

**HOUSE . . . . . No. 2839**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Antonio F. D. Cabral***

*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 to reform English language learning education.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>1/20/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	
<i>Aaron Vega</i>	<i>5th Hampden</i>	
<i>David M. Rogers</i>	<i>24th Middlesex</i>	
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Robert M. Koczera</i>	<i>11th Bristol</i>	
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	
<i>José F. Tosado</i>	<i>9th Hampden</i>	
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	
<i>Natalie Higgins</i>	<i>4th Worcester</i>	

<i>Diana DiZoglio</i>	<i>14th Essex</i>	
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	
<i>James T. Welch</i>	<i>Hampden</i>	
<i>Joan B. Lovely</i>	<i>Second Essex</i>	
<i>Christopher M. Markey</i>	<i>9th Bristol</i>	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	
<i>Adrian Madaro</i>	<i>1st Suffolk</i>	
<i>Chris Walsh</i>	<i>6th Middlesex</i>	
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>	
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	

**HOUSE . . . . . No. 2839**

By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 2839) of Antonio F. D. Cabral and others for legislation to evaluate the effectiveness of English language learner programs. Education.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

An Act to reform English language learning education.

*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—

3 (a) striking out, in line 283, the word “and”; and

4 (b) inserting after subsection (j), the following subsections:-

5 “(k) any opportunities that the district makes available to English learners for  
6 instruction in maintaining or developing proficiency in their native language;

7 (l) a description of how the school district will evaluate the effectiveness of its  
8 English language learner programs in terms of helping such students attain English language  
9 proficiency and master academic standards, as well as measure students’ readiness to join

10 mainstream classrooms, should they not already be placed in such classes, if the evaluations and

11 measures are in addition to what the department requires, and a description of the steps that the  
12 school district will take to overcome any deficiencies encountered;

13 (m) a record of any instances in which parents decided to withdraw their child from,  
14 or refuse their child’s participation in, an English learner program and meetings with parents  
15 regarding a student who is not progressing;

16 (n) a description of the training that the district provided for all staff in working with  
17 culturally and linguistically diverse student populations; and

18 (o) documentation detailing English learners’ participation in the district’s regular  
19 and advanced educational programs and extracurricular activities.”.

20 SECTION 2. The fifth paragraph of section 59C of chapter 71 of the General Laws, as  
21 appearing in the 2014 Official Edition, is hereby amended by inserting after the period, in line  
22 50, the following sentences:-

23 “In school districts with English learners, the plan to improve student performance shall  
24 include a description of the educational program models and approaches to be provided by the  
25 school to ensure the progress of English learners in developing oral comprehension, speaking,  
26 reading and writing of English, and in meeting the academic standards of the curriculum  
27 frameworks established under sections 1D and 1E of chapter 69.”.

28 SECTION 3. Chapter 71A of the General Laws, as appearing in the 2014 Official  
29 Edition, is hereby amended by striking sections 1 through 8 and inserting in place thereof the  
30 following:-

31 Section 1. Definitions. In this chapter—

32 (a) the term “department” means the Massachusetts department of elementary and  
33 secondary education;

34 (b) the term “language acquisition program” or “language instruction educational  
35 program” refers to an instructional program that includes English language acquisition for  
36 English learners as a component. Language acquisition programs are not limited to any single  
37 program design or pedagogical style;

38 (c) the term “English learner” (also called an “English language learner”) means a  
39 child who does not speak English or whose native language is not English, and who is not  
40 currently able to perform ordinary classroom work in English. ;

41 (d) Sheltered English Immersion.

42 (1) The term “sheltered English immersion” means a program composed of 2  
43 instructional components:

44 (i) Sheltered content instruction that focuses on teaching academic content using  
45 English as the primary language of instruction.

