

HOUSE No. 4566

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to language opportunity for our kids.

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. The nineteenth paragraph of section 1I of chapter 69 of the General Laws,
2 as appearing in the 2014 Official Edition, is hereby amended by inserting after clause (j), the
3 following clauses:-

4 (k) a description of the school district’s plan to evaluate the effectiveness of its English
5 language learner programs relative to: (i) helping students attain English language proficiency
6 and master academic standards; (ii) measuring student readiness to join mainstream classrooms;
7 (iii) evaluations and measures provided in addition to department requirements; and (iv) a
8 description of the steps that the school district plans to take to address an identified deficiency;

9 (l) a record of: (i) instances in which a parent or guardian requested to withdraw a student
10 from or refused a student’s participation in an English learner program; and (ii) meetings held
11 with parents regarding a student who is not making satisfactory progress toward participating
12 and learning in an integrated classroom;

13 (m) a description of training provided by the district to staff who work with culturally and
14 linguistically diverse student populations; and

15 (n) documentation detailing the participation of English language learners in the district's
16 regular and advanced educational programs and extracurricular activities.

17 SECTION 2. The fifth paragraph of section 59C of chapter 71, as so appearing, is hereby
18 amended by inserting after the first sentence the following sentence:-

19 In school districts in which English language learners comprise more than 5 per cent of
20 the district's student population, the plan to improve student performance shall include a
21 description of the educational program models and approaches offered by the school district to
22 ensure the progress of English language learners in attaining English speaking, reading, writing
23 and oral comprehension skills and in meeting academic standards under section 1D of chapter 69
24 and curriculum frameworks under section 1E of said chapter 69.

25 SECTION 3. Section 3 of chapter 71A, as so appearing, is hereby amended by inserting
26 at the end thereof the following sentence:- School districts shall track the academic performance
27 of students who have exited an English learner program to assess the academic achievement and
28 effectiveness of English language classroom programming.

29 SECTION 4. Section 4 of said chapter 71A is hereby amended by inserting after the word
30 "immersion", in line 6, the following words:- , or an alternative instructional program approved
31 by the department of elementary and secondary education,.

32 SECTION 5. Section 5 of said chapter 71A is hereby amended by inserting after the word
33 "visit", in line 6, the following words:- or provide a written request to.

34 SECTION 6. Said section 5 of said chapter 71A is hereby further amended by striking out
35 the third sentence and inserting in place thereof the following sentences:- A school, under
36 advisement of a teacher or guidance counselor, may also request a waiver for an individual
37 student. If a parental or school-requested waiver has been granted by the department, the affected
38 child may be transferred to classes teaching English and other subjects through bilingual
39 education techniques or other generally-recognized educational methodologies permitted by law.

40 SECTION 7. Said section 5 of said chapter 71A is hereby further amended by inserting
41 after the word “parental”, in line 18, the following words:- or school-requested.

42 SECTION 8. Said section 5 of said chapter 71A is hereby further amended by inserting
43 after the word “classroom”, in line 33, the following words:- or has a demonstrated need based
44 on his or her academic record from the previous year,.

45 SECTION 9. Said section 5 of said chapter 71A is hereby further amended by inserting
46 after the word “provided”, in line 41, the following words:- by the parent or school.

47 SECTION 10. Said section 5 of said chapter 71A is hereby further amended by inserting
48 after the word “passed,” in line 46, the following words:- unless the student has previously
49 attended the school,.

50 SECTION 11. Chapter 71A, as so appearing, is hereby further amended by inserting after
51 section 5 the following section:-

52 Section 5A.

53 School districts shall annually inform the parents or legal guardians of English learners of
54 their right to apply for a waiver and choose an alternative language acquisition program among

55 those offered by the school district, or to withdraw a student from a language acquisition
56 program. Notice shall be sent by mail not later than 10 days after the enrollment of the student in
57 the school district. The notice shall, to the extent feasible: (i) be in a language that is
58 understandable to the parents or legal guardians; (ii) contain a clear description of the purpose,
59 method and content of the available programs; (iii) inform the parent or legal guardian of the
60 right to visit an English learner program in the school district; and (iv) inform the parent or legal
61 guardian of available conferences or meetings to learn about the English learner programs.

