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REPORT — HOUSE.

(38)

REPORT of the Committee of Conference
on the disagreeing votes of the two branches
with reference to the Senate amendment

(striking out all after the enacting.....

clause and inserting in place thereof the

text contained in Senate amendment numbers

2134) of the House Bill relative to.....

language opportunity for our kids.....

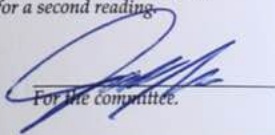
(House, No. 3740).....

H.R. NOV 14 2017 D.

Read; and referred, under Rule 7A, to the
committee on Steering, Policy and Scheduling.

Steven T. James, Clerk

, Reported; and
placed in O.D. for a second reading.


For the committee.



11/14/17
7:58pm

The Commonwealth of Massachusetts

House of Representatives, NOV 14 2017

The Committee of Conference on the disagreeing votes of the two branches with
reference to the House Bill relative to language opportunity for our kids
(House, No. 3740)

[Amended by the Senate by striking out all after the enacting clause and inserting
in place thereof the text contained in Senate document numbered 2134].

REPORTS, recommending passage of the accompanying bill (House, No. 4032).

The Commonwealth of Massachusetts

The committee of conference on the disagreeing votes of the two branches with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2134) of the House Bill relative to language opportunity for our kids (House, No. 3740), reports recommending passage of the accompanying bill (House, No. 4032). November 14, 2017.

Alice Hanlon Peisch	Sonia Chang-Diaz
Frank A. Moran	Sal N. DiDomenico
Kimberly N. Ferguson	Patrick M. O'Connor

The Commonwealth of Massachusetts

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

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. Section 1 of chapter 69 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out, in lines 3 and 4, the words "a limited English
3 proficient student as defined in section 1 of" and inserting in place thereof the following words:-
4 English learners, as defined in.

5 SECTION 2. Section 1A of said chapter 69, as so appearing, is hereby amended by
6 striking out, in lines 16 and 17, the words "language learners" and inserting in place thereof the
7 following words:- learner.

8 SECTION 3. Said section 1A of said chapter 69, as so appearing, is hereby further
9 amended by striking out, in line 19, the words "limited English proficient students" and inserting
10 in place thereof the following words:- English learners.

11 SECTION 4. Section 11 of said chapter 69, as so appearing, is hereby amended by
12 striking out, in lines 51, 242 and 243, 245, 247, 249, 254 and 255, 258, 260, 269, 273 and 275,

13 the words "language learners" and inserting in place thereof, in each instance, the following
14 words:- learner.

15 SECTION 5. Said section 11 of said chapter 69, as so appearing, is hereby further
16 amended by striking out, in line 237, the words "have limited English proficiency" and inserting
17 in place thereof the following words:- are English learners.

18 SECTION 6. Said section 11 of said chapter 69, as so appearing, is hereby further
19 amended by striking out, in lines 246 and 265, the words "limited English proficient students"
20 and inserting in place thereof, in each instance, the following words:- English learners.

21 SECTION 7. Said section 11 of said chapter 69, as so appearing, is hereby further
22 amended by striking out, in lines 253 and 254 and in line 261, the words "limited English
23 proficient student" and inserting in place thereof, in each instance, the following words:- English
24 learner.

25 SECTION 8. Said section 11 of said chapter 69, as so appearing, is hereby further
26 amended by striking out, in line 279, the word "and".

27 SECTION 9. The nineteenth paragraph of said section 11 of said chapter 69, as so
28 appearing, is hereby amended by striking out clause (j) and inserting in place thereof the
29 following 6 clauses:-

30 (j) if there were complaints filed with a federal or state court or administrative agency
31 since the program's inception concerning compliance with federal or state minimum legal
32 requirements, the disposition of the complaint and the monitoring and evaluation of an
33 agreement or court order relative to the complaint;

34 (k) opportunities that the district makes available to English learners for instruction in
35 maintaining or developing proficiency in a student's native language;

36 (l) a description of the school district's plan to evaluate the effectiveness of its English
37 learner programs relative to: (i) helping students attain English language proficiency and master
38 academic standards; (ii) measuring student readiness to join mainstream classrooms; (iii)
39 evaluations and measures provided in addition to department requirements; and (iv) a description
40 of the steps that the school district plans to take to address an identified deficiency;

41 (m) a record of: (i) instances in which a parent or guardian requested to withdraw a
42 student from or refused a student's participation in an English learner program; and (ii) meetings
43 held with a parent or guardian regarding a student who is not making satisfactory progress
44 toward participating and learning in a mainstream classroom;

45 (n) a description of the training provided by the district to staff who work with culturally
46 and linguistically diverse student populations; and

47 (o) documentation detailing the participation of English learners in the district's regular
48 and advanced educational programs and extracurricular activities.

49 SECTION 10. Said section 11 of said chapter 69, as so appearing, is hereby further
50 amended by striking out the last paragraph and inserting in place thereof the following
51 paragraph:-

52 Annually, the commissioner shall analyze and publish data reported by school districts
53 under this section regarding English learner programs and English learners. The published data
54 shall be on the department's website in a machine readable format, to the extent feasible. The

55 commissioner shall annually submit to the joint committee on education a report on the data,
56 which shall be disaggregated on a statewide and school district basis and divided into categories
57 including, but not limited to, language group and type of English learners program. The report
58 shall also include an analysis of the status of the progress of English learners, referencing the
59 relevant data required to be collected in this section.

60 SECTION 11. Section 1J of said chapter 69, as so appearing, is hereby amended by
61 striking out, in lines 105, 146 and 147, 237, 241, 455, 494 and 495, 588 and 592, the words
62 "limited English-proficient students" and inserting in place thereof, in each instance, the
63 following words:- English learners.

64 SECTION 12. Said section 1J of said chapter 69, as so appearing, is hereby further
65 amended by striking out, in lines 120 and 121 and in lines 470 and 471, the words "limited
66 English-proficient, special education and low income" and inserting in place thereof, in each
67 instance, the following words:- English learners, special education students and low-income.

68 SECTION 13. Said section 1J of said chapter 69, as so appearing, is hereby further
69 amended by striking out, in line 122, the words "limited English proficient students" and
70 inserting in place thereof the following words:- English learners.

71 SECTION 14. Said section 1J of said chapter 69, as so appearing, is hereby further
72 amended by striking out, in lines 471 and 472, the words "alternative English language learning
73 programs for limited-English proficient students" and inserting in place thereof the following
74 words:- English language acquisition programs for English learners.

75 SECTION 15. Said section 1J of said chapter 69, as so appearing, is hereby further
76 amended by striking out subsection (x) and inserting in place thereof the following subsection:-

77 (x) Notwithstanding any general or special law to the contrary, any underperforming or
78 chronically underperforming school operating a program for English learners shall establish an
79 English learner parent advisory council pursuant to section 6A of chapter 71A.

80 SECTION 16. Section 1K of said chapter 69, as so appearing, is hereby amended by
81 striking out, in lines 17, 103, 142 and 143, 234 and 238, the words "limited English-proficient
82 students" and inserting in place thereof, in each instance, the following words:- English learners.

83 SECTION 17. Said section 1K of said chapter 69, as so appearing, is hereby further
84 amended by striking out, in lines 118 and 119, the words "limited English-proficient, special
85 education and low income" and inserting in place thereof the following words:- English learners,
86 special education students and low-income.

87 SECTION 18. Said section 1K of said chapter 69, as so appearing, is hereby further
88 amended by striking out, in lines 120 and 121, the words "alternative English language learning
89 programs for limited-English proficient students" and inserting in place thereof the following
90 words:- English language acquisition programs for English learners.

91 SECTION 19. Said chapter 69 is hereby further amended by inserting after section 1P, as
92 so appearing, the following section:-

93 Section 1Q. The board of elementary and secondary education shall establish a state seal
94 of biliteracy to be awarded by school districts to students who have attained a high level of
95 proficiency in English and not less than 1 other language in addition to English. To qualify for
96 the seal, a student shall meet criteria established by the board.

97 The criteria shall include, but shall not be limited to attainment of a specified level of
98 performance on: (i) the tenth grade English language arts exams of the Massachusetts
99 Comprehensive Assessment System; and (ii) not less than 1 nationally recognized and readily
100 available assessments that measure literacy in a language other than English or an equivalent
101 alternative that the board may establish.

102 The department shall develop an insignia to be affixed to the diploma or transcript of a
103 student who has been awarded a state seal of biliteracy and make the insignia available to school
104 districts in an electronic format for the preparation of diplomas.

105 A school district that awards the state seal of biliteracy shall maintain appropriate records
106 to identify students who have earned a state seal of biliteracy and affix the appropriate insignia to
107 the diploma or transcript of a student who earns a state seal of biliteracy.

108 SECTION 20. Section 2 of chapter 70 of the General Laws, as so appearing, is hereby
109 amended by striking out, in line 74, the words "language learners" and inserting in place thereof
110 the following words:- learner.

111 SECTION 21. Said section 2 of said chapter 70, as so appearing, is hereby further
112 amended by striking out, in lines 75 and 76, the words "limited English proficient students" and
113 inserting in place thereof the following words:- English learners as defined in chapter 71A.

114 SECTION 22. Section 34H of chapter 71 of the General Laws, as so appearing, is hereby
115 amended by striking out, in line 9, the words "language learners" and inserting in place thereof
116 the following words:- learner.

100 English learner program to assess the academic achievement of English learners and the
101 effectiveness of language acquisition programs.

102 Section 3. An English learner enrolled in a public school, including a charter school, shall
103 be educated through a comprehensive, research-based instructional program that includes subject
104 matter content and an English language acquisition component. Programs for English learners
105 may include sheltered English immersion, dual language education and transitional bilingual
106 education but shall not be limited to a specific program or instructional design. The programs
107 shall be based on best practices in the field, linguistic and educational needs and the
108 demographic characteristics of English learners in the school district. A school district may
109 incorporate opportunities for students to develop and maintain native language proficiency as
110 part of a formal or extracurricular academic program.

111 An English learner shall receive English language development instruction at a level and
112 frequency that is appropriate for the English learner's level of English language proficiency and
113 educational need and shall be instructed by teachers qualified under state law. Each school
114 district shall employ a sufficient amount of teachers of English as a second language for
115 identified English learners; provided, however, that a school district shall employ at least 1
116 teacher licensed in English as a second language if that district has an English learner.

117 A student who has exited an English learner program and attained English proficiency
118 shall have access to English language support or development instruction, as needed, in order to
119 perform grade level classwork.

120 Schools may place English learners of different ages in the same classroom if the level of
121 English proficiency for those English learners is similar. Schools shall be encouraged to integrate

138 SECTION 29. The first paragraph of paragraph (3) of subsection (i) of said section 89 of
139 said chapter 71, as so appearing, is hereby amended by striking out clause (iv) and inserting in
140 place thereof the following clause:- (iv) that are English learners or of similar language
141 proficiency level as measured by a standardized English proficiency assessment chosen by the
142 department.

143 SECTION 30. Said section 89 of said chapter 71, as so appearing, is hereby further
144 amended by striking out, in lines 252 to 254, inclusive, the words "limited English-proficient of
145 similar language proficiency as measured by the Massachusetts English Proficiency Assessment
146 examination" and inserting in place thereof the following words:- English learners or of similar
147 language proficiency level as measured by a standardized English proficiency assessment chosen
148 by the department.

149 SECTION 31. Said section 89 of said chapter 71, as so appearing, is hereby further
150 amended by striking out, in lines 270 and 271, the words "limited English-proficient students"
151 and inserting in place thereof the following words:- English learners.

152 SECTION 32. Said section 89 of said chapter 71, as so appearing, is hereby further
153 amended by striking out, in line 818, the words "language learners" and inserting in place thereof
154 the following words:- learner.

155 SECTION 33. Section 92 of said chapter 71, as so appearing, is hereby amended by
156 striking out, in lines 33 and 34, 166 and 287 and 288, the words "limited English-proficient
157 students" and inserting in place thereof, in each instance, the following words:- English learners.

158 SECTION 34. Section 94 of said chapter 71, as so appearing, is hereby amended by
159 striking out, in line 85, the words "language learners" and inserting in place thereof the following
160 words:- learners as defined in chapter 71A.

161 SECTION 35. Section 2 of chapter 71A of the General Laws, as so appearing, is hereby
162 amended by striking out, in lines 2 to 6, inclusive, the words "In this chapter, (a) "Bilingual
163 education" means a language acquisition process for students in which all or substantial portions
164 of the instruction, textbooks, or teaching materials are in the child's native language other than
165 English." and inserting in place thereof the following words:-

166 As used in this chapter, the following words shall have the following meanings unless the
167 context clearly requires otherwise:

168 "Commissioner", the commissioner of elementary and secondary education.

169 "Department", the department of elementary and secondary education.

170 "District", the school department of a city or town or regional school district, including
171 charter schools.

172 "Dual language education" or "2-way immersion", a program designed to promote
173 bilingualism and biliteracy, cross-cultural competency and high levels of academic achievement
174 for both native English speakers and English learners from a single language background;
175 provided, however, that students shall develop and maintain their first language while adding a
176 second language and shall receive the same core curriculum as all students in the state; provided
177 further, that the instruction for such students shall be provided in 2 languages throughout the

178 program; and provided further, that "2-way immersion" programs may begin in the early grades,
179 including pre-kindergarten and kindergarten, and may continue through the secondary level.

180 "English as a second language", instruction designed to help students become proficient
181 in English and learn content simultaneously by providing systematic, explicit and sustained
182 language instruction to develop the high level of English language proficiency needed for
183 academic achievement; provided, that "English as a second language" instruction may focus on
184 academic language and developing the ability of a student to listen, speak, read and write in
185 English across a variety of social and academic contexts, to promote language development and
186 support content area learning of the English learner in grade-level academic classrooms.

187 SECTION 36. Said section 2 of said chapter 71A, as so appearing, is hereby further
188 amended by striking out, in line 7, the figure "(b)".

189 SECTION 37. Said section 2 of said chapter 71A, as so appearing, is hereby further
190 amended by striking out, in line 13, the figure "(c)".

191 SECTION 38. Said section 2 of said chapter 71A, as so appearing, is hereby further
192 amended by striking out, in line 17, the words "(d) "English learner" means a child" and
193 inserting in place thereof the following words:- "English learner", a student.

194 SECTION 39. Said section 2 of said chapter 71A, as so appearing, is hereby further
195 amended by inserting after the definition of "English learner" the following 2 definitions:-

196 "Foreign language", a language other than English.

197 "Language acquisition program", an instructional program for English learners that
198 includes English language instruction as a component to achieve fluency.

199 SECTION 40. Said section 2 of said chapter 71A, as so appearing, is hereby further
200 amended by striking out, in line 20, the figure "(c)".

201 SECTION 41. Said section 2 of said chapter 71A, as so appearing, is hereby further
202 amended by adding the following definition:-

203 "Transitional bilingual education", a program designed to allow English learners to
204 achieve long-term academic success through English-medium instruction in general education
205 classrooms; provided, however, that the native language of the English learner is used to support
206 the student's development of English and content learning and is then gradually phased out of
207 instruction as a student's English proficiency increases; and provided further, that "transitional
208 bilingual education" may be initiated at any level, including middle and high school, but shall
209 not be intended as a method of instruction for a student's entire academic career.

210 SECTION 42. Section 3 of said chapter 71A, as so appearing, is hereby amended by
211 striking out, in line 2, the words "Local school committees shall annually ascertain, not earlier
212 than the first day of April" and inserting in place thereof the following words:- School districts
213 shall annually ascertain.

