



**League of Women Voters of New Jersey Testimony to New Jersey State Board of
Education on Proposed N.J.A.C. 6A:15, Bilingual Education Code**

January 10, 2023

On behalf of the League of Women Voters of New Jersey Education Committee (LWVNJ EC), Dr. Rozella G. Clyde of Chatham, NJ and Ms. Deborah Lee of Ridgewood, NJ, committee co-chairs respectfully submit this testimony in response to the New Jersey Department of Education's publication of a second discussion document proposing readoption with amendments to the New Jersey Administrative Code for Bilingual Education, N.J.A.C. 6A:15.

LWVNJ EC commends the NJ DOE for its review of the existing Code and the focus on an assets-based framework. There are several additional enhancements that we encourage the DOE to consider while updating N.J.A.C. 6A:15.

We believe:

1) NJDOE and school districts should provide essential information and communications in the primary languages of parents and caregivers who do not speak English.

Per the Brookings Institute report, [Collaborating to Transform and Improve Education Systems: a Playbook for Family-School Engagement](#), "Schools with strong family engagement are **10 times** more likely to improve student learning outcomes."

2) School districts should offer instruction in students' primary languages where feasible; this will enable students to master content at the same time they are developing their language capacity.

3) NJDOE and school districts should establish a pathway where families can register complaints that impact Multilingual Learners (MLs), comparable to that which exists for special education. Without these features, N.J.A.C. 6A:15 cannot truly protect the rights of MLs and their families. The DOE has not proposed any changes to implement these crucial recommendations.

It is important to emphasize that some of the recommendations below are reflected in federal guidance and do not currently exist in N.J.A.C. 6A:15. Changes are essential to align N.J.A.C. 6A:15 with existing legal requirements and to rectify long-standing inequities in the education of New Jersey's ML students.

4) The monitoring of the Three-Year Plans submitted by districts providing language instruction educational programs (LIEPs) needs improvement. The NJDOE's proposed revisions to the provisions of the Code covering the Three-Year Plans are inadequate to fully meet the Department's stated commitment to transparency and accountability in ensuring all MLs receive high-quality and equitable educational opportunities.

5) NJDOE should provide statewide translation and interpretation services. NJDOE's stated commitment to ensuring that school districts and families are provided with information and communications in multiple languages and an accessible form is not being realized across the state. There is an urgent issue of lack of compliance with federal law and guidance, as well as existing state requirements. Many districts are not providing quality interpretation or translation services except for special education testing. This crucial work must start with a clear requirement in N.J.A.C. 6A:15 that all information brought to the attention of English-speaking parents/caregivers by NJDOE and districts must also be provided in their own primary language to parents who do not speak English.

We suggest NJDOE:

Institute formal and transparent measures requiring the Department to ensure districts comply with the N.J.A.C. 6A:15 and outline these requirements within the Code itself.

Include a process of robust NJDOE evaluation of districts' Three-Year Plans at submission, at mid-way, and at the end of the 3-year period.

The development of these plans should include multiple stakeholders (including educators, parents and caregivers, advocacy groups, and community members) who have an interest in the Code's proper implementation.

A formal process for investigation of such violations should be clearly displayed on the landing page in the section of NJDOE's website devoted to MLs. This page, with translated versions, should clearly display the steps in submitting a complaint, what to expect after a complaint is submitted, how violations are resolved, and how to file an appeal of a determination. And this process and set of requirements must be formalized in N.J.A.C. 6A:15.

Establish a clear and comprehensive definition of language accommodations, including first and target language supports that provide access to content concepts, and require such language accommodations in every classroom where MLs are students. Language accommodations involve communicating in ways MLs currently understand while sequencing and scaffolding instruction to foster the learning of grade-level content. They include translation tools, visuals, dictionaries/glossaries, summaries, partner work, word banks, and teacher talk.

Require that essential information/communications from NJDOE and school districts be provided in a language that ML parents and caregivers understand and a format that is accessible. Information about programs, services, and activities that must be provided in parents' primary languages includes information regarding language assistance programs, special education and related services, IEP meetings, grievance procedures, notices of

nondiscrimination, 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, gifted and talented programs, magnet and charter schools, and any other school and program choice options. In addition, during health emergencies, schools must provide information on school opening/closing and health and safety protocols and procedures in an accessible manner.

Consider and remedy barriers to career pathways and recruitment of bilingual and/or Black, Indigenous, and people of color (BIPOC) educators, mental health professionals, counselors, and administrators who are underrepresented in the New Jersey PK - 12 educational system. NJDOE must invest in the recruitment and training of diverse education professionals who reflect the racial, ethnic, and linguistic demographics of our New Jersey student population.

In the midst of a teacher shortage, NJDOE must act with urgency to invest in recruitment and retention beyond guidance and professional development. It must articulate and invest in infrastructure that supports the development of career pathways with specific focus on the recruitment of bilingual and/or Black, Indigenous, and people of color (BIPOC) education employees. This is an urgent need that cannot wait to be addressed.

We appreciate the change to Multilingual Learners (MLs) and the acknowledgment that students' native language is an essential component of learning content in English and maintaining/sharing cultural knowledge. We also applaud the inclusion of Pre-K programs in the proposed code and recognition that the Bilingual Waiver should be the last recourse for districts in providing appropriate programs for Multilingual students.

Thank you for the opportunity to offer this written testimony. It is important to protect the legal rights of ML students and their families and ensure all MLs have the resources and opportunities necessary for high-quality education.

Testimony Submitted by:

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