



Advocates for Children of New York

Protecting every child's right to learn

English Language Learners and Special Education

This tip sheet is for parents of children learning English who believe their child may need special education services. In New York City public schools, children who receive services to help them learn English and who also need special education services have the right to receive both types of services.

What is Bilingual Special Education?

Bilingual Special Education is a set of services and supports provided to a student who is identified as being an English Language Learner (**ELL**), and who is also a student with a disability. Bilingual Special Education includes many different services, such as **bilingual special education classrooms**, where children are taught in English and the students' home language, and **bilingual related services**, such as bilingual speech language therapy or counseling in the student's home language. For students who qualify, their Individualized Education Program (**IEP**) will recommend Bilingual Special Education services.

Students have the right to receive **both** special education services and ELL Services. Parents should **NEVER** be forced or asked to choose one or the other.

How Does My Child Become Eligible for Bilingual Special Education Services?

The first step is to have your child sit for a **bilingual special education evaluation**. Then, your child's IEP team determines if s/he is eligible for these services. If your child already has an IEP, and you believe your child would benefit from these services, you can ask for them at your child's IEP meeting. The IEP team may determine that your child needs a **bilingual special education classroom** or **related services** in the child's language. Remember: parents are also part of the IEP team.

What are Bilingual Special Education Evaluations?

Bilingual evaluations are performed in English and your child's home language, by someone who speaks both languages. If the Department of Education (**DOE**) cannot find a bilingual clinician, an interpreter can be used. As a parent, you have the right to request a Bilingual Special Education Evaluation if your child's main language is not English. All children who are identified as ELLs must also be evaluated in both English and their home language.

The DOE is required by law to provide an **interpreter** at IEP meetings for parents whose home language is not English.

How Do I Request a Bilingual Evaluation?

It is important that parents make a request for a bilingual evaluation *in writing*, bring the request to the child's school, and keep a copy of the written request for their own records, with the date the request was made. By law, the DOE must conduct a bilingual evaluation of your child within **60 school days** of your request for the evaluation.

What is a Bilingual Special Education Classroom?

A bilingual special education classroom is a classroom for ELLs with IEPs, which is taught in English and in the child's home language. It can either be an Integrated Co-Teaching class (**ICT**) or a smaller, special class. The bilingual program can either be a **Dual Language Program** or a **Transitional Bilingual Program**. In both types of programs, children learn academic skills while also receiving support in their home language. If you would like to find a program that can serve your child's needs, you may email the NYC DOE's Office of Bilingual Special Education at BSEprograms@schools.nyc.gov.

There are only a limited number of bilingual special education classrooms in NYC schools.

What are Bilingual Related Services?

Your child may be able to receive bilingual related services that can meet their educational needs.

Bilingual related services may include: speech and language therapy, physical therapy, occupational therapy, counseling, and Special Education Teacher Support Services (**SETTS**) in their language. Students can also be assigned a person called a paraprofessional, who is responsible to meet student's transportation, behavior, and health needs, as well as interpretation services.

What if My Child's IEP Recommends Bilingual Special Education, and My Child's School Doesn't Have the Services Available?

Your child can **transfer** to a school that offers bilingual special education services or a bilingual classroom, if these are not offered in your child's school. You should inform the school that you would like this transfer. You can also email the DOE at BSEprograms@schools.nyc.gov. If a transfer is not possible, your child may be placed in an English-only special education class and be assigned a **bilingual paraprofessional** in class to interpret for him/her. In the meantime, the DOE should still continue to look for a school that can serve your child; and your child should still continue to receive English as a New Language (**ENL**) services.

Related Service Authorization

Not all schools can provide related services in the child's language. The DOE can offer your child a related service authorization (**RSA**) to be able to get bilingual services outside of the school. RSAs allow parents to choose an independent provider to provide these services, and the DOE will pay for them.

There are only a limited number of bilingual clinicians, such as speech therapists and psychologists in NYC schools.

Still have more questions?
Please Call the Jill Chaifetz Education Helpline
Monday through Thursday • 10 am to 4 pm
1-866-427-6033 (toll free)

This fact sheet does not constitute legal advice. This fact sheet attempts to summarize existing policies or laws without stating the opinion of AFC. If you have a legal problem, please contact an attorney or advocate.

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