214 SECTION 43. Said section 3 of said chapter 71A, as so appearing, is hereby further
215 amended by striking out, in line 3, the words "Department of Education" and inserting in place
216 thereof the following word:- department.

217 SECTION 44. Said section 3 of said chapter 71A, as so appearing, is hereby further
218 amended by striking out, in line 5, the word "Kindergarten" and inserting in place thereof the
219 following word:- pre-kindergarten.

220 SECTION 45. Said section 3 of said chapter 71A, as so appearing, is hereby further
221 amended by striking out, in line 9, the words "a website" and inserting in place thereof the
222 following words:- on the district's website in machine readable format, to the extent feasible.

223 SECTION 46. Said section 3 of said chapter 71A, as so appearing, is hereby further
224 amended by adding the following sentence:- School districts shall also track the academic
225 performance of students who have exited an English learner program to assess the academic
226 achievement of English learners and the effectiveness of English language classroom
227 programming.

228 SECTION 47. Section 4 of said chapter 71A, as so appearing, is hereby amended by
229 striking out, in line 2, the words "Subject to the exceptions provided in Section 5 of this chapter,
230 all" and inserting in place thereof the following word:- All.

231 SECTION 48. Said section 4 of said chapter 71A, as so appearing, is hereby further
232 amended by inserting after the word "schools", in line 3, the following words:- who are not
233 proficient in English.

234 SECTION 49. Said section 4 of said chapter 71A, as so appearing, is hereby further
235 amended by striking out, in lines 3 to 5, inclusive, the words "by being taught in English and all
236 children shall be placed in English language classrooms".

237 SECTION 50. Said section 4 of said chapter 71A, as so appearing, is hereby further
238 amended by striking out, in line 5, the word "Children" and inserting in place thereof the
239 following words:- Subject to the exceptions in section 12, children.

240 SECTION 51. Said section 4 of said chapter 71A, as so appearing, is hereby further
241 amended by striking out, in line 6, the word "during" and inserting in place thereof the following
242 words:- or an alternative instructional program that meets the requirements of federal and state
243 law, during.

244 SECTION 52. Said section 4 of said chapter 71A, as so appearing, is hereby further
245 amended by striking out, in lines 7 to 12, inclusive, the words "one school year, provided,
246 however, that kindergarten English learners shall be educated either in sheltered English
247 immersion or English language mainstream classrooms with assistance in English language
248 acquisition, including, but not limited to, English as a second language, so-called" and inserting
249 in place thereof the following words:- the timelines established by the department in benchmarks
250 established pursuant to section 11. Alternative instructional programs shall include, but shall not
251 be limited to transitional bilingual education and dual language education. Programs shall be
252 research-based and include subject matter content and an English language acquisition
253 component. Programs shall be based on best practices in the field and the linguistic and
254 educational needs and the demographic characteristics of English learners in the school district.
255 A school district may join with other school districts to provide an English learner program
256 pursuant to this chapter.

257 SECTION 53. Said section 4 of said chapter 71A, as so appearing, is hereby further
258 amended by striking out, in lines 17 and 18, the words "a good working knowledge of English"
259 and inserting in place thereof the following words:- English proficiency.

260 SECTION 54. Said section 4 of said chapter 71A, as so appearing, is hereby further
261 amended by adding the following paragraph:-

262 A district that intends to offer a new sheltered English immersion or alternative
263 instructional English learner program in the next academic year shall submit, not later than
264 January 1 of the current academic year, to the department and the district's parent advisory
265 council, on a form prescribed by the department, a description of: (i) the new instructional
266 program selected; (ii) how the new sheltered English immersion or alternative instructional
267 program meets the needs of the population to be served; (iii) the number and expected
268 qualifications of the program's educators; and (iv) the number, native language and English
269 proficiency levels of students expected to be enrolled in the program. The district shall also
270 submit such description for any English learner programs it currently operates. If the department
271 finds that a proposed or current program fails to meet the requirements of federal or state law, it
272 shall notify the district in writing within 90 days of receiving the description. The notice shall
273 cite the legal requirements with which the program would not comply and include corrective
274 steps that shall be taken to bring the program into compliance and the district shall have 30 days
275 to adopt such steps. A district shall not commence a program that the department has determined
276 does not meet federal standards or the standards in this chapter, unless the district has
277 implemented the corrective steps laid out by the department; provided, however, that in a district
278 whose existing English learner programming is not found to be in compliance, the proposed
279 program may operate for a period of 1 year, with a corrective action plan established to ensure
280 compliance and may continue to operate after that year if the corrective action plan was
281 implemented. Nothing in this section shall prevent the department from conducting an evaluation
282 of a language acquisition program at any time. The district shall submit to the department a list
283 of the program's educators and their qualifications, as well as the number, native language and
284 English proficiency level of the students enrolled in the new English learner program not later

285 than September 1 of the first year of the program. Thereafter, the program shall be subject to the
286 requirements of this chapter.

287 SECTION 55. Said chapter 71A is hereby further amended by striking out section 5, as
288 so appearing, and inserting in place thereof the following section:-

289 Section 5. (a) The parent or legal guardian of a student eligible to enroll in an English
290 learner program may select any available English learner program offered by the school district;
291 provided, however, that the program shall be appropriate for the age and grade level of the
292 student; and provided further, that for any program selection that would require a student to
293 transfer to a different school within the district, the transfer request shall be approved by the
294 superintendent, in a form prescribed by the department. A school, under advisement of a teacher
295 or guidance counselor, may request a program transfer for an individual child in writing, with
296 notice of the transfer request provided to the child's parents, in a form prescribed by the
297 department.

298 (b) If a school district or charter school receives requests from the parents or legal
299 guardians of not less than 20 students to implement a specific program to provide language
300 instruction in that school district or charter school, the school district or charter school shall, not
301 later than 90 days after receiving the request, respond and provide: (i) a plan for implementation
302 of the requested program; or (ii) a denial of the request, in writing, including an explanation of
303 the denial.

304 SECTION ⁵⁶~~57~~. Said chapter 71A is hereby further amended by inserting after section 6
305 the following section:-

306 Section 6A. A school district or charter school operating a language acquisition program
307 for English learners serving 100 or more English learners or in which English learners comprise
308 at least 5 per cent of the district's or charter school's student population, whichever is less, shall
309 establish an English learner parent advisory council; provided, however, that any other school
310 district or charter school may establish a parent advisory council pursuant to this section. The
311 council shall be composed of volunteer parents or legal guardians of students who are or have
312 been identified as English learners and, to the extent feasible, the members of the council shall
313 represent the native languages most commonly spoken by the students of the district or charter
314 school. The duties of the council shall include, but not be limited to: (i) advising the school
315 district, school committee and board of trustees on matters that pertain to English learners; (ii)
316 meeting regularly with school officials to participate in the planning and development of
317 programs designed to improve educational opportunities for English learners; and (iii)
318 participating in the review of school improvement plans under section 59C of chapter 71 and
319 district improvement plans under section 11 of chapter 69 as the plans relate to English learners.
320 Upon request from a parent advisory council, each school committee or school council within
321 that parent advisory council's district shall meet at least annually with the council; provided,
322 however, that if the parent advisory council advises a charter school the board of the charter
323 school shall, upon request from the parent advisory council, meet not less than annually with the
324 council. The council shall establish by-laws regarding officers and operational procedures. In the
325 course of its duties under this section, the council shall receive assistance from the director of
326 language acquisition programs for the school district or charter school or other appropriate
327 school personnel as designated by the superintendent. The department shall promulgate
328 regulations for the implementation of this section including, but not limited to, the process for

329 parents or legal guardians to be notified of English learner parent advisory councils and the
330 process for the appointment of volunteer parents or legal guardians to a council.

331 SECTION ~~58~~⁵⁷. The first paragraph of section 7 of said chapter 71A, as so appearing, is
332 hereby amended by striking out the first 2 sentences and inserting in place thereof the following
333 sentence:- Each English learner shall participate, consistent with section 11 of chapter 69, in the
334 statewide assessment system.

335 SECTION ~~58~~⁵⁸. Said section 7 of said chapter 71A, as so appearing, is hereby further
336 amended by inserting after the word "learners", in line 12, the following words:- and enrolled in
337 a public school, including a charter school.

338 SECTION ~~60~~⁵⁹. Said section 7 of said chapter 71A, as so appearing, is hereby further
339 amended by striking out, in line 20, the words "on an internet web site" and inserting in place
340 thereof the following words:- online in machine readable format, to the extent feasible.

341 SECTION ~~61~~⁶⁰. The first paragraph of said section 7 of said chapter 71A, as so appearing,
342 is hereby amended by striking out the last sentence and inserting in place thereof the following
343 sentence:- Results of assessments shall be used as a factor in determining the efficacy of an
344 English learner program offered by a school district but shall not be the sole basis for evaluation
345 of a district, school, English learner program or individual educator.

346 SECTION ~~62~~⁶¹. Said section 7 of said chapter 71A, as so appearing, is hereby further
347 amended by inserting after the word "The", in line 39, the following words:- report cards and
348 progress.

349 SECTION ⁶²~~61~~. Section 7A of said chapter 71A, as so appearing, is hereby amended by
350 striking out, in line 2, the figure "5" and inserting in place thereof the following figure:- 6.

351 SECTION ⁶³~~62~~. Said section 7A of said chapter 71A, as so appearing, is hereby further
352 amended by striking out the second and third sentences and inserting in place thereof the
353 following 2 paragraphs:-

354 The evaluation shall include, but shall not be limited to: (i) a review of individual student
355 records of English learners; (ii) a review of the programs and services provided to English
356 learners; (iii) a review of the dropout, graduation, discipline and special education incidence
357 rates of the English learner population in the district; (iv) using the best available data, a review
358 of the dropout, graduation, discipline and special education rates of English learners who exited
359 the English learner education program within the 3 school years preceding the on-site visit for
360 that 3-year period; (v) a description of the processes by which school-based teams, consisting of
361 educators, administrators and support staff, monitor the progress of English learners and former
362 English learners; (vi) a review of the amount, frequency and effectiveness of English as a second
363 language instruction; and (vii) a review of the administration and coordination of English learner
364 education programs. The advisory council for bilingual education established under section 1G
365 of chapter 15 shall annually review the results of the department's monitoring of English learner
366 programs in school districts.

367 Nothing in this section shall prevent the department from conducting an evaluation of a
368 language acquisition program at any time.

369 SECTION ⁶⁴~~63~~. Said chapter 71A is hereby further amended by adding the following 3
370 sections:-

371 Section 10. Teachers and administrators assigned to a language acquisition program shall
372 be properly qualified under state law for the program type. The department shall establish
373 endorsements for educators who have completed coursework and field-based experience to
374 provide instruction within sheltered English immersion programs, 2-way immersion programs,
375 transitional bilingual programs and other programs that meet the requirements of this chapter.

376 Annually, not later than June 1, the department shall provide each district with a list of all
377 educators who have current endorsements pursuant to this section. Prior to the beginning of each
378 school year, districts, including charter schools shall verify that each of the educators in an
379 English learner program is properly endorsed for that program.

380 Section 11. The department shall develop: (i) benchmarks for attaining English
381 proficiency for English learners, (ii) guidelines to assist school districts in the identification of
382 English learners who do not meet benchmarks and (iii) an English learning success template for
383 use by districts to assist English learners who do not meet English proficiency benchmarks.

384 The guidelines shall include: (i) recommendations for school districts to identify and
385 monitor an English learner's progress in English proficiency; (ii) methods for school districts to
386 provide personalized goals for English learners who are not meeting English proficiency
387 benchmarks; (iii) best practices for ensuring that English learners meet English proficiency
388 benchmarks and personalized goals including, but not limited to, methods to incorporate parental
389 input; and (iv) methods for school districts to share best practices in assisting English learners in
390 gaining English proficiency.

391 Upon the department's creation of the success templates and guidelines pursuant to this
392 section, school districts shall adopt procedures to identify English learners who do not meet

393 English proficiency benchmarks and shall establish a process for the district to: (i) identify areas
394 in which identified English learners needs improvement and establish personalized goals for the
395 identified English learners to attain English proficiency; (ii) assess and track the progress of
396 English learners in the identified areas of improvement; (iii) review resources and services
397 available to identified English learners that may assist said learners in the identified areas of
398 improvement; and (iv) incorporate input from the parents or legal guardian of the identified
399 English learner.

400 The department shall solicit public comment prior to issuing the benchmarks,
401 guidelines and English learning success template. The department shall review the benchmarks,
402 guidelines and English learning success template not less than every 5 years. The review shall
403 include a period of public comment. School districts shall provide a copy of the department
404 guidelines, materials describing the benchmarks and the English learning success template to the
405 parent or guardian of each English learner, in the English learner's primary language, at the
406 beginning of each school year or upon enrollment of the child in an English learner program if
407 the enrollment is not concurrent with the beginning of the school year.

408 Section 12. School districts shall, at least annually, inform the parents or legal guardians
409 of English learners of their rights to: (i) choose a language acquisition program among those
410 offered by the school district under section 4; (ii) request a new language acquisition program
411 under said section 4; or (iii) withdraw a student from a language acquisition program. Notice
412 shall be sent by mail not later than 10 days after the enrollment of the student in the school
413 district. The notice shall, to the extent possible: (A) be in a language that is understandable to the
414 parents or legal guardians; (B) contain a simple, easy to understand description of the purpose,
415 method and content of the available programs; (C) inform the parent or legal guardian of the

416 right to visit an English learner program in the school district; and (D) inform the parent or legal
417 guardian of available conferences or meetings to learn about the English learner programs
418 offered in the school district.

419 If the school district recommends placing an English learner in an English learner
420 program, the parent or legal guardian of the student shall have the right, at the time of the
421 original notification under this section or at the close of a marking period, to withdraw the
422 student from a program by sending written notice of the decision by mail or electronic
423 communication to the school authority designated by the school district in which the student is
424 enrolled; provided, however, that written confirmation of the withdrawal shall be provided
425 annually to the school by the parent or legal guardian and such confirmation shall be retained in
426 the student's cumulative folder; and provided further, that the student shall retain the right to
427 enter into an English learner program at any time.

428 SECTION ⁶⁵ 66. There shall be a special commission established pursuant to section 2A of
429 chapter 4 of the General Laws to investigate and study the current collection and dissemination
430 of school district and statewide data relative to school-age English ~~language~~ learners.

431 The commission shall consist of: the house and senate chairs of the joint committee on
432 education or their designees who shall serve as the co-chairs; 1 person to be appointed by the
433 senate president; 1 person to be appointed by the speaker of the house of representatives; 1
434 person to be appointed by the minority leader of the senate; 1 person to be appointed by the
435 minority leader of the house of representatives; the commissioner of elementary and secondary
436 education or a designee; the executive director of the Massachusetts Association of School
437 Superintendents, Inc. or a designee; the executive director of the Massachusetts Association of

438 School Committees or a designee; the executive director of the Massachusetts Elementary
439 School Principals' Assoc., Inc. or a designee; the executive director of the Massachusetts
440 Secondary Schools Administrators Association, Incorporated or a designee; the executive
441 director of the Administrators of Special Education, Inc. or a designee; and 5 persons to be
442 appointed by the governor, 1 of whom shall be representative of the Massachusetts Association
443 of Teachers of Speakers of Other Languages, Inc.; 2 of whom shall be superintendents selected
444 from a list of 3 superintendents from school districts serving high concentrations of English
445 ~~language~~ learners nominated by the Massachusetts Association of School Superintendents, Inc.
446 and 2 of whom shall be district-level English learner program directors selected from a list of 3
447 district-level English learner program directors nominated by the Massachusetts Association of
448 School Superintendents, Inc.