46 (ii) English language development instruction that focuses on explicit and systematic  
47 English language instruction; and

48 (2) Sheltered English immersion may include use of the native language to support  
49 and scaffold the student’s learning;

50 (e) the term “English Language Development” (ELD) or “English as a second  
51 language” (ESL), means a specially designed course of study that focuses on the acquisition of  
52 the English language and is designed according to a student's English proficiency, performance

53 and developmental level. It is a component of all comprehensive language acquisition programs,  
54 and explicit, systematic, developmental, proficiency-driven English language and literacy are the  
55 primary content;

56 (f) the term “dual language education”, (also called “two-way bilingual”) means any  
57 program that integrates language learning and academic instruction for native speakers of  
58 English and native speakers of another language, with the goals of high academic achievement,  
59 first and second academic language proficiency, and cross-cultural understanding;

60 (g) the term “transitional bilingual education” means an English learner program that  
61 follows a bilingual approach to learning in which the native language of the ELL is used to  
62 support and scaffold the student’s development of English and then gradually phase instruction  
63 in the native language out while delivering content instruction; and

64 (h) the term “foreign language” means a language other than English, and includes  
65 American Sign Language.

66 Section 2. Census. Local school districts shall annually ascertain, not earlier than the  
67 first day of April, under regulations prescribed by the department, the number of English learners  
68 within their school system in grades pre-Kindergarten through 12, and shall classify them  
69 according to grade level, the language of which they possess a primary speaking ability, and the  
70 English learner program type in which they are enrolled, with all such information being made  
71 publicly available by school and school district on a website. Districts shall also monitor students  
72 who have exited English learner programs when assessing the academic achievement of English  
73 learners and the effectiveness of language acquisition programs.

74 Section 3. English Language Education.

75           (a)     English learners enrolled in a Massachusetts public school district or charter  
76 school shall be educated through a comprehensive, research-based instructional program that  
77 includes a content component to ensure appropriate acquisition of subject matter content and a  
78 language acquisition component to ensure appropriate acquisition of the English language. The  
79 programs for English learners may include sheltered English Immersion, dual language  
80 education or transitional bilingual education and shall not be limited to any specific program or  
81 instructional design; provided, however, that any such programs shall include the acquisition of  
82 the English language.

83           (b)     Regulations. The department shall promulgate regulations—

84           (1)     to allow districts to choose one or more programs that meet the requirements of  
85 this section based on best practices in the field, the linguistic and educational needs, and the  
86 demographic characteristics of their students. Districts may incorporate opportunities for  
87 students to develop and maintain native language proficiency as part of a formal or  
88 extracurricular academic program; and

89           (2)     to ensure that English language learners receive English language development  
90 instruction at a level and frequency that is appropriate for their level of English language  
91 proficiency and educational needs and instructed by teacher holding an English as a second  
92 language license.

93           (c)     Each school district shall employ at least 1 teacher licensed in English as a  
94 Second Language.

95           (d)     Local schools may place English learners of different ages but whose degree of  
96 English proficiency is similar in the same classroom. Local schools shall be encouraged to mix

97 together in the same classroom English learners from different native-language groups but with  
98 the same degree of English fluency.

99 (e) Exiting the English Language Learners Program.

100 (1) Once English learners acquire a good working knowledge of English and are able  
101 to do regular school work in English, they shall no longer be classified as English learners.

102 (2) Any student who has exited an English learner program and attained English  
103 proficiency, as determined by the department regulations and guidelines, shall have access to  
104 tutoring, English language development instruction or other instructional modifications as  
105 necessary in order to perform ordinary grade level classwork.

106 (f) Nothing in this chapter shall be construed to modify, repeal, supersede, or  
107 otherwise affect Foreign language programs and special education programs for physically or  
108 mentally impaired students.

109 Section 4. Parental Choice.

110 (a) Parents or legal guardians of students who are deemed eligible to enroll in an  
111 English language learner program may select any available English language learner program  
112 offered within the district.

