

**HOUSE . . . . . No. 3659**

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**The Commonwealth of Massachusetts**

**In the Year Two Thousand Nine**

An Act Establishing English as a second language classrooms for high school English Learners..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 2 of chapter 71A, as so appearing, is hereby amended by striking  
2 out the second paragraph and inserting in place thereof the following paragraph:-

3 (b) “English language classroom” means a classroom in which teachers instruct  
4 overwhelmingly in English, and in which such teachers are fluent and literate in English. English  
5 language classrooms encompass English language mainstream classrooms, sheltered English  
6 immersion classrooms, and English as a second language classrooms.

7 SECTION 2. Section 2 of chapter 71A, as so appearing, is hereby amended by inserting  
8 after the fifth paragraph the following paragraph:-

9 (f) “English as a second language classroom” means a classroom in which teachers  
10 instruct primarily in English and focus on acquisition of English listening, speaking, reading, and  
11 writing skills of English learners. Local schools shall group by proficiency level English learners  
12 within English as a second language classrooms..

13 SECTION 3. Section 3 of chapter 71A, as so appearing, is hereby amended by inserting  
14 after the first and only sentence the following sentence:-

15 Local school committees shall additionally ascertain the proficiency level of English  
16 learners in grades nine through twelve, based on the English as a second language classroom that  
17 the English learner attends.

18 SECTION 4. Chapter 71A is hereby amended by striking out section 4, as appearing in  
19 the 2006 Official Edition, and inserting in place thereof the following section: -

20 Section 4. English language education.

21 (a) Subject to the exceptions provided in Section 5 of this chapter, all children in  
22 Massachusetts shall be taught English by being taught in English and local schools shall place all  
23 children in English language classrooms. Local schools may place in the same classroom English  
24 learners of different ages but whose degree of English proficiency is similar. Local schools shall  
25 be encouraged to mix together in the same classroom English learners from different native-  
26 language groups but with the same degree of English fluency.

27 (b) Local schools shall place English learners in sheltered English immersion classrooms  
28 during a temporary transition period not normally intended to exceed one school year.  
29 Kindergarten English learners shall be educated either in sheltered English immersion  
30 classrooms or in English language mainstream classrooms with assistance in English language  
31 acquisition, including, but not limited to, English as a second language.

32 (c) Local schools shall place English learners in grades nine through twelve in English as  
33 a second language classrooms for 3 hours per full school day. Local schools shall place English

34 learners in classrooms according to their proficiency level. Teachers of English as a second  
35 language classrooms must hold an ESL license.

36 (d) Once English learners acquire a good working knowledge of English and are able to  
37 do regular school work in English, local schools shall transfer them to English mainstream  
38 classrooms and no longer classify them as English learners.

39 (e) This section shall not affect foreign language classes for children who already know  
40 English, 2-way bilingual programs, and special education programs for physically and mentally  
41 impaired students.