449 The commission shall: (i) study, review and report on all existing school and district
450 reporting requirements relative to English ~~language~~ learners including, but not limited to, annual
451 reporting requirements relative to English ~~language~~ learners as required under section 11 of
452 chapter 69 of the General Laws; (ii) consider how current data is collected and used to evaluate
453 English ~~language~~ learner programming and its effectiveness; (iii) review the parental choice and
454 parental notification process and the effectiveness and transparency of district and state reporting
455 relative to English ~~language~~ learners; and (iv) consider improvements to data collection and
456 dissemination relative to English ~~language~~ learners.

457 The commission may meet with state agencies, parents, guardians, teachers, school
458 administrators and any other person whom the chairs deem necessary for the purpose of filing its
459 report.

460 The commission shall file a report containing its finding and any recommendations with
461 the clerks of the senate and house of representatives not later than July 31, 2018.

462 SECTION ~~66~~⁶⁶. In developing the criteria to qualify for the state seal of biliteracy under
463 section 1Q of chapter 69 of the General Laws, the department of elementary and secondary
464 education shall consider the work of national organizations and other states on such a seal, the
465 work of the seal of biliteracy pilot project, as well as other information deemed relevant by the
466 department. Any assessment required to qualify for the seal shall be given by the school district
467 at no cost to a low-income student as described in the definition of low-income enrollment in
468 section 2 of chapter 70 of the General Laws.

469 SECTION ~~68~~⁶⁷. The department of elementary and secondary education shall establish and
470 publish on its website the benchmarks, guidelines and English learning success template
471 described in section 11 of chapter 71A of the General Laws not later than September 1, 2018.
472 Districts shall adopt the procedures described in said section 11 of said chapter 71A not later
473 than 6 months after the establishment by the department of the benchmarks, guidelines and
474 English learning success template described in section 8 of said chapter 71A.

475 SECTION ~~69~~⁶⁸. The department shall establish the endorsements described in section 10 of
476 chapter 71A not later than May 1, 2018.

477 SECTION ~~70~~⁶⁹. The department of elementary and secondary education may promulgate
478 regulations as necessary to implement this act.

479 SECTION ~~71~~⁷⁰. Sections 47 to 54, inclusive, shall take effect on May 1, 2018.

AN ACT RELATIVE TO LANGUAGE OPPORTUNITY FOR OUR KIDS.

This Act originated in the House

Steven T. James, Clerk.

House of Representatives, November 15, 2017.

Rightly and Truly Prepared for Final Passage.

Steven T. James, House Clerk.

In Senate, November 15, 2017.

Rightly and Truly Prepared for Final Passage.

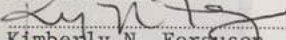
William F. Welch, Senate Clerk.

Laid before the Governor November 15, 2017.


2017 NOV 22 AM 11:09
SECRETARY OF STATE
RECORDS DIVISION


.....
Alice Hanlon Peisch


.....
Frank A. Moran


.....
Kimberly N. Ferguson

} Of the House.


.....
Sonia Chang-Diaz

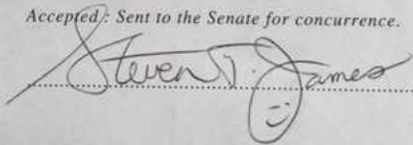

.....
Sal N. DiDomenico


.....
Patrick M. O'Connor

} Of the Senate.

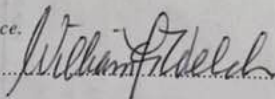
House of Representatives... Nov. 15, 2017

Accepted: Sent to the Senate for concurrence.


.....
Clerk.

Senate November 15, 2017

Accepted, in concurrence.


.....
Clerk.

38.

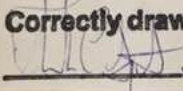
House, No. ~~3736~~, 3740

amended published as amended


BILL RELATIVE TO LANGUAGE OPPORTUNITY FOR OUR KIDS.

H.R., June 7, 2017.
Rec. from W&M as a recommended substitute for House bill No. 3705.
substituted (as recom. by W&M) for House bill No. 3705; and ord. 3rd.

rules suspended, read 3rd.,
1-1 Amendment (Cabral) rejected;
2-4 Amendment (Cabral) rejected;
3-2 Amended (Cabral);

Correctly drawn,
, for B.T.R.

4-6chg. Amended (Cabral);
5-7chg. Amended (Cabral);
6-8chg. Amended (Cabral);
7-12 Amended (Peisch);
8-13 Amended (Jones);
9-14 Amendment (Provost) rejected;
10-15 Amended (Sanchez);
Engrossed (HRC#56).

Senate, JUN 12 2017.....
Read and, under Senate Rule 27, referred to the committee on Ways and Means.
 Clerk

The Commonwealth of Massachusetts

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

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 11 of chapter 69 of the General Laws,
2 as appearing in the 2016 Official Edition, is hereby amended by adding the following 4 clauses:-

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

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

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

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

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

SEC INSERT
B

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

24 SECTION 3. Section 2 of chapter 71A, as so appearing, is hereby amended by inserting
25 after subsection (a) the following subsection:-

26 (a $\frac{1}{2}$) "Department", the department of elementary and secondary education.

27 SECTION 4. Section 3 of said chapter 71A is hereby amended by striking out, in line 2,
28 the words "Local school committees" and inserting in place thereof the following words
29 School districts.

30 SECTION 5. Said section 3 of said chapter 71A is hereby further amended by striking
31 out, in lines 3 and 4, the words "Department of Education" and inserting in place thereof the
32 following word:- department.

33 SECTION 6. Said section 3 of said chapter 71A, as so appearing, is hereby further
34 amended by adding the following sentence:- School districts shall track the academic

(B)

SECTION 1A. Said section 11 of said chapter 69, as so appearing, is hereby further amended by striking out, in the twenty-first paragraph, the last sentence and inserting in place thereof, the following sentence: The commissioner shall submit annually a report to the joint committee on education on such data on a statewide and school district basis, including, but not limited to, by language group and type of English language learners program and an analysis of the status of English language learners progress in the commonwealth, referencing the data collected in clauses (a) through (n), inclusive, of this section.

X

X

35 performance of students who have exited an English learner program to assess the academic
36 achievement and effectiveness of English language classroom programming.

37 SECTION 7. Section 4 of said chapter 71A, as so appearing, is hereby amended by
38 striking out, in line 6, the word "during" and inserting in place thereof the following words:- or
39 an alternative instructional program approved by the ~~department / during~~

40 SECTION 8. Section 5 of said chapter 71A, as so appearing, is hereby amended by
41 inserting after the word "visit," in line 6, the following words:- or provide a written request to.

42 SECTION 9. Subsection (a) of said section 5 of said chapter 71A, as so appearing, is
43 hereby amended by striking out the third sentence and inserting in place thereof the following 2
44 sentences:- A school, under advisement of a teacher or guidance counselor, may request a waiver
45 for an individual child in writing, with notice of the waiver request provided to the child's
46 parents, in a form prescribed by the department. If a parental or school-requested waiver has
47 been granted , the affected child may be transferred to an alternative instructional program,
48 which for the purposes of this chapter, shall include but shall not be limited to, classes teaching
49 English and other subjects through bilingual education techniques or other generally-recognized
50 educational methodologies.

51 SECTION 10. Said section 5 of said chapter 71A, as so appearing, is hereby further
52 amended by inserting after the word "waiver," in line 18, the following words:- or school-
53 requested exception waiver.

54 SECTION 11. Said section 5 of said chapter 71A, as so appearing, is hereby further
55 amended by striking out, in line 33, the word "and" and inserting in place thereof the following

department's writing ©

56 words:- or has a demonstrated need based on the child's academic record from the previous year,
57 and.

58 SECTION 12. Said section 5 of said chapter 71A, as so appearing, is hereby further
59 amended by inserting after the word "provided," in line 41, the following words:- by the parent
60 or school.

61 SECTION 13. Said section 5 of said chapter 71A, as so appearing, is hereby further
62 amended by striking out, in line 44, the word "waivers" and inserting in place thereof the
63 following words:- (c) Waivers.

64 SECTION 14. Said section 5 of said chapter 71A, as so appearing, is hereby further
65 amended by inserting after the word "passed," in line 46, the following words:- , unless the child
66 has previously attended the school.

67 SECTION 15. Said section 5 of said chapter 71A, as so appearing, is hereby further
68 amended by striking out, in line 47, the words "such an individual" and inserting in place
69 thereof the word:- a.

70 SECTION 16. Said section 5 of said chapter 71A, as so appearing, is hereby further
71 amended by striking out, in lines 51 and 52, the words "special individual needs" and inserting in
72 place thereof the word:- circumstances.

73 ~~SECTION 17. Section 6 of said chapter 71A, as so appearing, is hereby amended by~~
74 ~~striking out, in line 19 the words "exception waivers under Section 5(b)(3)" and inserting in~~
75 ~~place thereof, the following words:- waivers under section 5.~~

17
SECTION 18. Said chapter 71A is hereby further amended by inserting after section 5

the following section:-

Section 5A. School districts shall annually inform the parents or legal guardians of English learners of their right to apply for a waiver and choose an alternative instructional program among those offered by the school district, or to withdraw a child from an alternative instructional program. Notice shall be sent by mail not later than 10 days after the enrollment of the child in the school district. The notice shall, to the extent feasible: (i) be in a language that is understandable to the parents or legal guardians; (ii) contain a clear description of the purpose, method and content of the available programs; (iii) inform the parent or legal guardian of the right to visit an English learner program in the school district; and (iv) inform the parent or legal guardian of available conferences or meetings to learn about the English learner programs.

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

SECTION 19. Said chapter 71A, as so appearing, is hereby further amended by inserting after section 6 the following section:-

Section 6A. A school district operating a language acquisition program for English learners serving more than 100 English learners or in which English learners are more than 5 per cent of the district's student population, whichever is less, shall establish an English learner parent advisory council. The council shall be composed of volunteer parents or legal guardians

SECTION 18. Section 6 of said chapter 71A, as so appearing, is hereby amended by striking out, in lines 18 and 19, the words "exception waivers under Section 5(b)(3)" and inserting in place thereof the following words :- waivers under section 5©

98 of students who are or have been identified as English learners and to the extent feasible, the
99 members of the council shall represent the predominant native language or languages spoken by
100 the students of the district. The duties of the English learner parent advisory council shall
101 include, but not be limited to: (i) advising the school district, school committee or board of
102 trustees on matters that pertain to English learners; (ii) meeting regularly with school officials to
103 participate in the planning and development of programs designed to improve educational
104 opportunities for English learners; and (iii) participating in the review of school or district
105 improvement plans established under section 59C of chapter 71 as the plans relate to English
106 learners. An English learner parent advisory council may meet at least once annually with its
107 school council established pursuant to said section 59C. The English learner parent advisory
108 council shall establish by-laws regarding officers and operational procedures. In the course of its
109 duties under this section, the English learner parent advisory council shall receive assistance
110 from the director of language acquisition programs for the school district or other appropriate
111 school personnel as designated by the superintendent.

112 SECTION 20. The first paragraph of section 7A of said chapter 71A, as so appearing, is
113 hereby amended by striking out the second sentence and inserting in place thereof the following
114 2 sentences:- The evaluation shall include, but shall not be limited to: (i) a review of individual
115 student records of all English learners; (ii) a review of the number of waivers issued by the
116 school and when applicable, the type of alternative instructional program provided; (iii) a review
117 of the programs and services provided to English learners; (iv) a review of the dropout,
118 graduation, discipline and special education incidence rates of English learners formerly enrolled
119 in the district within the prior 3 years; (v) a description of the processes by which school-based
120 teams consisting of educators, administrators and support staff, monitor the progress of English

121 learners and former English learners; (vi) a review of the amount, frequency and effectiveness of
122 English as a second language instruction; and (vii) a review of the administration and
123 coordination of English learner education programs. The advisory council for bilingual education
124 established pursuant to section 1G of chapter 15 shall annually review the results of the
125 department's monitoring of English learner programs in school districts.

126 SECTION 21. Section 8 of said chapter 71A, as so appearing, is hereby amended, by
127 striking out, in line 17, the words "Department of Education" and inserting in place thereof the
128 following word: ²department.

129 SECTION 22. Not later than July 1, 2018, the department of elementary and secondary
130 education shall establish guidelines for school districts to assist in supporting English learners, as
131 defined in section 2 of chapter 71A of the General Laws, who do not meet anticipated
132 benchmarks in attaining English proficiency. The guidelines shall include, but not be limited to:
133 (i) ways for school districts to provide individualized goals and plans for English learners who
134 are not meeting anticipated benchmarks in attaining English proficiency; (ii) best practices for
135 ensuring that English learners meet individualized goals and plans to meet benchmarks in
136 attaining English proficiency; and (iii) ways for school districts to share best practices among
137 each other in assisting English learners in attaining English proficiency.

138 SECTION 23. Not later than July 1, 2018 the department of elementary and secondary
139 education shall establish guidelines relative to English learner parent advisory councils created
140 pursuant to section 6A of chapter 71A of the General Laws. The guidelines shall include, but not
141 be limited to the process for parents or legal guardians to be notified of English learner parent

142 advisory councils and the process for the appointment of volunteer parents or legal guardians to
143 the council.

144 SECTION 24. Notwithstanding any general or special law to the contrary, school districts
145 shall provide a copy of department of elementary and secondary education guidelines relative to
146 supporting English learners, as defined in section 2 of chapter 71A of the General Laws, who do
147 not meet anticipated benchmarks in attaining English proficiency to the parent or guardian of
148 each English learner, in the parent's or guardian's primary language, at the beginning of each
149 school year or upon enrollment of the child in an English learner program if the enrollment is not
150 concurrent with the beginning of the school year.

151 SECTION 25. There shall be a working group on English language learners to review
152 the current collection and dissemination of school district and statewide data relative to school-
153 age English language learners.

of the house of representatives;

of the senate;

154 The working group shall consist of 17 members: the house and senate chairs of the joint
155 committee on education, or their designees, who shall serve as the co-chairs; 1 member of the
156 senate, appointed by the senate president; 1 member of the house of representatives, appointed
157 by the speaker; 1 member of the senate, appointed by the minority leader; 1 member of the house
158 of representatives, appointed by the minority leader; the commissioner of the department of
159 elementary and secondary education, or a designee; the executive director of the Massachusetts
160 Association of School Superintendents, Inc. or a designee; the executive director of the
161 Massachusetts Association of School Committees or a designee; the executive director of the
162 Massachusetts Elementary School Principals' Association or a designee; the executive director
163 of the Massachusetts Secondary School Administrators' Association, or a designee; the executive

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, Incorporated,

, INCO

~~*, Incorporated,*~~

(A)

SECTION 25 There shall be a special commission to investigate and study the current collection and dissemination of school district and statewide data relative to school-age English language learners.

The commission shall consist of 17 members, 2 of whom shall be the house and senate chairs of the joint committee on education, or their designees, who shall serve as the co-chairs; 1 of whom shall be a member of the senate, appointed by the senate president; 1 of whom shall be a member of the house of representatives, appointed by the speaker of the house of representatives; 1 of whom shall be member of the senate, appointed by the minority leader of the senate; 1 of whom shall be a member of the house of representatives, appointed by the minority leader of the house of representatives; 1 of whom shall be the commissioner of the department of elementary and secondary education, or a designee; 1 of whom shall be the executive director of the Massachusetts Association of School Superintendents, Inc. or a designee; 1 of whom shall be the executive director of the Massachusetts Association of School Committees or a designee; 1 of whom shall be the executive director of the Massachusetts Elementary School Principals' Association, Inc. or a designee; 1 of whom shall be the executive director of the Massachusetts Secondary School Administrators' Association, Incorporated, or a designee; 1 of whom shall be the executive director of the Massachusetts Administrators of Special Education, Inc., or a designee; 1 of whom shall be representative of the Massachusetts Association of Teachers of Speakers of

Other Languages, Inc.; and 4 of whom shall be appointed by the governor: 2 of whom shall be selected from a list of 3 superintendents from school districts serving high concentrations of English language learners nominated by the Massachusetts Association of School Superintendents, Inc. and 2 of whom shall be selected from a list of 3 district-level English language learner directors nominated by the Massachusetts Association of School Superintendents, Inc.

