

HOUSE No. 498

The Commonwealth of Massachusetts

PRESENTED BY:

Jeffrey Sánchez

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to language opportunity for our kids.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Jeffrey Sánchez</i>	<i>15th Suffolk</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>

<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Evandro C. Carvalho</i>	<i>5th Suffolk</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>

HOUSE No. 498

By Mr. Sánchez of Boston, a petition (accompanied by bill, House, No. 498) of Jeffrey Sánchez and others for legislation to provide the highest quality education through access of innovative and research-based language education instructional programs. Education.

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. Chapter 71A of the General Laws, as appearing in the 2012 Official
2 Edition, is hereby amended by striking sections 1 through 8 and inserting in place thereof the
3 following: -

4 Section 1. Findings and Declarations

5 Whereas, all children are entitled to a high quality education that prepares them
6 to participate and succeed in a global economy;

7 Whereas, for Massachusetts to remain a national and global leader in educational
8 achievement, it must recognize, value, and invest in programs that help students acquire 21st
9 century skills, including multilingualism, both through English language acquisition and dual
10 language learning; and

11 Whereas, bilingualism, biliteracy, and multicultural understanding are skills
12 essential to improving career and college readiness, and enhancing social and economic growth
13 within a global economy;

14 Whereas, the current “one-size-fits-all” model for English language learners will
15 continue to disadvantage students who are increasingly coming from diverse linguistic and
16 cultural, and socio-economic backgrounds; and that the existing laws and practices are failing
17 Massachusetts students, constraining teachers and school districts;

18 Whereas, providing parents with the opportunity to select the best education for
19 their children, including language instruction educational programs, will enhance parental
20 engagement in education

21 Whereas, celebration of linguistic and cultural diversity and understanding how
22 the strength of values, practices, and linguistic and cultural capital are resources to our
23 communities.

24 Therefore, it is resolved that: all children in Massachusetts public schools shall
25 be provided with the highest quality education through access of innovative and research-based
26 language education instructional programs that provide effective academic English language
27 and/or dual language proficiency and high academic achievement as effectively as possible.

28 Section 2. Definitions

29 In this chapter;

30 (a) “Language acquisition program” or Language Instruction Educational Program
31 refers to an instructional program that includes English language acquisition for English learners

32 as a component. Language acquisition programs are not limited to any single program design or
33 pedagogical style.

34 (b) “English learner” (also called an “English language learner”) means a child who
35 does not speak English or whose native language is not English, and who is not currently able to
36 perform ordinary classroom work in English.

37 (c) “Sheltered English immersion” a program composed of two instructional
38 components: sheltered content instruction that focuses on teaching academic content using
39 English as the primary language of instruction and English language development instruction
40 that focuses on explicit and systematic English language instruction.

41 (d) “English Language Development” (ELD) or “English as a second language”
42 (ESL), a specially designed course of study that focuses on the acquisition of the English
43 language and is designed according to a student's English proficiency, performance and
44 developmental level. It is a component of all comprehensive language acquisition programs, and
45 explicit, systematic, developmental, proficiency-driven English language and literacy are the
46 primary content.

47 (e) "Dual language education", (also called two-way bilingual) any program that
48 integrates language learning and academic instruction for native speakers of English and native
49 speakers of another language, with the goals of high academic achievement, first and second
50 academic language proficiency, and cross-cultural understanding.

51 (f) “Transitional bilingual education," an English learner program that follows a
52 bilingual approach to learning in which the native language of the ELL is used to support and

53 scaffold the student’s development of English and then gradually phase instruction in the native
54 language out while delivering content instruction.

55 (g) “Foreign language” means a language other than English, and includes American
56 Sign Language.

57 Section 3. Census

58 Local school districts shall annually ascertain, not earlier than the first day of April, under
59 regulations prescribed by the Department of Education, the number of English learners within
60 their school system in grades pre-Kindergarten through twelve, and shall classify them according
61 to grade level, the language of which they possess a primary speaking ability, and the English
62 learner program type in which they are enrolled, with all such information being made publicly
63 available by school and school district on a website. Districts shall also monitor students who
64 have exited English learner programs when assessing the academic achievement of English
65 learners and the effectiveness of language acquisition programs.

66 Section 4. English Language Education

67 English learners enrolled in a Massachusetts public school district or charter school shall
68 be educated through a comprehensive, research-based instructional program that includes a
69 content component to ensure appropriate acquisition of subject matter content and a language
70 acquisition component to ensure appropriate acquisition of the English language. The programs
71 for English learners may include sheltered English Immersion, dual language education or
72 transitional bilingual education but shall not be limited to any specific program or instructional
73 design provided that any such programs shall include the acquisition of the English language.
74 The department shall promulgate regulations to allow districts to choose one or more programs

75 that meet the requirements of this section based on best practices in the field, the linguistic and
76 educational needs, and the demographic characteristics of their students. Districts may
77 incorporate opportunities for students to develop and maintain native language proficiency as
78 part of a formal or extracurricular academic program.

