



# NJTESOL/NJBE, Inc.

NJ Teachers of English to Speakers of Other Languages/NJ Bilingual Educators



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## NJTESOL/NJBE Testimony to the State Board of Education on Regulatory Changes to Bilingual Education, *N.J.A.C. 6A:15*

Thank you for the opportunity to testify on changes to current regulation related to the New Jersey Bilingual Education Code 6A:15. NJTESOL/NJBE appreciates the Department's efforts to update the provisions in the code. NJTESOL/NJBE supports the stylistic changes and alignments to state law in addition to the following proposals:

### **N.J.A.C. 6A:15-1.2 Definitions**

- the clarification of the definition for "district board of education" as ELLs should receive an appropriate education in all schools that are publicly funded.
- replacing all references to Limited English Proficient students with the more common term, English Language Learner.

### **N.J.A.C. 6A:15-1.13 Notification**

- the notification to parents of the child's identification within 30 days.

However, some of the proposed amendments require clarification by the Department. In addition, NJTESOL/NJBE would like to request the Department to consider additional suggestions to specifically address the needs of ELLs in relation to current reforms which require using rigorous standards and high stakes assessments.

### **N.J.A.C. 6A:15-1.2 Definitions**

The Department proposes an amendment to the definition of "English as a second language program" to replace "up to two periods" in the first sentence with "at least one period." NJTESOL/NJBE requests the Department to consider specifically stating "require school districts to offer a minimum of one dedicated period of English language development (ESL instruction)." The ambiguity of the statement allows for varied interpretation of the code so that in some instances, ELLs are not receiving any specific instruction in language development.

NJTESOL/NJBE requests the Department to clarify the definition of LEP (which will become ELL): ELLs in grades K-12 are identified with a state-approved English language proficiency test while preschool

students are identified through a home language survey and age-appropriate methodologies to identify preschool ELLs (NJ Preschool Implementation Guidelines).

“Sheltered English instruction” is an instructional approach used to make academic instruction in English understandable to LEP students. NJTESOL/NJBE requests the Department to consider adding “who have received at least 15 hours of documented training on developmentally appropriate strategies” to make content comprehensible to ELLs.

Since there is a growing population of Students with Interrupted Formal Education (SIFE) in New Jersey schools, NJTESOL/NJBE requests the Department to consider defining this particular group of ELLs.

### **N.J.A.C. 6A:15-1.3 Identification of eligible limited English proficient (LEP) students**

This section delineates the steps districts must take to identify LEP students.

NJTESOL/NJBE requests the Department to consider adding: “assessing the level of literacy in English and the native language.”

Rationale: Research has shown that literacy in the first language is a strong predictor of success in an additional language. Students who have low literacy skills in their first language will require additional supports. Districts that identify those students with low literacy in their first language can design programs to address the specific needs of these children; hopefully, diverting the possibility of classification as a special needs student in subsequent years. Moreover, identification of students with high literacy levels in the first language will also help to design program for these students who may participate in gifted and talented programs, AP classes, etc.

### **N.J.A.C. 6A:15-1.4 Required bilingual programs for limited English proficient students**

This section sets forth all requirements under which school districts must establish language assistance programs for LEP students in kindergarten to grade 12.

NJTESOL/NJBE requests the Department to consider adding the design for SIFE programs.

NJTESOL/NJBE supports these changes to N.J.A.C. 6A:15-1.4(f) and (g) However, NJTESOL/NJBE requests the Department to consider adding:

(j) District boards of education must monitor and evaluate the progress of ELLs with valid assessment measures which take the language of instruction as well as the English language proficiency level of the ELL into consideration.

(k) Class and group sizes:

(i) Bilingual and sheltered English class sizes should coincide with N.J.A.C. 6A:13.

(ii) When ELLs are clustered in general education classes, the cluster of ELL students should not exceed half of the class population.

(iii) ESL instructional groups should not exceed 10 in grades K-5. In grades 6-12, class size should not exceed 15, provided the students' English proficiency falls within two consecutive levels (grade and proficiency) as determined by the total score in the ACCESS test or other State approved measure.