The commission shall: (i) study, review and report on all existing school and district reporting requirements relative to English language learners, including but not limited to annual reporting requirements relative to English language learners as required under section 11 of chapter 69; (ii) consider how current data is collected and used to evaluate English language learner programming and its effectiveness; (iii) review the waiver and parental notification process, and the effectiveness and transparency of district and state reporting relative to English language learners; and (iv) consider improvements to data collection and dissemination relative to English language learners.

The commission may meet with state agencies, parents, guardians, teachers, school administrators, and any person the chairs deem necessary for the purpose of filing its report.

The commission shall file a report containing its finding and any recommendations with the clerks of the house of representatives and the senate not later than February 1, 2018.

~~1 Ineq;~~

164 director of the Massachusetts Administrators for Special Education Administrators, or a
165 designee; 1 representative of the Massachusetts Association of Teachers of Speakers of Other
166 Languages; ~~2~~ ¹ superintendents, appointed by the Massachusetts Association of School
167 Superintendents, Inc., from school districts serving high concentrations of English language
168 learners; and ~~2~~ ¹ district-level English language learner directors, appointed by the Massachusetts
169 Association of School Superintendents. ~~Ineq~~

~~1 Ineq~~

170 The working group shall: (i) study, report and review on all existing school and district
171 reporting requirements relative to English language learners; (ii) consider how current data is
172 collected and used to evaluate English language learner programming and its effectiveness; and
173 (iii) review the waiver, parental notification process, effectiveness and transparency of district
174 and state reporting relative to English language learners; ^{and} (iv) consider improvements to data
175 collection and dissemination relative to English language learners.

176 The working group may meet with state agencies, parents, guardians, teachers, school
177 administrators, and any person or persons the chairs deem necessary for the purpose of filing its
178 report.

~~of representatives~~

179 The working group shall file a report containing its finding and any recommendations
180 with the joint committee on education, and the clerks of the house and the senate not later than
181 February 1, 2018.

182 SECTION 26. The department of elementary and secondary education shall promulgate
183 regulations to implement this act no later than March 1, 2018.

25A

SECTION ~~26~~ Section 3 of chapter 71A of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out, in line 5, the word "Kindergarten" and inserting in place thereof the following word: "Pre-Kindergarten".

27

SECTION ~~XX~~ Section 7A of Chapter 71A of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking the first sentence and replacing it with the following sentence:

The department shall conduct on-site visits to level 1 and 2 school districts at least once every 5 years, and in all other school districts at least once every 3 years, for the purpose of evaluating the effectiveness of programs serving English learners and to validate evidence of educational outcomes.

28

SECTION ~~XX~~ The department of elementary and secondary education shall convene a task force to study the feasibility of establishing a State Seal of Biliteracy. The task force shall consist of 14 members: the commissioner of the department of elementary and secondary education, or a designee; the secretary of the executive office of education, or a designee; the house and senate chairs of the joint committee on education, or their designees; 1 member of the senate, appointed by the senate president; 1 member of the house of representatives, appointed by the speaker; 1 member of the senate, appointed by the minority leader; 1 member of the house of representatives, appointed by the minority leader; 1 representative of the Massachusetts Association of Teachers of Speakers of Other Languages; 1 representative of the Massachusetts Association for Bilingual Education; 1 representative of the Massachusetts Foreign Language Association; 1 representative from the Massachusetts Business Alliance for Education; and 2 superintendents, appointed by the Massachusetts Association of School Superintendents, Inc., one of whom shall be from a school district that serves high concentrations of English language learners, and one of whom shall be from a school district that currently operates a program for recognizing students who have attained Biliteracy.

The task force shall examine: (i) criteria or guidelines that would need to be established to award a state Seal of Biliteracy; (ii) the academic benchmarks that would need to be met in order for a student to be awarded such a Seal; (iii) potential costs associated with implementing such a Seal;

(iv) the need for any additional assessments, state or local; and (v) the benefits to students of receiving such a Seal, including English Language Learners as well as native English speakers.

The task force shall file a report containing its finding and any recommendations with the joint committee on education, and the clerks of the house and the senate not later than January 1,

2018.

HOUSE **No. 2058**

By Mr. Sánchez of Boston, a petition (accompanied by bill, House, No. 2058) of Jeffrey Sánchez and others relative to English language learner programs in public schools.
Education.

HD2733

The Commonwealth of Massachusetts

**HOUSE OF
REPRESENTATIVES,**

January 23, 2017.

Referred to the committee
on

EDUCATION.

Sent to the Senate for
concurrence.

Steven T. James

Clerk.

SENATE,

January 23, 2017.

The Senate concurs

William F. Welch

House, No. 2058

**BILL FOR LANGUAGE
OPPORTUNITY FOR OUR KIDS**

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 for language opportunity for our kids.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Jeffrey Sánchez</i>	<i>15th Suffolk</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>
<i>Evandro C. Carvalho</i>	<i>5th Suffolk</i>
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>

HOUSE

By Mr. Sánchez of Boston, a petition (accompanied by bill, House, No. 2058) of Jeffrey Sánchez and others relative to English language learner programs in public schools. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4566 OF 2015-2016.]

The Commonwealth of Massachusetts

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

An Act for 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:

SECTION 1. The nineteenth paragraph of section 11 of chapter 69 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after clause (j), the following clauses:-

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

(l) a record of: (i) instances in which a parent or guardian requested to withdraw a student 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 amended by section 2
18 of chapter 255 of the acts of 2016, is hereby amended by inserting after the first sentence the
19 following sentence:-

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

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

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

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

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

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

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

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

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

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

53 Section 5A.

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

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

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

70 Section 6A.

71 A school district operating a language acquisition program for English learners serving
72 more than 100 English learners or in which English learners are more than 5 per cent of the
73 district's student population, whichever is less, shall establish an English learner parent advisory
74 council. Any such council shall be composed of volunteer parents or legal guardians of students
75 who are or have been identified as English learners. The duties of the parent advisory council
76 shall include, but not be limited to: (i) advising the school district, school committee or board of
77 trustees on matters that pertain to English learners; (ii) meeting regularly with school officials to
78 participate in the planning and development of programs designed to improve educational
79 opportunities for English learners; and (iii) participating in the review of school or district
80 improvement plans established under section 59C of chapter 71 as they relate to English learners.
81 A parent advisory council may meet at least once annually with each school council within the
82 school district. The parent advisory council shall establish by-laws regarding officers and
83 operational procedures. In the course of its duties under this section, the parent advisory council
84 shall receive assistance from the director of language acquisition programs for the school district
85 or other appropriate school personnel as designated by the superintendent.

86 SECTION 13. Section 7A of said chapter 71A is hereby further amended by striking out
87 the second sentence and inserting in place thereof the following sentences:- The evaluation shall
88 include, but not be limited to: (i) a review of individual student records of all English learners;
89 (ii) a review of the number of waivers issued by school and the type of alternative instructional
90 method provided; (iii) a review of the programs and services provided to English learners; (iv) a
91 review of the dropout, graduation, discipline and special education incidence rates of English
92 learners formerly enrolled in the district within the prior 3 years; (v) a description of the
93 processes by which school-based teams consisting of educators, administrators and support staff,

94 monitor the progress of English learners and former English learners; (vi) a review of the
95 amount, frequency and effectiveness of English as a second language instruction; and (vii) a
96 review of the administration and coordination of English learner education programs. The
97 advisory council for bilingual education established under section 1G of chapter 15 shall
98 annually review the results of the department's monitoring of English learner programs in school
99 districts.

100 SECTION 14. Not later than July 1, 2018, the department of elementary and secondary
101 education shall establish guidelines for school districts to assist in supporting English learners
102 who do not meet anticipated benchmarks in attaining English proficiency. The guidelines shall
103 include, but not be limited to: (i) ways for school districts to provide individualized goals and
104 plans for English learners who are not meeting anticipated benchmarks in attaining English
105 proficiency; (ii) best practices for ensuring that English learners meet individualized goals and
106 plans to meet benchmarks in attaining English proficiency; and (iii) ways for school districts to
107 share best practices among each other in assisting English learners in gaining English
108 proficiency.

109 SECTION 15. Not later than July 1, 2018 the department of elementary and secondary
110 education shall establish guidelines relative to English learner parent advisory councils created
111 pursuant to section 6A of Chapter 71A of the General Laws. The guidelines shall include, but not
112 be limited to the process for parents or legal guardians to be notified of English learner parent
113 advisory councils and the process for the appointment of volunteer parents or legal guardians to
114 the council.

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

House, No. 3705

BILL FOR LANGUAGE OPPORTUNITY FOR OUR KIDS.

MAY 18 2017

H.R.,
Read; and referred, under Rule 33, to
the committee on Ways and Means.

Steven T. James, Clerk

H.R., **JUN 07 2017**

Referred, under Rule 7A, to the committee on
Steering, Policy and Scheduling.
with amend. H.3736 pending.

Steven T. James, Clerk

JUN 07 2017

, Reported; and
placed in O.D. for a second reading.

[Signature]
For the committee.

Rule 7A suspended, read 2nd.,
amended (as recom. by W&M) by
substitution of House, No.
3736.

HOUSE No. 3705**The Commonwealth of Massachusetts**

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

An Act for 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. Section 11 of chapter 69 of the General Laws, as appearing in the 2014
2 official edition, is hereby amended by striking out, in line 283, the word "and."

3 SECTION 2. Said section 11 of said chapter 69, as so appearing, is hereby amended by
4 striking out, in line 283, the "." and replacing it with ",".

5 SECTION 3. Said section 11 of said chapter 69, as so appearing, is hereby amended by
6 inserting, after line 289, the following:-

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

9 (l) a description of how the school district will evaluate the effectiveness of its
10 *English language learner programs in terms of helping such students attain English language*
11 *proficiency and master academic standards, as well as measure students' readiness to join*
12 *mainstream classrooms, should they not already be placed in such classes, if the evaluations and*

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

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

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

20 (o) documentation detailing English learners' participation in the district's regular
21 and advanced educational programs and extracurricular activities.

22 SECTION 4. The fifth paragraph of section 59C of chapter 71 of the General Laws, as
23 appearing in the 2014 official edition, is hereby amended by inserting after the word
24 "performance," in line 50, the following:-

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

30 SECTION 5. Chapter 71A of the General Laws, as appearing in the 2014 Official
31 Edition, is hereby amended by striking sections 1 through 8 and inserting in place thereof the
32 following: -

33 Section 1. Definitions

34 In this chapter;

35 a) "Commissioner", the commissioner of elementary and secondary education

36 b) "Department", the department of elementary and secondary education

37 c) "Dual language education", (also called two-way bilingual) any program that
38 integrates language learning and academic instruction for native speakers of English and native
39 speakers of another language, with the goals of high academic achievement, first and second
40 academic language proficiency, and cross-cultural understanding.

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 consistent with a student's English proficiency, performance and developmental level.

44 It is a component of all comprehensive language acquisition programs, and explicit, systematic,

45 developmental, proficiency-driven English language and literacy are the primary content.

46 e) "English learner", a student who does not speak English or whose native language
47 is not English, and who is not currently able to perform ordinary classroom work in English.

48 f) "Foreign language", a language other than English, and includes American Sign
49 Language.

50 g) "Language acquisition program", an instructional program that includes English
51 language acquisition for English learners as a component. Language acquisition programs are
52 not limited to any single program design or pedagogical style.

53 h) "Sheltered English immersion", a program composed of two instructional
54 components: sheltered content instruction that focuses on teaching academic content with

55 language support, using English as the primary language of instruction, and English language
56 development instruction.

57 i) "Transitional bilingual education," an English learner program that follows a
58 bilingual approach to learning in which the native language of the English learner is initially
59 used to support and scaffold the student's development of English and content learning and then
60 is gradually phased out of instruction as the student's English proficiency increases. The
61 language goal of transitional bilingual programs is English proficiency and not bilingualism.

62 *Section 2. Census*

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

72 *Section 3. English Language Education*

73 *English learners enrolled in a Massachusetts public school shall be educated through a*
74 *comprehensive, research-based instructional program that includes subject matter content and an*
75 *English language acquisition component. The programs for English learners may include*
76 *sheltered English immersion, dual language education or transitional bilingual education but*

77 shall not be limited to any specific program or instructional design provided that any such
78 programs shall include the acquisition of the English language. Districts may choose one or more
79 programs that meet the requirements of this section based on best practices in the field, the
80 linguistic and educational needs, and the demographic characteristics of their students. Districts
81 may incorporate opportunities for students to develop and maintain native language proficiency
82 as part of a formal or extracurricular academic program.

83 English learners shall receive English language development instruction at a level and
84 frequency that is appropriate for their level of English language proficiency and educational
85 needs and instructed by teachers properly qualified under state law. Each school district shall
86 employ sufficient ESL teachers for identified English language learners, provided, however, that
87 each school district shall employ at least one teacher licensed in English as a Second Language.

88 Any student who has exited an English learner program and attained English proficiency
89 shall have access to English language support and/or development instruction, as needed, in
90 order to perform ordinary grade level classwork.

91 Schools shall be permitted but not required to place in the same classroom English
92 learners of different ages but whose degree of English proficiency is similar. Schools shall be
93 encouraged to mix together in the same classroom English learners from different native-
94 language groups but with the same degree of English fluency. Once English learners acquire a
95 good working knowledge of English, and are able to do regular school work in English and
96 achieve a score of proficient or higher on the statewide test of English language proficiency
97 pursuant to section 7, they shall no longer be classified as English learners.

98 Foreign language programs and special education programs shall be unaffected.

100 Parents or legal guardians of students who are deemed eligible to enroll in an English
101 learner program may select any available English language learner program offered within the
102 district.

103 Parents or legal guardians may refuse to enroll a student or may remove their student
104 from any English learner program provided that written confirmation of any such request is
105 retained in the student's cumulative folder. The student shall continue to be designated as an
106 *English learner, receive supports necessary to overcome language barriers within the general*
107 *academic program setting, and retain the right to an English learner program at any time.*

108 Any school district may join with any other school district or districts to provide English
109 learner 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 or programs for English learners
115 that serve more than 100 English learners or in which English learners are more than 5% of the
116 district's student population, whichever is less, shall establish an English learner parent advisory
117 council. The parent advisory council shall be composed of parents or legal guardians of students
118 who are enrolled in language acquisition programs within the district, or of alumni of said
119 programs. The duties of the parent advisory council shall include, but not be limited to, advising
120 the district 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 or district improvement plans established under section 59C of chapter 71
124 as they pertain to English learners. Any parent advisory council may, at its request, meet at least
125 once annually with each school council within its district. The parent advisory council shall
126 establish by-laws regarding officers and operational procedures. In the course of its duties under
127 this section, the parent advisory council shall receive assistance from the director of language
128 acquisition programs for the district or other appropriate school personnel as designated by the
129 superintendent.