113 (b) Parents or legal guardians of students who are deemed eligible to enroll in an  
114 English language learner program may refuse to enroll their child, or remove their child from,  
115 any English language learner program; provided that written confirmation of any such request is  
116 retained in the student's cumulative folder. The student shall continue to be designated as limited



117 English proficient and retain the right to return to an English language learner program at any  
118 time.

119 (c) A school district may allow a nonresident English language learner to enroll in or  
120 attend its English language learner programs. The tuition for such student, which shall be  
121 established by the department, shall be paid by the school district in which the student resides.  
122 Any school district may join with any other school district or districts to provide English  
123 language learner programs required or permitted by this chapter.

124 (d) Twenty or more parents or legal guardians within a single district or charter  
125 school may request a specific program that is designed to provide language instruction. Within  
126 90 days of such request, the school district shall respond and either provide the plan for  
127 implementation or provide written informed reason for denial.

128 (e) English Learner Parent Advisory Council.

129 (1) Any district operating a language acquisition program for English learners shall  
130 establish an English learner parent advisory council. The parent advisory council shall be  
131 comprised of parents or legal guardians of students who are enrolled in language acquisition  
132 programs within the district. Membership shall be restricted to parents or legal guardians of  
133 students enrolled in English learner programs, dual language programs or other language  
134 acquisition programs within the district.

135 (2) The duties of the parent advisory council shall include—

136 (i) advising the school on matters that pertain to the education of students in  
137 language acquisition programs;

138 (ii) meeting regularly with school officials to participate in the planning and  
139 development or programs designed to improve educational opportunities for English learners;  
140 and

141 (iii) participating in the review of school improvement plans established under section  
142 59C of chapter 71, as they pertain to English learners.

143 (3) Any parent advisory council may, at its request, meet at least once annually with  
144 the school council. The parent advisory council shall establish by-laws regarding officers and  
145 operational procedures. In the course of its duties under this section, the parent advisory council  
146 shall receive assistance from the director of language acquisition programs for the district or  
147 other appropriate school personnel as designated by the superintendent.

148 Section 5. Legal Standing and Parental Enforcement.

149 (a) The department shall issue regulations regarding additional communication to  
150 parents of English learners in compliance with all state and federal requirements.

151 (b) Any such communication shall annually inform such parents or legal guardians of  
152 their rights to choose any language acquisition program among those that are offered at the  
153 school district, to request a new language acquisition program under section 4, or to withdraw  
154 their child from a particular language acquisition program.

155 (c) If a school district issues a recommendation to place an English learner in an  
156 language acquisition program, the parents or legal guardian of such student shall have the right,  
157 either at the time of the original notification, or at any point thereafter, to withdraw the student

158 from such program by sending written notice of such decision by mail to the school authorities of  
159 the school district in which the student is enrolled.

160 Section 6. Monitoring Language Acquisition Programs.

161 (a) A nationally-normed test of English proficiency shall similarly be administered at  
162 least once each year to all Massachusetts schoolchildren in grades Kindergarten and higher who  
163 are English learners. English learners classified as severely learning disabled may be exempted  
164 from these tests. The particular tests to be used shall be selected by the Massachusetts board of  
165 elementary and secondary education, and the board may retain the same from year-to-year.

166 (b) Score Data.

167 (1) The national percentile scores of students shall be confidentially provided to  
168 individual parents.

169 (2) The Massachusetts board of elementary and secondary education shall make the  
170 following data publicly available on an internet website:

171 (i) The aggregated percentile scores and distributional data for individual schools and  
172 school districts.

173 (ii) The separately sub-aggregated scores for students classified as English learners  
174 and further sub-aggregated scores based on the English learner program type in which they are  
175 enrolled.

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

179           (4)     The district shall send report cards and progress reports including, but not limited  
180 to, progress in becoming proficient in using the English language and other school  
181 communications to the parents or legal guardians of students in the English learners programs in  
182 the same manner and frequency as report cards and progress reports to other students enrolled in  
183 the district. The reports shall, to the maximum extent possible, be written in a language  
184 understandable to the parents and legal guardians of such students.