62 If a school district recommends placing an English learner in an English learner program,
63 the parent or legal guardian of the student shall have the right, at the time of the original
64 notification under this section, or at the close of any marking period, to withdraw the student
65 from a program by sending written notice of the decision by mail or electronic communication to
66 the school authority designated by the school district in which the student is enrolled.

67 SECTION 12. Said chapter 71A is hereby further amended by inserting after section 6
68 the following section:-

69 Section 6A.

70 A school district operating a language acquisition program for English learners serving
71 more than 100 English learners or in which English learners are more than 5 per cent of the
72 district's student population, whichever is less, shall establish an English learner parent advisory
73 council. Any such council shall be composed of volunteer parents or legal guardians of students
74 who are or have been identified as English learners. The duties of the parent advisory council
75 shall include, but not be limited to: (i) advising the school district, school committee or board of
76 trustees on matters that pertain to English learners; (ii) meeting regularly with school officials to

77 participate in the planning and development of programs designed to improve educational
78 opportunities for English learners; and (iii) participating in the review of school or district
79 improvement plans established under section 59C of chapter 71 as they relate to English learners.
80 A parent advisory council may meet at least once annually with each school council within the
81 school district. The parent advisory council shall establish by-laws regarding officers and
82 operational procedures. In the course of its duties under this section, the parent advisory council
83 shall receive assistance from the director of language acquisition programs for the school district
84 or other appropriate school personnel as designated by the superintendent.

85 SECTION 13. Section 7A of said chapter 71A is hereby further amended by striking out
86 the second sentence and inserting in place thereof the following sentences:- The evaluation shall
87 include, but not be limited to: (i) a review of individual student records of all English learners;
88 (ii) a review of the number of waivers issued by school and the type of alternative instructional
89 method provided; (iii) a review of the programs and services provided to English learners; (iv) a
90 review of the dropout, graduation, discipline and special education incidence rates of English
91 learners formerly enrolled in the district within the prior 3 years; (v) a description of the
92 processes by which school-based teams consisting of educators, administrators and support staff,
93 monitor the progress of English learners and former English learners; (vi) a review of the
94 amount, frequency and effectiveness of English as a second language instruction; and (vii) a
95 review of the administration and coordination of English learner education programs. The
96 advisory council for bilingual education established under section 1G of chapter 15 shall
97 annually review the results of the department's monitoring of English learner programs in school
98 districts.

99 SECTION 14. Not later than July 1, 2017, the department of elementary and secondary
100 education shall establish guidelines for school districts to assist in supporting English learners
101 who do not meet anticipated benchmarks in attaining English proficiency. The guidelines shall
102 include, but not be limited to: (i) ways for school districts to provide individualized goals and
103 plans for English learners who are not meeting anticipated benchmarks in attaining English
104 proficiency; (ii) best practices for ensuring that English learners meet individualized goals and
105 plans to meet benchmarks in attaining English proficiency; and (iii) ways for school districts to
106 share best practices among each other in assisting English learners in gaining English
107 proficiency.

108 SECTION 15. Not later than July 1, 2017 the department of elementary and secondary
109 education shall establish guidelines relative to English learner parent advisory councils created
110 pursuant to section 6A of Chapter 71A of the General Laws. The guidelines shall include, but not
111 be limited to the process for parents or legal guardians to be notified of English learner parent
112 advisory councils and the process for the appointment of volunteer parents or legal guardians to
113 the council.

114 SECTION 16. Notwithstanding any general or special law to the contrary, school
115 districts shall provide a copy of department of elementary and secondary education guidelines
116 relative to supporting English learners who do not meet anticipated benchmarks in attaining
117 English proficiency to the parent or guardian of each English learner, in the parent's or
118 guardian's primary language, at the beginning of each school year or upon enrollment of the
119 student in an English learner program if the enrollment is not concurrent with the beginning of
120 the school year.