

NJTESOL/NJBE, Inc.

AN AFFILIATE OF NJEA, TESOL AND NABE

New Jersey Teachers of English to Speakers of Other Languages/New Jersey Bilingual Educators, Incorporated

A professional organization for those concerned with the teaching of English as a Second Language and Bilingual Education

Dear Commissioner Repollet and Members of the State Board of Education:

Thank you for the opportunity to comment on the proposed changes to the Special Education code. We are commenting on behalf of NJTESOL/NJBE (teachers of ESL and bilingual educators).

Overall, we are in agreement with the changes proposed by the Department of Education.

However, we would like to add additional suggestions that would impact the 80,000+ English Learners/Emergent Bilinguals in the state of NJ. Unfortunately, our organization was not included as one of the stakeholder groups that provided initial feedback. We have found that identification, evaluation, placement and services for English Learners(ELs)/Emergent Bilinguals with disabilities is often interpreted differently throughout the state which result in variable services provided for this vulnerable population. Having specific language in the Code to address the needs of these students will assist in offering equitable services and clarify ambiguous elements in the code.

Since the Special Education process has been an ongoing, critical issue in our field over many, many years, we ask that you please take into consideration the following suggestions.

Going forward, we are interested in providing feedback and participating in any dialogue that will improve this process for our students and their families. We truly appreciate this opportunity to comment on the Special Education code.

Sincerely,
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First, there are a few mentions of students with **limited English proficiency** (which we identified below). The bilingual code 6A:15 identifies these students as "English language learners". In the bilingual field, researchers are now using the terms "multilingual learners" or "emergent bilinguals" to identify these children with the assets that they bring rather than only the perceived deficit that they have (learning English).

14:1.3 – If applicable, (meaning if the child is identified as an EL) a certified ESL or bilingual professional must be included in the IEP team since it states that "The IEP team shall determine [the] a student's native language [of the student]." A bilingual professional should be involved in that determination.

14:2.3

(k)2 - (nowhere in this section are ESL or bilingual specialists included)

2. i. The parent/guardian & translator (if needed)

2. ii. (1) if the student has no general education teacher, a teacher (general, **ESL, bilingual**, special education) who is knowledgeable...

2. ii. (2) in the case of emergent bilinguals, the ESL or bilingual language specialist must participate and contribute to the development, review, and revision of the student's IEP.

(k)3. Parents shall receive written notices in their native language.

14-2.5 (b) iii. Measure the extent to which [the] a student with **limited English proficiency** has a disability and needs special education, rather than measure the student's English language skills;

Suggestion: Materials and procedures used to assess a student in the earlier stages of second language development"... or emergent bilingual....

It is implied here that there are specific materials and procedures able to measure the extent to which an emergent bilingual has a disability. There is no such a thing. The assessment of these learners involves a layered and multi-phased approach that investigates all external factors able to contextualize and explain academic struggles.

14.3.3.(e)4 – If applicable, the ESL or bilingual specialist must be included in the evaluation if the student

because specific learning disabilities (mostly focused on receptive and expressive types of communication) are rather subjective when it comes to ELs.

14.3.4 (a) (f) - ..., a teacher who is knowledgeable (ESL or bilingual teacher)...

(f)4 - include assessment in L1, if applicable.

(f)4vi - include dynamic language assessments in L1 & L2, if applicable.

14.3.5 (c) - determines eligibility if the student has one or more of the disabilities.

(#12 needs to be considered carefully in the case of ELs because most of the abilities overlap with struggles that ELs have as they are in the process of acquiring a new language. - This may be included in guidelines)

14. 3.7(c)6 - In the case of a student **limited English proficiency**, consider the language needs of the student as related to the IEP;

In the case of an English Learner

Also "language needs" is too broad and vague. It would be better to frame it as "consider one specific area of difficulty in the new language (e.g., reading comprehension) and evaluate whether that specific difficulty is also present in L1".