130 Section 5. Parental Notice

131 The Department shall issue regulations regarding additional communication to parents of
132 English learners in compliance with all state and federal requirements. Any such communication
133 shall annually inform such parents or legal guardians of their rights to choose any language
134 acquisition program among those that are offered at the school district, including, but not limited
135 to, sheltered English immersion, transitional bilingual education and two-way or dual language
136 education to request a new language acquisition program under Section 4, or to withdraw their
137 child from a particular language acquisition program. Such notice shall be sent by mail not later
138 than 10 days after the enrollment of the student in the school district. The notice shall, to the
139 extent possible, be in a language that is understandable to such parents or legal guardians, shall
140 contain a simple, non-technical description of the purposes, method and content of the various
141 programs, and shall inform the parents or legal guardian that they have the right to visit English
142 language learner programs in the school district. They shall also be notified that they may come
143 to the school for a conference to learn about the various English language learner programs.

144 Furthermore, should the school district issue a recommendation to place an English language
145 learner in an English language learner program, the parents or legal guardian of such student shall
146 have the right, either at the time of the original notification under this section, or at the close of
147 any marking period thereafter, to withdraw the student from such program by sending written
148 notice of such decision by both mail and electronic communication to the school authorities of
149 the school district in which the student is enrolled.

150 Section 6. Monitoring Language Acquisition Programs

151 *To ensure that the educational progress of English language learners is monitored in*
152 *learning English and in mastering the standards for other academic subjects, each publicly*
153 *funded English language learner must participate as in the statewide assessment system adopted*
154 *pursuant to section 11 of chapter 69.*

155 A statewide standardized criterion-referenced test of English language proficiency shall
156 be administered once each year to all Massachusetts students whose educations are publicly
157 funded and who are English language learners in kindergarten through grade 12, assessing their
158 English language achievement of oral and literacy skills.

159 The assessment scores of individual students shall be *confidentially provided to their*
160 *individual parents and legal guardians, and the aggregated assessment data for individual schools*
161 *and school districts shall be made publicly available online in machine readable format; the*
162 *scores for students classified as English learners shall be separately sub-aggregated and made*
163 *publicly available there as well, with further sub-aggregation based on the English learner*
164 *program type in which they are enrolled.*

165 The results of any such assessments shall be used as evidence of the efficacy of the
166 English language learner programs offered by the school district. The results of any single annual
167 assessment of English proficiency under this section shall not be the sole basis for evaluations of
168 districts, schools, English learner programs, or individual educators.

169 The district shall send report cards and progress reports including, but not limited to,
170 progress in becoming proficient in using the English language and other school communications
171 to the parents or legal guardians of students in the English learners programs in the same manner
172 and frequency as report cards and progress reports to other students enrolled in the district. The
173 reports shall, to the maximum extent possible, be written in a language understandable to the
174 parents and legal guardians of such students.

175 Section 7. Evaluation of Programs

176 The department shall conduct on-site visits to school districts at least once every 6 years
177 for the purposes of evaluating the effectiveness of programs serving English learners. The
178 evaluation shall include, but not be limited to, a review of individual student records of all
179 English learners, a review of the programs and services provided to English learners, and a
180 review of the dropout, graduation, discipline, and special education incidence rates of the English
181 learner population in the district. Using the best available data, the department shall include in its
182 monitoring report dropout, graduation, discipline, and special education rates of English learners
183 who exited the English language learner education program within the three school years
184 preceding the on-site visit, for such three year period. Said report shall also describe the
185 processes by which school-based teams, consisting of educators, administrators and support staff
186 monitor the progress of English learners and former English learners and a review of the amount,

187 frequency and effectiveness of ESL instruction. The ELL/Bilingual Advisory Council
188 established under MGL Ch. 15, Section 1G shall annually review the results of the department's
189 monitoring of English language learner programs in the school districts.

190 If a significant number of students in a district fail to make progress in English language
191 proficiency, the language acquisition programs must be evaluated by a qualified external
192 evaluator, approved by the department, to determine how to improve instructional programs for
193 the district's English learner population. Nothing in this section shall prevent the department
194 from conducting an evaluation of the program if it so chooses.

195 *Section 7A. Supplemental Programs*

196 School districts shall develop an intensive English learning success plan for any English
197 learners whom the district determines fails to achieve scores on English proficiency assessments
198 that, per benchmarks established by the department, reflect sufficient progress towards achieving
199 English language proficiency following the student's first year in any English learner program.
200 Any such plan shall be developed with the participation and approval of the student's parents or
201 legal guardian. The plan shall include a description of the services necessary to progress the
202 student to English language proficiency in a timely manner. *Such services may include, but are*
203 *not limited to, intensive English classes, intensive tutoring, after or before school programs,*
204 *summer programs, literacy mentoring, and other academic supports that will assist the student in*
205 *achieving the rapid and effective acquisition of English necessary to access academic standards*
206 *at grade level. This plan shall remain in place and be updated annually as long as the student*
207 *requires intervention and support to achieve English proficiency, allowing the student to reach*
208 *grade level achievement. Any student who fails, following the student's second year in such*

209 program, to achieve scores on English proficiency assessments that, per benchmarks established
210 by the department, reflect sufficient proficiency that will enable the student to perform
211 successfully in classes in which instruction is given only in English, may remain or be placed in
212 such intensive plan, or be placed in a revised intensive plan for an additional time period to be
213 specified by the district, with the approval of the student's parents or legal guardian.

214 If later evidence suggests, as determined by the school district, that a limited English
215 proficient student transferred from an English language learner program to a regular education
216 program is still disadvantaged by a lack of English proficiency, such student, with the approval
217 of the student's parents or legal guardian, may be so reenrolled subject to specific learning goals
218 to be articulated by the district.

219 Section 8. Educator Certification and Endorsement

220 All teachers and administrators assigned to language acquisition programs shall be
221 properly qualified under state law for the program type. Core academic teachers of English
222 language learners, include core academic teachers in vocational-technical education programs
223 under chapter 74, shall meet the requirements of section 38G of chapter 71, and the regulations
224 promulgated thereunder, for certification in their respective subject areas and endorsement or
225 certification in content instruction of English language learners.

226 The Department shall create an endorsement for educators who have completed
227 coursework and field-based experiences in providing instruction within dual-language programs.

228 The Department shall create a language acquisition program administrator license.

229 SECTION 3. Chapter 71A of the General Laws, as so appearing, is hereby further
230 amended by adding the following new sections:-

231 Section 9. Language Acquisition Program Administrator

232 (a) A school district with 200 or more students who are designated as English learners or
233 where English learners comprise 10% or more of the total student population shall appoint a
234 person to be its administrator of language acquisition programs. Such administrator shall devote
235 full time to the duties involved in supervising the provision of all language acquisition programs
236 in the school system.

237 (b) A school district with fewer than 200 students designated as English learners or with
238 English learners who comprise less than 10% of the total student population shall appoint a
239 person to be its administrator of language acquisition programs. Such administrator shall have
240 the duties involved in supervising the provision of all language acquisition programs in the
241 school system for not less than 25 percent of the duties assigned to such a positions.

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

246 Section 10. State Seal of Biliteracy

247 (a) Chapter 69 of the General Laws as appearing in the 2014 Official Edition is
248 hereby amended by adding after Section 1P a new section:

249 Section 10. The commissioner shall develop criteria and guidelines for a State Seal of
250 Biliteracy to be awarded by school districts to recognize high school graduates who have met
251 academic benchmarks, to be determined by the department, in one or more languages in addition
252 to English.

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

261 The department shall be responsible for developing an appropriate insignia to be affixed
262 to the diploma or transcript of the student indicating that the student has been awarded a State
263 Seal of Biliteracy, and making said insignia available to school districts for the preparation of
264 diplomas. In developing the guidelines for the State Seal of Biliteracy, the department shall
265 consider the recommendations of the Massachusetts Foreign Language Association.

266 A school district that participates in the program under this section shall: maintain
267 appropriate records in order to identify pupils who have earned a State Seal of Biliteracy and
268 affix the appropriate insignia to the diploma or transcript of each pupil who earns a State Seal of
269 Biliteracy. State Seals of Biliteracy shall be available electronically.

270 Section 11. Regulations

271

The department shall issue regulations or guidelines as necessary to implement the

272

provisions of this act.

SENATE No. 2134

Senate July 27, 2017, - Text of the Senate amendment to the House Bill relative to language opportunity for our kids (House, No. 3740)

The Commonwealth of Massachusetts

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

1 SECTION 1. Section 1 of chapter 69 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out, in lines 3 and 4, the words "a limited English
3 proficient student" and inserting in place thereof the following words:- an English learner.

4 SECTION 2. Section 1A of said chapter 69, as so appearing, is hereby amended by
5 striking out, in line 57, the words "conducted pursuant to the provisions of section 3 of chapter
6 71B".

7 SECTION 3. Section 11 of said chapter 69, as so appearing, is hereby amended by
8 striking out, in line 279, the word "and".

9 SECTION 4. The nineteenth paragraph of said section 11 of said chapter 69, as so
10 appearing, is hereby amended by striking out clause (j) and inserting in place thereof the
11 following 6 clauses:-

12 (j) whether there were complaints filed with a federal or state court or administrative
13 agency since the program's inception concerning compliance with federal or state minimum legal
14 requirements, the disposition of the complaint and the monitoring and evaluation of an
15 agreement or court order relative to the complaint;

16 (k) opportunities that the district makes available to English language learners for
17 instruction in maintaining or developing proficiency in a student's native language;

18 (l) a description of the school district's plan to evaluate the effectiveness of its English
19 language learner programs relative to: (i) helping students attain English language proficiency
20 and master academic standards; (ii) measuring student readiness to join integrated classrooms;
21 (iii) evaluations and measures provided in addition to department requirements; and (iv) a
22 description of the steps that the school district plans to take to address an identified deficiency;

23 (m) a record of: (i) instances in which a parent or guardian requested to withdraw a
24 student from or refused a student's participation in an English language learner program; and (ii)
25 meetings held with parents regarding a student who is not making satisfactory progress toward
26 participating and learning in an integrated classroom;

27 (n) a description of training provided by the district to staff who work with culturally and
28 linguistically diverse student populations; and

29 (o) documentation detailing the participation of English language learners in the district's
30 regular and advanced educational programs and extracurricular activities.

31 SECTION 5. The last paragraph of said section 11 of said chapter 69, as so appearing, is
32 hereby amended by striking out the last sentence and inserting in place thereof the following 2
33 sentences:- The commissioner shall annually submit a report to the joint committee on education
34 on the data, which shall be disaggregated on a statewide and school district basis and into
35 categories including, but not limited to, language group and type of English learners program.
36 The report shall also include an analysis of the status of the progress of English learners,
37 referencing the relevant data required to be collected in this section.

38. SECTION 6. Said chapter 69 is hereby further amended by inserting after section 1P the

39 following section:-

40 Section 1Q. The commissioner of elementary and secondary education shall develop
41 criteria and guidelines for a state seal of biliteracy to be awarded by school districts to recognize
42 high school graduates who have met academic benchmarks determined by the department in 1 or
43 more languages in addition to English.

44 The department of elementary and secondary education shall develop an insignia to be
45 affixed to the diploma or transcript of a student who has been awarded a state seal of biliteracy
46 and make the insignia available to school districts in an electronic format for the preparation of
47 diplomas. A school district that chooses to award the state seal of biliteracy to qualifying
48 students under this section shall maintain appropriate records in order to identify students who
49 have earned a state seal of biliteracy and affix the appropriate insignia to the diploma or
50 transcript of a student who earns a state seal of biliteracy.

51 SECTION 7. Section 59C of chapter 71 of the General Laws, as appearing in the 2016
52 Official Edition, is hereby amended by striking out, in line 44, the figure "3" and inserting in
53 place thereof the following figure:- 4.

54 SECTION 8. The fifth paragraph of said section 59C of said chapter 71, as so appearing,
55 is hereby amended by inserting after the first sentence the following sentence:-

56 In school districts with English learners, the plan to improve student performance shall
57 include a description of the educational program models and approaches offered by the school
58 district to ensure the progress of English learners in attaining English speaking, reading, writing

59 and oral comprehension skills and in meeting academic standards under section 1D of chapter 69
60 and curriculum frameworks under section 1E of said chapter 69.

61 SECTION 9. Chapter 71A of the General Laws is hereby amended by striking out
62 sections 1 to 8, inclusive, as so appearing, and inserting in place thereof the following 9
63 sections:-

64 Section 1. For the purposes of this section, the following words shall have the following
65 meanings unless the context clearly requires otherwise:

66 "Commissioner", the commissioner of elementary and secondary education.

67 "Department", the department of elementary and secondary education.

68 "Dual language education" or "2-way bilingual", a program that integrates language
69 learning and academic instruction for native speakers of English and native speakers of another
70 language with the goals of high academic achievement, first and second academic language
71 proficiency and cross-cultural understanding.

72 "English language development" or "English as a second language", a specially designed
73 course of study that focuses on the acquisition of the English language consistent with a student's
74 English proficiency, performance and developmental level.

75 "English learner", a student who does not speak English or whose native language is not
76 English and who is not currently able to perform ordinary classroom work in English.

77 "Foreign language", a language other than English, which shall include American sign
78 language.

79 "Language acquisition program", an instructional program that includes English language
80 instruction for English learners to gain fluency as a component, but which shall not be limited to
81 a single program design or pedagogical style.

82 "Sheltered English immersion", a program composed of the following 2 instructional
83 components: (i) content instruction that focuses on teaching academic content with language
84 support, using English as the primary language of instruction; and (ii) English language
85 development instruction.

86 "Transitional bilingual education", a program for an English learner that follows a
87 bilingual approach to learning in which the native language of the English learner is used to
88 support a student's development of English and content learning and then is gradually phased out
89 of instruction as a student's English proficiency increases to assist a student in attaining oral
90 comprehension, speaking, reading and writing skills in English and in meeting academic
91 standards of curriculum frameworks established under sections 1D and 1E of chapter 69.

92 Section 2. A school district shall annually identify the number of English learners within
93 the school district in grades pre-kindergarten to grade 12, inclusive, for districts that have a pre-
94 kindergarten program and in grades kindergarten to grade 12, inclusive, for districts that do not
95 have a pre-kindergarten program, and shall classify an English learner according to: (i) grade
96 level; (ii) the language in which the English learner possesses a primary speaking ability; and
97 (iii) the type of English learner program in which the English learner is enrolled. The information
98 shall be made publicly available for each school and the school district on the district's website
99 A school district shall also track the academic performance of the students who have exited a

100 English learner program to assess the academic achievement of English learners and the
101 effectiveness of language acquisition programs.

102 Section 3. An English learner enrolled in a public school, including a charter school, shall
103 be educated through a comprehensive, research-based instructional program that includes subject
104 matter content and an English language acquisition component. Programs for English learners
105 may include sheltered English immersion, dual language education and transitional bilingual
106 education but shall not be limited to a specific program or instructional design. The programs
107 shall be based on best practices in the field, linguistic and educational needs and the
108 demographic characteristics of English learners in the school district. A school district may
109 incorporate opportunities for students to develop and maintain native language proficiency as
110 part of a formal or extracurricular academic program.

111 An English learner shall receive English language development instruction at a level and
112 frequency that is appropriate for the English learner's level of English language proficiency and
113 educational need and shall be instructed by teachers qualified under state law. Each school
114 district shall employ a sufficient amount of teachers of English as a second language for
115 identified English learners; provided, however, that a school district shall employ at least 1
116 teacher licensed in English as a second language if that district has an English learner.

117 A student who has exited an English learner program and attained English proficiency
118 shall have access to English language support or development instruction, as needed, in order to
119 perform grade level classwork.

120 Schools may place English learners of different ages in the same classroom if the level of
121 English proficiency for those English learners is similar. Schools shall be encouraged to integrate

12. English learners from different native-language groups who have the same level of English
123 proficiency in the same classroom. If an English learner reaches proficiency in English, is able to
124 do grade level classwork in English and achieves a score of proficient or higher on the statewide
125 evaluation of English language proficiency under section 6, the student shall no longer be
126 classified as an English learner.