185           Section 7.     Evaluation of Programs. The department shall conduct on-site visits to  
186 school districts at least once every 3 years for the purposes of evaluating the effectiveness of  
187 programs serving English learners and to validate evidence of educational outcomes. The  
188 evaluation shall include a review of individual student records of all English learners, a review of  
189 the programs and services provided to English learners and a review of the dropout rate of  
190 English learners formerly enrolled in the district within the prior 3 years. The ELL/Bilingual  
191 Advisory Council established under section 1G of chapter 15 shall annually review the policies  
192 and procedures of on-site visits to schools districts.

193           Section 8.     Community-based English Tutoring. In furtherance of its constitutional  
194 and legal obligation to provide all children with an adequate education, the Commonwealth shall  
195 encourage family members and others to provide personal English language tutoring to such  
196 children as are English learners, and support these efforts by raising the general level of English  
197 language knowledge in the community. Subject to appropriation by the general court,  
198 commencing with the fiscal year in which this initiative is enacted and for each of the 9 fiscal  
199 years following thereafter, a sum of \$5,000,000 per year shall be spent for the purpose of  
200 providing funding for free or subsidized programs of adult English language instruction to  
201 parents or other members of the community who pledge to provide personal English language

202 tutoring to Massachusetts school children who are English learners. Programs funded pursuant to  
203 this section shall be provided through schools or community organizations. Funding for these  
204 programs shall be administered by the department, and shall be disbursed at the discretion of the  
205 local school committees in each district, under reasonable guidelines established by, and subject  
206 to the review of, the Massachusetts board of elementary and secondary education.

207 SECTION 4. Chapter 71A of the General Laws, as so appearing, is hereby further  
208 amended by adding the following new sections:-

209 “Section 9. Educator Certification and Endorsement.

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

212 The department shall promulgate regulations creating a pathway to for endorsement of  
213 educators who have completed coursework and field-based experiences in providing instruction  
214 within dual-language programs.

215 The department shall promulgate regulations creating a Language Acquisition Program  
216 administrator licensure pathway. Educators qualifying for such licensure shall have demonstrated  
217 experience working in language acquisition programs, experience engaging parents and  
218 guardians from diverse backgrounds, graduate level coursework in education administration and  
219 field-based experiences in meeting local, state and federal requirements for language acquisition  
220 programs.

221 Section 10. Language Acquisition Program Administrator.

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

226 (b) A school committee with fewer than 200 students designated as English learners shall  
227 appoint a person to be its administrator of language acquisition programs. Such administrator  
228 shall have the duties involved in supervising the provision of all language acquisition programs  
229 in the school system for not less than 25 percent of the duties assigned to such a positions.

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

234 SECTION 5. State Seal of Biliteracy.

235 (a) Chapter 69 of the General Laws is hereby amended by inserting after section 1P  
236 the following section:-

237 “Section 1Q. State Seal of Biliteracy.

238 (a) The commissioner shall develop criteria and guidelines for a state seal of biliteracy to  
239 be awarded by school districts to recognize high school graduates who have met academic  
240 benchmarks determined by the department in 1 or more languages in addition to English.

241 The department shall develop an insignia to be affixed to the diploma or transcript of a  
242 student who has been awarded a state seal of biliteracy and make the insignia available to school

243 districts in an electronic format for the preparation of diplomas. A school district that chooses to  
244 award the state seal of biliteracy to qualifying students pursuant to this section shall maintain  
245 appropriate records to identify students who have earned a state seal of biliteracy and to affix the  
246 appropriate insignia to the diplomas or transcripts of those students.

247 (b) The department of elementary and secondary education shall consider the  
248 recommendations of the language opportunity coalition in developing the guidelines for the state  
249 seal of biliteracy pursuant to section 1Q of chapter 69 of the General Laws.”.

250 SECTION 6. Effective Date. This Act shall take effect on the first school year after the  
251 enactment of this Act.