79 The department shall also promulgate regulations to ensure that English language
80 learners receive English language development instruction at a level and frequency that is
81 appropriate for their level of English language proficiency and educational needs and instructed
82 by teacher holding an English as a second language license. Each school district shall employ at
83 least one teacher licensed in English as a Second Language.

84 Any student who has exited an English learner program and attained English proficiency
85 as determined by the Department regulations and guidelines shall have access to tutoring,
86 English language development instruction or other instructional modifications as necessary in
87 order to perform ordinary grade level classwork.

88 Local schools shall be permitted but not required to place in the same classroom English
89 learners of different ages but whose degree of English proficiency is similar. Local schools shall
90 be encouraged to mix together in the same classroom English learners from different native-
91 language groups but with the same degree of English fluency. Once English learners acquire a
92 good working knowledge of English and are able to do regular school work in English, they shall
93 no longer be classified as English learners.

94 Foreign language programs and special education programs for physically or mentally
95 impaired students shall be unaffected.

96 Section 5. Parental Choice

97 Parents or legal guardians of students who are deemed eligible to enroll in an English
98 language learner program shall have the right to select any available English language learner
99 program offered within the district.

100 Parents or legal guardians may refuse enrolling a child or remove their child from any
101 English language learner program provided that written confirmation of any such request is
102 retained in the student's cumulative folder. The student shall continue to be designated as limited
103 English proficient and retain the right to return to an English language learner program at any
104 time.

105 A school district may allow a nonresident English language learner to enroll in or attend
106 its English language learner programs. The tuition for such student, which shall be established by
107 the department, shall be paid by the school district in which the student resides. Any school
108 district may join with any other school district or districts to provide English language learner
109 programs required or permitted by this chapter.

110 The parents or legal guardians of 20 pupils or more in any grade may request a specific
111 program within a single district or charter school that is designed to provide language instruction.
112 Within 90 days the school district must respond and either provide the plan for implementation
113 or provide written informed reason for denial.

114 Any district operating a language acquisition program for English learners shall establish
115 an English learner parent advisory council. The parent advisory council shall be comprised of
116 parents or legal guardians of students who are enrolled in language acquisition programs within
117 the district. Membership shall be restricted to parents or legal guardians of students enrolled in
118 English learner programs, dual language programs or other language acquisition programs within

119 the district. The duties of the parent advisory council shall include, but not be limited to, advising
120 the school on matters that pertain to the education of students in language acquisition programs,
121 meeting regularly with school officials to participate in the planning and development or
122 programs designed to improve educational opportunities for English learners, and to participate
123 in the review of school improvement plans established under section 59C of chapter 71 as they
124 pertain to English learners. Any parent advisory council may, at its request, meet at least once
125 annually with the school council. The parent advisory council shall establish by-laws regarding
126 officers and operational procedures. In the course of its duties under this section, the parent
127 advisory council shall receive assistance from the director of language acquisition programs for
128 the district or other appropriate school personnel as designated by the superintendent.

129 Section 6. Legal Standing and Parental Enforcement

130 The Department shall issue regulations regarding additional communication to parents of
131 English learners in compliance with all state and federal requirements. Any such communication
132 shall annually inform such parents or legal guardians of their rights to choose any language
133 acquisition program among those that are offered at the school district, to request a new language
134 acquisition program under Section 4, or to withdraw their child from a particular language
135 acquisition program. Furthermore, should the school district issue a recommendation to place an
136 English learner in an language acquisition program, the parents or legal guardian of such student
137 shall have the right, either at the time of the original notification, or at any point thereafter, to
138 withdraw the student from such program by sending written notice of such decision by mail to
139 the school authorities of the school district in which the student is enrolled.

140 Section 7. Monitoring Language Acquisition Programs

141 A nationally-normed test of English proficiency shall similarly be administered at least
142 once each year to all Massachusetts schoolchildren in grades Kindergarten and higher who are
143 English learners. English learners classified as severely learning disabled may be exempted from
144 these tests. The particular tests to be used shall be selected by the Board of Elementary and
145 Secondary Education, and it is intended that the tests shall usually remain the same from year to
146 year. The national percentile scores of students shall be confidentially provided to individual
147 parents, and the aggregated percentile scores and distributional data for individual schools and
148 school districts shall be made publicly available on an internet web site; the scores for students
149 classified as English learners shall be separately sub- aggregated and made publicly available
150 there as well, with further sub- aggregation based on the English learner program type in which
151 they are enrolled.

152 The results of any such assessments shall be used as evidence of efficacy of programs.
153 The results of any single annual assessment of English proficiency under this section are
154 considered inappropriate for use in the evaluations of districts, schools or individual teachers.

155 The district shall send report cards and progress reports including, but not limited to,
156 progress in becoming proficient in using the English language and other school communications
157 to the parents or legal guardians of students in the English learners programs in the same manner
158 and frequency as report cards and progress reports to other students enrolled in the district. The
159 reports shall, to the maximum extent possible, be written in a language understandable to the
160 parents and legal guardians of such students.

