(s) informs parents of participating ELL children of how the</td>
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<td>instructional program will meet the objectives of an individualized education</td>
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<tr>
<td>program of a child with a disability.</td>
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<td>9. Written guidance is provided on the rights that parents have to remove their</td>
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<tr>
<td>child from a program upon their request, or to choose another available program</td>
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<tr>
<td>or method of instruction.</td>
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<tr>
<td>10. Parents are provided information on who to contact if they have questions</td>
<td></td>
<td></td>
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<tr>
<td>about program services.</td>
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