127 Section 4. The parent or legal guardian of a student eligible to enroll in an English learner
128 program may select any available English learner program offered by the school district.

129 A parent or legal guardian may refuse to enroll a student or may remove a student from
130 an English learner program. The parent or legal guardian shall provide written confirmation of
131 the decision, which shall be retained in the student's cumulative folder. The student shall
132 continue to be designated as an English learner, receive the support necessary to overcome
133 language barriers within the general academic program setting and retain the right to enter into
134 an English learner program at any time.

135 A school district may join with other school districts to provide an English learner
136 program under this chapter.

137 The parent or legal guardian of a student may request a new language acquisition
138 program for a student enrolled in an English learner program and if a school district or charter
139 school receives requests from the parents or legal guardians of not less than 20 students to
140 implement a specific program to provide language instruction in that school district or charter
141 school, the school district or charter school shall, not later than 90 days after receiving the
142 request, respond and provide: (i) a plan for implementation of the requested program; or (ii) a
143 denial of the request, in writing, that includes an explanation of the denial.

144 A school district operating a language acquisition program for English learners serving
145 more than 100 English learners or in which English learners are more than 5 per cent of the
146 district's student population, whichever is less, shall establish an English learner parent advisory
147 council. The parent advisory council shall be composed of parents or legal guardians of students
148 who are or have been identified as an English learners. The duties of the parent advisory council
149 shall include, but not be limited to: (i) advising the school district, school committee or board of
150 trustees on matters that pertain to English learners; (ii) meeting regularly with school officials to
151 participate in the planning and development of programs designed to improve educational
152 opportunities for English learners; and (iii) participating in the review of school or district
153 improvement plans established under section 59C of chapter 71 as they relate to English learners.
154 Upon request from a parent advisory council, each school committee within the school district or
155 the board of trustees of the charter school shall meet at least annually with the parent advisory
156 council. The parent advisory council shall establish by-laws regarding officers and operational
157 procedures. In the course of its duties under this section, the parent advisory council shall receive
158 assistance from the director of language acquisition programs for the school district or other
159 appropriate school personnel as designated by the superintendent.

160 Section 5. Communication to the parents and legal guardians of English learners by the
161 school district shall, at least annually, inform the parents or legal guardians of their rights to: (i)
162 choose a language acquisition program among those offered by the school district including, but
163 not limited to, sheltered English immersion, transitional bilingual education and 2-way bilingual
164 or dual language education; (ii) request a new language acquisition program under section 4; or
165 (iii) withdraw a student from a language acquisition program. Notice shall be sent by mail not
166 later than 10 days after the enrollment of the student in the school district. The notice shall, to the

167 extent possible: (1) be in a language that is understandable to the parents or legal guardians; (2)
168 contain a simple, easy to understand description of the purpose, method and content of the
169 available programs; (3) inform the parent or legal guardian of the right to visit an English learner
170 program in the school district; and (4) inform the parent or legal guardian of available
171 conferences or meetings to learn about the English learner programs.

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

178 Section 6. Each English learner shall participate, consistent with section 11 of chapter 69,
179 in the statewide assessment system.

180 A statewide standardized criterion referenced test of English language proficiency that
181 assesses the achievement of English language oral and literacy skills shall be administered
182 annually to students who are English learners in kindergarten to grade 12, inclusive, and enrolled
183 in a public school, including a charter school.

184 Assessment scores of individual students shall not be made publicly available and shall
185 be provided in a confidential manner to a parent or legal guardian of the student. Aggregated
186 assessment data for schools and school districts shall be made publicly available online in
187 machine readable format. The aggregated assessment data of students classified as English

188 learners shall be separately sub-aggregated and made publicly available, with the data further
189 sub-aggregated based on the English learner program in which the student is enrolled.

190 Results of assessments shall be used as a factor of the efficacy of an English learner
191 program offered by a school district but shall not be the sole basis for evaluation of a district,
192 school, English learner program or individual educator.

193 The district shall send report cards and progress reports including, but not limited to,
194 progress in becoming proficient in using the English language and other school communications,
195 to the parents or legal guardians of students in the English learners programs. Such report cards
196 and progress reports shall be completed in the same manner and with the same frequency as
197 report cards and progress reports to other students enrolled in the district. The report cards and
198 progress reports shall, to the maximum extent possible, be written in a language understandable
199 to the parent or legal guardian of a student.

200 Section 7. The department shall conduct an on-site visit in every school district at least
201 once every 6 years to evaluate the effectiveness of programs serving English learners. The
202 evaluation shall include, but not be limited to, a review of the individual student records of
203 English learners, a review of the programs and services provided to English learners and a
204 review of the dropout, graduation, discipline and special education incidence rates of the English
205 learner population in the district. Using the best available data, the department shall provide a
206 monitoring report of the dropout, graduation, discipline and special education rates of English
207 learners who exited the English learner education program within the 3 school years preceding
208 the on-site visit for that 3-year period. The report shall also include: a description of the
209 processes by which school-based teams, consisting of educators, administrators and support sta

monitor the progress of English learners and former English learners; a review of the amount,
frequency and effectiveness of English as a second language instruction; and a review of the
administration and coordination of English learner education programs. The advisory council for
bilingual education established under section 1G of chapter 15 shall annually review the results
of the department's monitoring of English learner programs in school districts.

Nothing in this section shall prevent the department from conducting an evaluation of a
language acquisition program at any time.

Section 8. Upon receipt of success templates and guidelines from the department as
described in this section, districts shall adopt procedures to identify English learners who do not
meet benchmarks in attaining English proficiency established by the department and shall
establish a process for the district to: (i) identify areas in which an identified English learner
needs improvement and set individualized goals for the identified English learner to attain
English proficiency; (ii) assess and track an English learner's progress on the areas of
improvement; (iii) review resources and services available to an identified English learner that
may assist the identified English learner in the identified areas of improvement; and (iv)
incorporate input from a identified English learner's parents or legal guardian. .

The department shall develop an English learning success template for use by districts to
assist an English learner who does not meet benchmarks in attaining English proficiency.
Districts that implement the template may use the template to develop a plan for a student who
does not meet benchmarks in attaining English proficiency.

The department shall establish guidelines for school districts to assist in the identification
of an English learner who does not meet benchmarks in attaining English proficiency. The

2 guidelines shall include: (i) recommendations for school districts to identify and monitor an
233 English learner's progress in English proficiency; (ii) ways for school districts to provide
234 individualized goals and plans for an English learner who is not meeting benchmarks in attaining
235 English proficiency; (iii) best practices for ensuring that an English learner meets individualized
236 goals and plans to meet benchmarks in attaining English proficiency; and (iv) ways for school
237 districts to share best practices among each other in assisting an English learner in gaining
238 English proficiency..

239 The department shall solicit public comment before issuing the benchmarks, guidelines
240 and English learning success template. The department shall review the benchmarks, guidelines
241 and English learning success template every 5 years and may update them as appropriate. The
242 review shall include a period of public comment.

243 Upon a student's enrolling in an English learner program, and at the beginning of each
244 subsequent school year during which the student remains enrolled in an English learner program,
245 materials describing the benchmarks, English learning success template, and guidelines shall be
246 provided to the student's parent or legal guardian in a language that the parents or legal guardian
247 and the student understand.

248 Section 10. Teachers and administrators assigned to a language acquisition program shall
249 be properly qualified under state law for the program type. A core academic teacher of English
250 learners, as defined in regulation, including a core academic teacher in a vocational-technical
251 education program under chapter 74, shall meet the requirements under section 38G of chapter
252 71 and relevant regulations for certification in the teacher's subject area and endorsement or
253 certification in content instruction of English learners.

254 The department shall create an endorsement for educators who have completed
255 coursework and field-based experience to provide instruction within dual-language programs.

256 SECTION 10. The department of elementary and secondary education may issue
257 regulations as necessary to implement this act.

258 SECTION 11. The department shall consider the recommendations of the language
259 opportunity coalition in developing the guidelines for the state seal of biliteracy under section IQ
260 of chapter 69 of the General Laws.

261 SECTION 12. The department of elementary and secondary education shall establish and
262 publish on its website the benchmarks, guidelines and English learning success template
263 described in section 8 of chapter 71A of the General Laws not later than September 1, 2018.
264 Districts shall adopt the procedures described in said section 8 of said chapter 71A not later than
265 6 months after the establishment by the department of the benchmarks, guidelines and English
266 learning success template described in said section 8 of said chapter 71A.

267 SECTION 13. Notwithstanding any general or special law to the contrary, the department
268 of elementary and secondary education shall report on the teaching of civics in secondary or
269 intermediate public school districts. The report shall include, but shall not be limited to, the
270 number of school districts requiring the completion of a civics section before graduation.

271 The report shall be submitted to the clerks of the senate and house of representatives and
272 the joint committee on education not later than December 31, 2017.

273 SECTION 14. Notwithstanding any general or special law to the contrary, the department
274 of elementary and secondary education shall report on the teaching of United States history in

275 secondary or intermediate school. The report shall include, but shall not be limited to, the
276 number of schools requiring the completion of a United States history section before graduation.

277 The report shall be submitted to the clerks of the senate and house of representatives and
278 the joint committee on education not later than December 31, 2017.

279 SECTION 15. This act shall apply to school years beginning on and after the 2018-2019
280 school year.

Senate, No. 2134

Text of the Senate amendment to the House Bill
relative to language opportunity for our kids (House,
No. 3740)

SENATE, JULY 27, 2017

Senate, No. ~~2134~~, printed as
amended

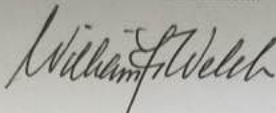
Substituted (W&M) as amended as
NT for H. 3740

SENATE, JULY 27, 2017

Passed to be engrossed, in concurrence, with the following amendment:

By striking out all after the enacting clause and inserting in place thereof (at "[A]") the text of Senate document numbered 2134.

Sent to the House for concurrence in the amendment.

 , Clerk.

H.R., August 3, 2017.

The House non-concurred with the Senate in its amendment; and appointed a committee of conference on the disagreeing votes of the two branches. Representatives Peisch of Wellesley, Moran of Lawrence and Ferguson of Holden are appointed the committee on the part of the House.

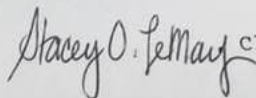
Sent to the Senate to be joined.

 , Clerk.

SENATE, AUGUST 3, 2017

Senate insisted on its amendment and concurred in the appointment of a ~~committee~~ committee of conference on the disagreeing votes of the two branches. Senators Chang-Diaz, DiDomenico and O'Copner were appointed the committee on the part of the Senate.

Returned to the House.

 Clerk.

SECTION 28. The department of elementary and secondary education shall convene a

task force to study the feasibility of establishing a State Seal of Biliteracy. The task force shall consist of 14 members: the commissioner of the department of elementary and secondary education, or a designee; the secretary of the executive office of education, or a designee; the house and senate chairs of the joint committee on education, or their designees; 1 member of the senate, appointed by the senate president; 1 member of the house of representatives, appointed by the speaker; 1 member of the senate, appointed by the minority leader; 1 member of the house of representatives, appointed by the minority leader; 1 representative of the Massachusetts Association of Teachers of Speakers of Other Languages; 1 representative of the Massachusetts Association for Bilingual Education; 1 representative of the Massachusetts Foreign Language Association; 1 representative from the Massachusetts Business Alliance for Education; and 2 superintendents, appointed by the Massachusetts Association of School Superintendents, Inc., one of whom shall be from a school district that serves high concentrations of English language learners, and one of whom shall be from a school district that currently operates a program for recognizing students who have attained Biliteracy.

The task force shall examine: (i) criteria or guidelines that would need to be established to award a state Seal of Biliteracy; (ii) the academic benchmarks that would need to be met in order for a student to be awarded such a Seal; (iii) potential costs associated with implementing such a Seal; (iv) the need for any additional assessments, state or local; and (v) the benefits to students of receiving such a Seal, including English Language Learners as well as native English speakers.

16 (k) opportunities that the district makes available to English language learners for
17 instruction in maintaining or developing proficiency in a student's native language;

18 (l) a description of the school district's plan to evaluate the effectiveness of its English
19 language learner programs relative to: (i) helping students attain English language proficiency
20 and master academic standards; (ii) measuring student readiness to join integrated classrooms;
21 (iii) evaluations and measures provided in addition to department requirements; and (iv) a
22 description of the steps that the school district plans to take to address an identified deficiency;

23 (m) a record of: (i) instances in which a parent or guardian requested to withdraw a
24 student from or refused a student's participation in an English language learner program; and (ii)
25 meetings held with parents regarding a student who is not making satisfactory progress toward
26 participating and learning in an integrated classroom;

27 (n) a description of training provided by the district to staff who work with culturally and
28 linguistically diverse student populations; and

29 (o) documentation detailing the participation of English language learners in the district's
30 regular and advanced educational programs and extracurricular activities.

31 SECTION 5. The last paragraph of said section 11 of said chapter 69, as so appearing, is
32 hereby amended by striking out the last sentence and inserting in place thereof the following 2
33 sentences:- The commissioner shall annually submit a report to the joint committee on education
34 on the data, which shall be disaggregated on a statewide and school district basis and into
35 categories including, but not limited to, language group and type of English learners program.
36 The report shall also include an analysis of the status of the progress of English learners,
37 referencing the relevant data required to be collected in this section.

119 assistance from the director of language acquisition programs for the school district or other
120 appropriate school personnel as designated by the superintendent.

121 SECTION 20. The first paragraph of section 7A of said chapter 71A, as so appearing, is
122 hereby amended by striking out the second sentence and inserting in place thereof the following
123 2 sentences:- The evaluation shall include, but shall not be limited to: (i) a review of individual
124 student records of all English learners; (ii) a review of the number of waivers issued by the
125 school and when applicable, the type of alternative instructional program provided; (iii) a review
126 of the programs and services provided to English learners; (iv) a review of the dropout,
127 graduation, discipline and special education incidence rates of English learners formerly enrolled
128 in the district within the prior 3 years; (v) a description of the processes by which school-based
129 teams consisting of educators, administrators and support staff, monitor the progress of English
130 learners and former English learners; (vi) a review of the amount, frequency and effectiveness of
131 English as a second language instruction; and (vii) a review of the administration and
132 coordination of English learner education programs. The advisory council for bilingual education
133 established pursuant to section 1G of chapter 15 shall annually review the results of the
134 department's monitoring of English learner programs in school districts.

135 SECTION 21. Section 8 of said chapter 71A, as so appearing, is hereby amended, by
136 striking out, in line 17, the words "Department of Education" and inserting in place thereof the
137 following word:- department.