(iv) SIFE classes should not exceed 12 students

#### **N.J.A.C. 6A:15-1.5 Waiver process provided by statute**

This section describes the conditions that entitle a school district to request a waiver from the requirement for a full-time bilingual education program set forth in N.J.A.C. 6A:15-1.4(d) and defines the conditions in accordance with statute. It also requires the submission of an annual request for a waiver in accordance with the law and describes possible instructional program alternatives to a full-time bilingual program.

NJTESOL/NJBE supports the submission of an annual waiver request and the conditions that entitle a district to request a waiver. In addition, NJTESOL/NJBE requests that the NJDOE consider requiring that all teachers who work with ELLs in a district granted a waiver receive sheltered instruction training.

Rationale: In waiver districts, ELLs are receiving the majority of their educational instruction from general education teachers. Only providing a high intensity program or a bilingual part-time component does not address the needs of ELLs throughout the day.

#### **N.J.A.C. 6A:15-1.6 Approval procedures**

This section addresses the required submission of school district bilingual, ESL, and English language services program plans.

NJTESOL/NJBE requests clarification of this amendment NJAC 6A:15-1.6(a)1vii. Will districts still be required to submit a budget for how programs are funded?

(b) The Department will establish procedures for monitoring and evaluation of district bilingual/ESL programs by means of its district and school accountability process.

NJTESOL/NJBE requests clarification and specification of the district's and school's accountability and how it will be monitored by the Department of Education.

NJTESOL/NJBE requests the Department to consider adding (b) which shall include native language and/or English language proficiency data.

Rationale: The accountability process alluded here is not the state's but the district's, i.e. benchmark exams. The suggested language will require districts to begin constructing, collecting, and measuring progress using instruments with some validity. Analysis of data should include a review of performance by English language proficiency levels.

#### **N.J.A.C. 6A:15-1.8 In-service training**

This section requires school districts to offer in-service programs for bilingual, ESL, and mainstream classroom teachers to help them prepare LEP students to meet the CCCS.

NJTESOL/NJBE requests the Department to consider adding

(a) "mainstream, special education teachers, instructional coaches and administrators charged with supervising a bilingual/ESL program."

(c) The district board of education shall develop a plan for in-service training for administrators and personnel who observe and evaluate all teachers of ELLs to include strategies and appropriate assessment specific to help ELLs meet the CCSS and WIDA English language development standards.

Rationale: In light of the teacher evaluation protocols, all administrators who observe and evaluate teachers of ELLs need to be aware of language objectives and activities required to develop the content and linguistic abilities of their students.

#### **N.J.A.C. 6A:15-1.9 Certification**

This section describes the certification requirements for bilingual and ESL teachers.

NJTESOL/NJBE requests the Department to consider adding: (d) All administrators/personnel who supervise bilingual or ESL programs which exceed 100 English language learners must have bilingual or ESL certification.

Rationale: Due to the needs of this specialized population and the adoption of rigorous standards and assessment, districts with a significant enrollment of ELLs need administrators with background expertise and knowledge in order to implement and supervise programs which lead to student success.

#### **N.J.A.C. 6A:15-1.10 Bilingual, ESL and English language services program enrollment, assessment, exit and reentry**

NJTESOL/NJBE requests the Department to consider changing the reentry timeline to: one marking period.

Rationale: Usually, by the end of the first marking period, the teachers are able to discern how successfully the former ELL is transitioning to the general education setting. Waiting for half a year places the ELL in danger for failing the full year and causes the child to fall further behind.

**N.J.A.C. 6A:15-1.12 Location**

This section establishes the requirement for conducting programs in approved classrooms within the school district's regular school buildings rather than in separate facilities.

NJTESOL/NJBE requests the Department to consider adding "approved classrooms for the appropriate class size."

NJTESOL/NJBE is ready to assist in the development of any amendments which will strengthen the Bilingual Code to benefit the educational opportunity for the ELLs in NJ. Thank you for this time to share our response to the proposed changes.