161 Section 7A. Evaluation of Programs

162 The department shall conduct on-site visits to school districts at least once every 5 years
163 for the purposes of evaluating the effectiveness of programs serving English learners and to
164 validate evidence of educational outcomes. The evaluation shall include, but not be limited to, a
165 review of individual student records of all English learners, a review of the programs and
166 services provided to English learners and a review of the dropout rate of English learners
167 formerly enrolled in the district within the prior 3 years. The ELL/Bilingual Advisory Council
168 established under MGL Ch 15, Section 1G shall annually review the policies and procedures of
169 on-site visits to schools districts.

170 Section 8. Community-based English Tutoring

171 In furtherance of its constitutional and legal obligation to provide all children with an
172 adequate education, the state shall encourage family members and others to provide personal
173 English language tutoring to such children as are English learners, and support these efforts by
174 raising the general level of English language knowledge in the community. Subject to
175 appropriation by the General Court, commencing with the fiscal year in which this initiative is
176 enacted and for each of the nine fiscal years following thereafter, a sum of five million dollars
177 (\$5,000,000) per year shall be spent for the purpose of providing funding for free or subsidized
178 programs of adult English language instruction to parents or other members of the community
179 who pledge to provide personal English language tutoring to Massachusetts school children who
180 are English learners. Programs funded pursuant to this section shall be provided through schools
181 or community organizations. Funding for these programs shall be administered by the
182 Department of Education, and shall be disbursed at the discretion of the local school committees
183 in each district, under reasonable guidelines established by, and subject to the review of, the
184 Board of Education.

185 SECTION 2. Chapter 71A of the General Laws, as so appearing, is hereby further
186 amended by adding the following new sections:-

187 Section 9. Educator Certification and Endorsement

188 All teachers and administrators assigned to language acquisition programs shall hold the
189 appropriate educator licensure and endorsements for the program type.

190 The Department shall promulgate regulations creating a pathway to for endorsement of
191 educators who have completed coursework and field-based experiences in providing instruction
192 within dual-language programs.

193 The Department shall promulgate regulations creating a Language Acquisition Program
194 administrator licensure pathway. Educators qualifying for such licensure shall have demonstrated
195 experience working in language acquisition programs, experience engaging parents and
196 guardians from diverse backgrounds, graduate level coursework in education administration and
197 field-based experiences in meeting local, state and federal requirements for language acquisition
198 programs.

199 Section 10. Language Acquisition Program Administrator

200 (a) A school district with 200 students who are designated as English learners shall
201 appoint a person to be its administrator of language acquisition programs. Such administrator
202 shall devote full time to the duties involved in supervising the provision of all language
203 acquisition programs in the school system.

204 (b) A school committee with fewer than 200 students designated as English learners shall
205 appoint a person to be its administrator of language acquisition programs. Such administrator

206 shall have the duties involved in supervising the provision of all language acquisition programs
207 in the school system for not less than 25 percent of the duties assigned to such a positions.

208 (c) Notwithstanding the provisions of paragraphs (a) and (b), the school committee of any
209 city, town, or school district may, to meet its obligations under this section, with the approval of
210 the department, enter into an agreement with any other school committee to jointly appoint an
211 administrator of English language learners.

212 Section 11. State Seal of Biliteracy

213 (a) Chapter 69 of the General Laws as appearing in the 2012 Official Edition is
214 hereby amended by adding after Section 1O a new section:

215 Section 1P. The board shall establish the State Seal of Biliteracy to recognize high school
216 graduates who have attained a high level of proficiency in speaking, reading, writing and
217 listening in one or more languages in addition to English.

218 The purposes of the State Seal of Biliteracy are as follows: (1) To encourage students to
219 study languages; (2) To certify attainment of biliteracy; (3) To provide employers with a method
220 of identifying people with language and biliteracy skills; (4) To provide universities with a
221 method to recognize and give academic credit to applicants seeking admission; (5) To prepare
222 pupils with 21st century skills; (6) To recognize and promote foreign language instruction and
223 native and heritage language instruction in public schools; (7) To strengthen intergroup
224 relationships, affirm the value in diversity, and honor the multiple cultures and languages of the
225 Commonwealth.

226 The Secretary of Education shall be responsible for administering the State Seal of
227 Bilingual program including preparing and delivering to participating school districts an
228 appropriate insignia to be affixed to the diploma or transcript of the student indicating that the
229 student has been awarded a State Seal of Bilingual. The Department of Elementary and
230 Secondary Education, in consultation with the Massachusetts Foreign Language Association, and
231 in alignment with national trends for existing state Seals in the nation, shall promulgate
232 regulations governing criteria for the awarding of the State Seal of Bilingual.

233 A school district that participates in the program under this section shall: maintain
234 appropriate records in order to identify pupils who have earned a State Seal of Bilingual and
235 affix the appropriate insignia to the diploma or transcript of each pupil who earns a State Seal of
236 Bilingual. State Seals of Bilingual shall also be available electronically.