138 SECTION 22. Not later than July 1, 2018, the department of elementary and secondary
139 education shall establish guidelines for school districts to assist in supporting English learners, as
140 defined in section 2 of chapter 71A of the General Laws, who do not meet anticipated

163 The commission shall consist of 17 members: 2 of whom shall be the house and senate
164 chairs of the joint committee on education, or their designees, who shall serve as the co-chairs; 1
165 of whom shall be a member of the senate, appointed by the senate president; 1 of whom shall be
166 a member of the house of representatives, appointed by the speaker of the house of
167 representatives; 1 of whom shall be member of the senate, appointed by the minority leader of
168 the senate; 1 of whom shall be a member of the house of representatives, appointed by the
169 minority leader of the house of representatives; 1 of whom shall be the commissioner of the
170 department of elementary and secondary education, or a designee; 1 of whom shall be the
171 executive director of the Massachusetts Association of School Superintendents, Inc. or a
172 designee; 1 of whom shall be the executive director of the Massachusetts Association of School
173 Committees or a designee; 1 of whom shall be the executive director of the Massachusetts
174 Elementary School Principals' Association, Inc. or a designee; 1 of whom shall be the executive
175 director of the Massachusetts Secondary School Administrators' Association, Incorporated, or a
176 designee; 1 of whom shall the executive director of the Massachusetts Administrators of Special
177 Education. Inc., or a designee; 1 of whom shall be representative of the Massachusetts
178 Association of Teachers of Speakers of Other Languages, Inc.; and 4 of whom shall be appointed
179 by the governor: 2 of whom shall be selected from a list of 3 superintendents from school
180 districts serving high concentrations of English language learners nominated by the
181 Massachusetts Association of School Superintendents, Inc. and 2 of whom shall be selected from
182 a list of 3 district-level English language learner directors nominated by the Massachusetts
183 Association of School Superintendents, Inc.

184 The commission shall: (i) study, review and report on all existing school and district
185 reporting requirements relative to English language learners, including but not limited to annual

186 reporting requirements relative to English language learners as required under section 11 of
187 chapter 69; (ii) consider how current data is collected and used to evaluate English language
188 learner programming and its effectiveness; (iii) review the waiver and parental notification
189 process, and the effectiveness and transparency of district and state reporting relative to English
190 language learners; and (iv) consider improvements to data collection and dissemination relative
191 to English language learners.

192 The commission may meet with state agencies, parents, guardians, teachers, school
193 administrators, and any person the chairs deem necessary for the purpose of filing its report.

194 The commission shall file a report containing its finding and any recommendations with
195 the clerks of the house of representatives and the senate not later than February 1, 2018.

196 SECTION 25A. Section 3 of chapter 71A of the General Laws, as appearing in the 2016
197 Official Edition, is hereby amended by striking out, in line 5, the word "Kindergarten" and
198 inserting in place thereof the following word: "Pre-Kindergarten".

199 SECTION 26. The department of elementary and secondary education shall promulgate
200 regulations to implement this act no later than March 1, 2018.

201 SECTION 27. Section 7A of Chapter 71A of the General Laws, as appearing in the 2016
202 Official Edition, is hereby amended by striking the first sentence and replacing it with the
203 following sentence:— The department shall conduct on-site visits to level 1 and 2 school districts
204 at least once every 5 years, and in all other school districts at least once every 3 years, for the
205 purpose of evaluating the effectiveness of programs serving English learners and to validate
206 evidence of educational outcomes.

141 benchmarks in attaining English proficiency. The guidelines shall include, but not be limited to:
142 (i) ways for school districts to provide individualized goals and plans for English learners who
143 are not meeting anticipated benchmarks in attaining English proficiency; (ii) best practices for
144 ensuring that English learners meet individualized goals and plans to meet benchmarks in
145 attaining English proficiency; and (iii) ways for school districts to share best practices among
146 each other in assisting English learners in attaining English proficiency.

147 SECTION 23. Not later than July 1, 2018 the department of elementary and secondary
148 education shall establish guidelines relative to English learner parent advisory councils created
149 pursuant to section 6A of chapter 71A of the General Laws. The guidelines shall include, but not
150 be limited to the process for parents or legal guardians to be notified of English learner parent
151 advisory councils and the process for the appointment of volunteer parents or legal guardians to
152 the council.

153 SECTION 24. Notwithstanding any general or special law to the contrary, school districts
154 shall provide a copy of department of elementary and secondary education guidelines relative to
155 supporting English learners, as defined in section 2 of chapter 71A of the General Laws, who do
156 not meet anticipated benchmarks in attaining English proficiency to the parent or guardian of
157 each English learner, in the parent's or guardian's primary language, at the beginning of each
158 school year or upon enrollment of the child in an English learner program if the enrollment is not
159 concurrent with the beginning of the school year.

160 SECTION 25. There shall be a special commission to investigate and study the current
161 collection and dissemination of school district and statewide data relative to school-age English
162 language learners.

163 The commission shall consist of 17 members: 2 of whom shall be the house and senate
164 chairs of the joint committee on education, or their designees, who shall serve as the co-chairs; 1
165 of whom shall be a member of the senate, appointed by the senate president; 1 of whom shall be
166 a member of the house of representatives, appointed by the speaker of the house of
167 representatives; 1 of whom shall be member of the senate, appointed by the minority leader of
168 the senate; 1 of whom shall be a member of the house of representatives, appointed by the
169 minority leader of the house of representatives; 1 of whom shall be the commissioner of the
170 department of elementary and secondary education, or a designee; 1 of whom shall be the
171 executive director of the Massachusetts Association of School Superintendents, Inc. or a
172 designee; 1 of whom shall be the executive director of the Massachusetts Association of School
173 Committees or a designee; 1 of whom shall be the executive director of the Massachusetts
174 Elementary School Principals' Association, Inc. or a designee; 1 of whom shall be the executive
175 director of the Massachusetts Secondary School Administrators' Association, Incorporated, or a
176 designee; 1 of whom shall the executive director of the Massachusetts Administrators of Special
177 Education, Inc., or a designee; 1 of whom shall be representative of the Massachusetts
178 Association of Teachers of Speakers of Other Languages, Inc.; and 4 of whom shall be appointed
179 by the governor: 2 of whom shall be selected from a list of 3 superintendents from school
180 districts serving high concentrations of English language learners nominated by the
181 Massachusetts Association of School Superintendents, Inc. and 2 of whom shall be selected from
182 a list of 3 district-level English language learner directors nominated by the Massachusetts
183 Association of School Superintendents, Inc.

184 The commission shall: (i) study, review and report on all existing school and district
185 reporting requirements relative to English language learners, including but not limited to annual

English and other subjects through bilingual education techniques or other generally-recognized educational methodologies.

58 SECTION 10. Said section 5 of said chapter 71A, as so appearing, is hereby further
59 amended by inserting after the word "waiver," in line 18, the following words:- or school-
60 requested exception waiver.

61 SECTION 11. Said section 5 of said chapter 71A, as so appearing, is hereby further
62 amended by striking out, in line 33, the word "and" and inserting in place thereof the following
63 words:- or has a demonstrated need based on the child's academic record from the previous year,
64 and.

65 SECTION 12. Said section 5 of said chapter 71A, as so appearing, is hereby further
66 amended by inserting after the word "provided," in line 41, the following words:- by the parent
67 or school.

68 SECTION 13. Said section 5 of said chapter 71A, as so appearing, is hereby further
69 amended by striking out, in line 44, the word "waivers" and inserting in place thereof the
70 following words:- (c) Waivers.

71 SECTION 14. Said section 5 of said chapter 71A, as so appearing, is hereby further
72 amended by inserting after the word "passed," in line 46, the following words:- , unless the child
73 has previously attended the school.

74 SECTION 15. Said section 5 of said chapter 71A, as so appearing, is hereby further
75 amended by striking out, in line 47, the words "such an individual" and inserting in place thereo
76 the word:- a.

34 SECTION 4. Section 3 of said chapter 71A is hereby amended by striking out, in line 2,
35 the words "Local school committees" and inserting in place thereof the following words:- School
36 districts.

37 SECTION 5. Said section 3 of said chapter 71A is hereby further amended by striking
38 out, in lines 3 and 4, the words "Department of Education" and inserting in place thereof the
39 following word:- department.

40 SECTION 6. Said section 3 of said chapter 71A, as so appearing, is hereby further
41 amended by adding the following sentence:- School districts shall track the academic
42 performance of students who have exited an English learner program to assess the academic
43 achievement and effectiveness of English language classroom programming.

44 SECTION 7. Section 4 of said chapter 71A, as so appearing, is hereby amended by
45 striking out, in line 6, the word "during" and inserting in place thereof the following words:- , or
46 an alternative instructional program approved by the department, during.

47 SECTION 8. Section 5 of said chapter 71A, as so appearing, is hereby amended by
48 inserting after the word "visit," in line 6, the following words:- or provide a written request to.

49 SECTION 9. Subsection (a) of said section 5 of said chapter 71A, as so appearing, is
50 hereby amended by striking out the third sentence and inserting in place thereof the following 2
51 sentences:- A school, under advisement of a teacher or guidance counselor, may request a waiver
52 for an individual child in writing, with notice of the waiver request provided to the child's
53 parents, in a form prescribed by the department. If a parental or school-requested waiver has
54 been granted, the affected child may be transferred to an alternative instructional program,
55 which for the purposes of this chapter, shall include but shall not be limited to, classes teaching

97 SECTION 18. Section 6 of said chapter 71A, as so appearing, is hereby amended by
98 striking out, in lines 18 and 19, the words "exception waivers under Section 5(b)(3)" and
99 inserting in place thereof the following words:- waivers under section 5.

100 SECTION 19. Said chapter 71A, as so appearing, is hereby further amended by inserting
101 after said section 6 the following section:-

102 Section 6A. A school district operating a language acquisition program for English
103 learners serving more than 100 English learners or in which English learners are more than 5 per
104 cent of the district's student population, whichever is less, shall establish an English learner
105 parent advisory council; provided, however, any school district may establish an advisory
106 council pursuant to this section. The council shall be composed of volunteer parents or legal
107 guardians of students who are or have been identified as English learners and to the extent
108 feasible, the members of the council shall represent the predominant native language or
109 languages spoken by the students of the district. The duties of the English learner parent advisory
110 council shall include, but not be limited to: (i) advising the school district, school committee or
111 board of trustees on matters that pertain to English learners; (ii) meeting regularly with school
112 officials to participate in the planning and development of programs designed to improve
113 educational opportunities for English learners; and (iii) participating in the review of school or
114 district improvement plans established under section 59C of chapter 71 as the plans relate to
115 English learners. An English learner parent advisory council may meet at least once annually
116 with its school council established pursuant to said section 59C. The English learner parent
117 advisory council shall establish by-laws regarding officers and operational procedures. In the
118 course of its duties under this section, the English learner parent advisory council shall receive

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

16 SECTION 1A. Said section 11 of said chapter 69, as so appearing, is hereby further
17 amended by striking out, in the twenty-first paragraph, the last sentence and inserting in place
18 thereof, the following sentence:- The commissioner shall submit annually a report to the joint
19 committee on education on such data on a statewide and school district basis, including, but not
20 limited to, by language group and type of English language learners program and an analysis of
21 the status of English language learners progress in the commonwealth, referencing the data
22 collected in clauses (a) through (n), inclusive, of this section.

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

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

31 SECTION 3. Section 2 of chapter 71A, as so appearing, is hereby amended by inserting
32 after subsection (a) the following subsection:-

33 (a^{1/2}) "Department", the department of elementary and secondary education.

House bill No. 3736, as changed by the committee on Bills in the Third Reading, and as amended and passed to be engrossed by the House. June 7, 2017.

The Commonwealth of Massachusetts

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

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:

[A]

SECTION 1. The nineteenth paragraph of section 11 of chapter 69 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding the following 4 clauses:-

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

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

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

77 SECTION 16. Said section 5 of said chapter 71A, as so appearing, is hereby further

78 amended by striking out, in lines 51 and 52, the words "special individual needs" and inserting in
79 place thereof the word:- circumstances.

80 SECTION 17. Said chapter 71A is hereby further amended by inserting after section 5
81 the following section:-

82 Section 5A. School districts shall annually inform the parents or legal guardians of
83 English learners of their right to apply for a waiver and choose an alternative instructional
84 program among those offered by the school district, or to withdraw a child from an alternative
85 instructional program. Notice shall be sent by mail not later than 10 days after the enrollment of
86 the child in the school district. The notice shall, to the extent feasible: (i) be in a language that is
87 understandable to the parents or legal guardians; (ii) contain a clear description of the purpose,
88 method and content of the available programs; (iii) inform the parent or legal guardian of the
89 right to visit an English learner program in the school district; and (iv) inform the parent or legal
90 guardian of available conferences or meetings to learn about the English learner programs.

91 If a school district recommends placing an English learner in an English learner program,
92 the parent or legal guardian of the child shall have the right, at the time of the original
93 notification under this section, or at the close of any marking period, to withdraw the child from
94 a program by sending written notice of the decision by mail or electronic communication to the
95 school authority designated by the school district in which the child is enrolled, provided that
96 written confirmation of any such request is retained in the student's cumulative folder.

Senate, No. 2125 , amended
Text of the Senate amendment to the House Bill
relative to language opportunity for our kids (House,
No. 3740)

SENATE, JULY 20, 2017
Recommended (W&M) NT to House,
No. 3740 (also based on Senate,
No. 2070)
Order relative to subject matter
adopted

**[Orders of the Day for Thursday,
July 27, 2017]**

JUL 27 2017 - Considered
Amd (1) (Keenan) - ADOPTED
Amd (3) ((Tarr) - ADOPTED
(39 yeas - 0 nays)
Amd (4) (Tarr) - ADOPTED
Amd (5) (Keenan) - ADOPTED

~~Amd xxx~~

Substituted (W*M) as NT
for House, No. 3740

**[For bill, printed as amended,
see Senate, No. 2135]**

House bill No. 3736, as changed by the committee on Bills in the Third Reading, and as amended and passed to be engrossed by the House. June 7, 2017.

The Commonwealth of Massachusetts

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

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:

[A]

SECTION 1. The nineteenth paragraph of section 11 of chapter 69 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding the following 4 clauses:-

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

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

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

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

16 SECTION 1A. Said section 11 of said chapter 69, as so appearing, is hereby further
17 amended by striking out, in the twenty-first paragraph, the last sentence and inserting in place
18 thereof, the following sentence:- The commissioner shall submit annually a report to the joint
19 committee on education on such data on a statewide and school district basis, including, but not
20 limited to, by language group and type of English language learners program and an analysis of
21 the status of English language learners progress in the commonwealth, referencing the data
22 collected in clauses (a) through (n), inclusive, of this section.

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

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

31 SECTION 3. Section 2 of chapter 71A, as so appearing, is hereby amended by inserting
32 after subsection (a) the following subsection:-

33 (a^{1/2}) "Department", the department of elementary and secondary education.

34 SECTION 4. Section 3 of said chapter 71A is hereby amended by striking out, in line 2,
35 the words "Local school committees" and inserting in place thereof the following words:- School
36 districts.

37 SECTION 5. Said section 3 of said chapter 71A is hereby further amended by striking
38 out, in lines 3 and 4, the words "Department of Education" and inserting in place thereof the
39 following word:- department.

40 SECTION 6. Said section 3 of said chapter 71A, as so appearing, is hereby further
41 amended by adding the following sentence:- School districts shall track the academic
42 performance of students who have exited an English learner program to assess the academic
43 achievement and effectiveness of English language classroom programming.

44 SECTION 7. Section 4 of said chapter 71A, as so appearing, is hereby amended by
45 striking out, in line 6, the word "during" and inserting in place thereof the following words:- , or
46 an alternative instructional program approved by the department, during.

47 SECTION 8. Section 5 of said chapter 71A, as so appearing, is hereby amended by
48 inserting after the word "visit," in line 6, the following words:- or provide a written request to.

49 SECTION 9. Subsection (a) of said section 5 of said chapter 71A, as so appearing, is
50 hereby amended by striking out the third sentence and inserting in place thereof the following 2
51 sentences:- A school, under advisement of a teacher or guidance counselor, may request a waiver
52 for an individual child in writing, with notice of the waiver request provided to the child's
53 parents, in a form prescribed by the department. If a parental or school-requested waiver has
54 been granted, the affected child may be transferred to an alternative instructional program,
55 which for the purposes of this chapter, shall include but shall not be limited to, classes teaching

English and other subjects through bilingual education techniques or other generally-recognized educational methodologies.

58 SECTION 10. Said section 5 of said chapter 71A, as so appearing, is hereby further
59 amended by inserting after the word "waiver," in line 18, the following words:- or school-
60 requested exception waiver.

61 SECTION 11. Said section 5 of said chapter 71A, as so appearing, is hereby further
62 amended by striking out, in line 33, the word "and" and inserting in place thereof the following
63 words:- or has a demonstrated need based on the child's academic record from the previous year,
64 and.

65 SECTION 12. Said section 5 of said chapter 71A, as so appearing, is hereby further
66 amended by inserting after the word "provided," in line 41, the following words:- by the parent
67 or school.

68 SECTION 13. Said section 5 of said chapter 71A, as so appearing, is hereby further
69 amended by striking out, in line 44, the word "waivers" and inserting in place thereof the
70 following words:- (c) Waivers.

71 SECTION 14. Said section 5 of said chapter 71A, as so appearing, is hereby further
72 amended by inserting after the word "passed," in line 46, the following words:- , unless the child
73 has previously attended the school.

74 SECTION 15. Said section 5 of said chapter 71A, as so appearing, is hereby further
75 amended by striking out, in line 47, the words "such an individual" and inserting in place thereo
76 the word:- a.

77 SECTION 16. Said section 5 of said chapter 71A, as so appearing, is hereby further

78 amended by striking out, in lines 51 and 52, the words "special individual needs" and inserting in
79 place thereof the word:- circumstances.

80 SECTION 17. Said chapter 71A is hereby further amended by inserting after section 5

81 the following section:-

82 Section 5A. School districts shall annually inform the parents or legal guardians of
83 English learners of their right to apply for a waiver and choose an alternative instructional
84 program among those offered by the school district, or to withdraw a child from an alternative
85 instructional program. Notice shall be sent by mail not later than 10 days after the enrollment of
86 the child in the school district. The notice shall, to the extent feasible: (i) be in a language that is
87 understandable to the parents or legal guardians; (ii) contain a clear description of the purpose,
88 method and content of the available programs; (iii) inform the parent or legal guardian of the
89 right to visit an English learner program in the school district; and (iv) inform the parent or legal
90 guardian of available conferences or meetings to learn about the English learner programs.

91 If a school district recommends placing an English learner in an English learner program,
92 the parent or legal guardian of the child shall have the right, at the time of the original
93 notification under this section, or at the close of any marking period, to withdraw the child from
94 a program by sending written notice of the decision by mail or electronic communication to the
95 school authority designated by the school district in which the child is enrolled, provided that
96 written confirmation of any such request is retained in the student's cumulative folder.

97 SECTION 18. Section 6 of said chapter 71A, as so appearing, is hereby amended by
98 striking out, in lines 18 and 19, the words "exception waivers under Section 5(b)(3)" and
99 inserting in place thereof the following words:- waivers under section 5.

100 SECTION 19. Said chapter 71A, as so appearing, is hereby further amended by inserting
101 after said section 6 the following section:-

102 Section 6A. A school district operating a language acquisition program for English
103 learners serving more than 100 English learners or in which English learners are more than 5 per
104 cent of the district's student population, whichever is less, shall establish an English learner
105 parent advisory council; provided, however, any school district may establish an advisory
106 council pursuant to this section. The council shall be composed of volunteer parents or legal
107 guardians of students who are or have been identified as English learners and to the extent
108 feasible, the members of the council shall represent the predominant native language or
109 languages spoken by the students of the district. The duties of the English learner parent advisory
110 council shall include, but not be limited to: (i) advising the school district, school committee or
111 board of trustees on matters that pertain to English learners; (ii) meeting regularly with school
112 officials to participate in the planning and development of programs designed to improve
113 educational opportunities for English learners; and (iii) participating in the review of school or
114 district improvement plans established under section 59C of chapter 71 as the plans relate to
115 English learners. An English learner parent advisory council may meet at least once annually
116 with its school council established pursuant to said section 59C. The English learner parent
117 advisory council shall establish by-laws regarding officers and operational procedures. In the
118 course of its duties under this section, the English learner parent advisory council shall receive

119 assistance from the director of language acquisition programs for the school district or other
120 appropriate school personnel as designated by the superintendent.

121 SECTION 20. The first paragraph of section 7A of said chapter 71A, as so appearing, is
122 hereby amended by striking out the second sentence and inserting in place thereof the following
123 2 sentences:- The evaluation shall include, but shall not be limited to: (i) a review of individual
124 student records of all English learners; (ii) a review of the number of waivers issued by the
125 school and when applicable, the type of alternative instructional program provided; (iii) a review
126 of the programs and services provided to English learners; (iv) a review of the dropout,
127 graduation, discipline and special education incidence rates of English learners formerly enrolled
128 in the district within the prior 3 years; (v) a description of the processes by which school-based
129 teams consisting of educators, administrators and support staff, monitor the progress of English
130 learners and former English learners; (vi) a review of the amount, frequency and effectiveness of
131 English as a second language instruction; and (vii) a review of the administration and
132 coordination of English learner education programs. The advisory council for bilingual education
133 established pursuant to section 1G of chapter 15 shall annually review the results of the
134 department's monitoring of English learner programs in school districts.

135 SECTION 21. Section 8 of said chapter 71A, as so appearing, is hereby amended, by
136 striking out, in line 17, the words "Department of Education" and inserting in place thereof the
137 following word:- department.

138 SECTION 22. Not later than July 1, 2018, the department of elementary and secondary
139 education shall establish guidelines for school districts to assist in supporting English learners, as
140 defined in section 2 of chapter 71A of the General Laws, who do not meet anticipated

141 benchmarks in attaining English proficiency. The guidelines shall include, but not be limited to:
142 (i) ways for school districts to provide individualized goals and plans for English learners who
143 are not meeting anticipated benchmarks in attaining English proficiency; (ii) best practices for
144 ensuring that English learners meet individualized goals and plans to meet benchmarks in
145 attaining English proficiency; and (iii) ways for school districts to share best practices among
146 each other in assisting English learners in attaining English proficiency.

147 SECTION 23. Not later than July 1, 2018 the department of elementary and secondary
148 education shall establish guidelines relative to English learner parent advisory councils created
149 pursuant to section 6A of chapter 71A of the General Laws. The guidelines shall include, but not
150 be limited to the process for parents or legal guardians to be notified of English learner parent
151 advisory councils and the process for the appointment of volunteer parents or legal guardians to
152 the council.

153 SECTION 24. Notwithstanding any general or special law to the contrary, school districts
154 shall provide a copy of department of elementary and secondary education guidelines relative to
155 supporting English learners, as defined in section 2 of chapter 71A of the General Laws, who do
156 not meet anticipated benchmarks in attaining English proficiency to the parent or guardian of
157 each English learner, in the parent's or guardian's primary language, at the beginning of each
158 school year or upon enrollment of the child in an English learner program if the enrollment is not
159 concurrent with the beginning of the school year.

160 SECTION 25. There shall be a special commission to investigate and study the current
161 collection and dissemination of school district and statewide data relative to school-age English
162 language learners.

163 The commission shall consist of 17 members: 2 of whom shall be the house and senate
164 chairs of the joint committee on education, or their designees, who shall serve as the co-chairs; 1
165 of whom shall be a member of the senate, appointed by the senate president; 1 of whom shall be
166 a member of the house of representatives, appointed by the speaker of the house of
167 representatives; 1 of whom shall be member of the senate, appointed by the minority leader of
168 the senate; 1 of whom shall be a member of the house of representatives, appointed by the
169 minority leader of the house of representatives; 1 of whom shall be the commissioner of the
170 department of elementary and secondary education, or a designee; 1 of whom shall be the
171 executive director of the Massachusetts Association of School Superintendents, Inc. or a
172 designee; 1 of whom shall be the executive director of the Massachusetts Association of School
173 Committees or a designee; 1 of whom shall be the executive director of the Massachusetts
174 Elementary School Principals' Association, Inc. or a designee; 1 of whom shall be the executive
175 director of the Massachusetts Secondary School Administrators' Association, Incorporated, or a
176 designee; 1 of whom shall the executive director of the Massachusetts Administrators of Special
177 Education, Inc., or a designee; 1 of whom shall be representative of the Massachusetts
178 Association of Teachers of Speakers of Other Languages, Inc.; and 4 of whom shall be appointed
179 by the governor: 2 of whom shall be selected from a list of 3 superintendents from school
180 districts serving high concentrations of English language learners nominated by the
181 Massachusetts Association of School Superintendents, Inc. and 2 of whom shall be selected from
182 a list of 3 district-level English language learner directors nominated by the Massachusetts
183 Association of School Superintendents, Inc.

184 The commission shall: (i) study, review and report on all existing school and district
185 reporting requirements relative to English language learners, including but not limited to annual

163 The commission shall consist of 17 members: 2 of whom shall be the house and senate
164 chairs of the joint committee on education, or their designees, who shall serve as the co-chairs; 1
165 of whom shall be a member of the senate, appointed by the senate president; 1 of whom shall be
166 a member of the house of representatives, appointed by the speaker of the house of
167 representatives; 1 of whom shall be member of the senate, appointed by the minority leader of
168 the senate; 1 of whom shall be a member of the house of representatives, appointed by the
169 minority leader of the house of representatives; 1 of whom shall be the commissioner of the
170 department of elementary and secondary education, or a designee; 1 of whom shall be the
171 executive director of the Massachusetts Association of School Superintendents, Inc. or a
172 designee; 1 of whom shall be the executive director of the Massachusetts Association of School
173 Committees or a designee; 1 of whom shall be the executive director of the Massachusetts
174 Elementary School Principals' Association, Inc. or a designee; 1 of whom shall be the executive
175 director of the Massachusetts Secondary School Administrators' Association, Incorporated, or a
176 designee; 1 of whom shall the executive director of the Massachusetts Administrators of Special
177 Education. Inc., or a designee; 1 of whom shall be representative of the Massachusetts
178 Association of Teachers of Speakers of Other Languages, Inc.; and 4 of whom shall be appointed
179 by the governor: 2 of whom shall be selected from a list of 3 superintendents from school
180 districts serving high concentrations of English language learners nominated by the
181 Massachusetts Association of School Superintendents, Inc. and 2 of whom shall be selected from
182 a list of 3 district-level English language learner directors nominated by the Massachusetts
183 Association of School Superintendents, Inc.

184 The commission shall: (i) study, review and report on all existing school and district
185 reporting requirements relative to English language learners, including but not limited to annual

Senate, No. 2125 , amended
Text of the Senate amendment to the House Bill
relative to language opportunity for our kids (House,
No. 3740)

SENATE, JULY 20, 2017
Recommended (W&M) NT to House,
No. 3740 (also based on Senate,
No. 2070)
Order relative to subject matter
adopted

**[Orders of the Day for Thursday,
July 27, 2017]**

JUL 27 2017 - Considered
Amd (1) (Keenan) - ADOPTED
Amd (3) ((Tarr) - ADOPTED
(39 yeas - 0 nays)
Amd (4) (Tarr) - ADOPTED
Amd (5) (Keenan) - ADOPTED

~~Amd xxx~~

Substituted (W*M) as NT
for House, No. 3740

**[For bill, printed as amended,
see Senate, No. 2135]**

The Commonwealth of Massachusetts

Senate, July 20, 2017 19 .

The committee on Ways and Means, to whom was committed the
House Bill relative to language opportunity for our kids (House,
No. 3740)

REPORT recommending that the same ought to pass.
XXX

with an amendment striking out all after the enacting clause and
inserting in place thereof the text of Senate document numbered
2125 (also based on Senate, No. 2070)

Karen E. Apilko,
For the committee.

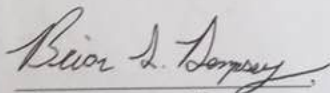
The Commonwealth of Massachusetts

House of Representatives, June 7, 2017

The committee on **WAYS AND MEANS**, to whom was referred the

Bill ^{for} ~~relative to~~ language opportunity for our kids (House, No. 3705),

REPORT, recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 3736).



Brian S. Dempsey, Chairman
For the Committee

The Commonwealth of Massachusetts

House of Representatives, May 18, 2017

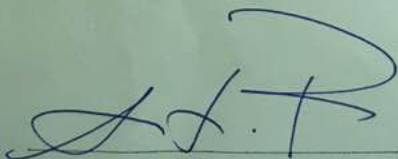
The committee on **Education**

to whom was referred the petition (accompanied by _____ House, No. _____)

~~By Mr. Sánchez of Boston, a petition (accompanied by bill, House, No. 2058) of Jeffrey Sánchez and others relative to English language learner programs in public schools, Education.~~

bill (House, No. 3705)

REPORT recommending that the ~~bill/resolve~~ accompanying ~~said petition~~ ought to pass.



Alice Hanlon Peisch

For the Committee.

The Commonwealth of Massachusetts

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

SENATE, Thursday, May 18, 2017

The committee on Education to whom was referred the petitions (accompanied by bill, Senate, No. 232) of Sal N. DiDomenico, Joseph A. Boncore, Thomas M. McGee, Jack Lewis and other members of the General Court for legislation relative to language opportunity for our kids, - reports the accompanying bill (Senate, No. 2070).

For the committee,
Sonia Chang-Diaz

The Commonwealth of Massachusetts

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

An Act for 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. Section 11 of chapter 69 of the General Laws, as appearing in the 2014
2 official edition, is hereby amended by striking out, in line 283, the word "and."

3 SECTION 2. Said section 11 of said chapter 69, as so appearing, is hereby amended by
4 striking out, in line 283, the "." and replacing it with ",".

5 SECTION 3. Said section 11 of said chapter 69, as so appearing, is hereby amended by
6 inserting, after line 289, the following:-

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

9 (l) a description of how the school district will evaluate the effectiveness of its
10 English language learner programs in terms of helping such students attain English language
11 proficiency and master academic standards, as well as measure students' readiness to join
12 mainstream classrooms, should they not already be placed in such classes, if the evaluations and

- 13 measures are in addition to what the department requires, and a description of the steps that the
- 14 school district will take to overcome any deficiencies encountered.
- 15 (m) a record of any instances in which parents decided to withdraw their child from,
- 16 or refuse their child's participation in, an English learner program and meetings with parents
- 17 regarding a student who is not progressing;
- 18 (n) a description of the training that the district provided for all staff in working with
- 19 culturally and linguistically diverse student populations; and
- 20 (o) documentation detailing English learners' participation in the district's regular
- 21 and advanced educational programs and extracurricular activities.
- 22 SECTION 4. The fifth paragraph of section 59C of chapter 71 of the General Laws, as
- 23 appearing in the 2014 official edition, is hereby amended by inserting after the word
- 24 "performance," in line 50, the following:-
- 25 In school districts with English learners, the plan to improve student performance shall
- 26 include a description of the educational program models and approaches to be provided by the
- 27 school to ensure the progress of English learners in developing oral comprehension, speaking,
- 28 reading and writing of English, and in meeting the academic standards of the curriculum
- 29 frameworks established under sections 1D and 1E of chapter 69.

30 SECTION 5. Chapter 71A of the General Laws, as appearing in the 2014 Official

- 31 Edition, is hereby amended by striking sections 1 through 8 and inserting in place thereof the
- 32 following: -

In this chapter:

- 34 "Commissioner", the commissioner of elementary and secondary education
- 35 a) "Department", the department of elementary and secondary education
- 36 b) "Dual language education", (also called two-way bilingual) any program that
- 37 c) "Dual language learning and academic instruction for native speakers of English and native
- 38 integrates language learning and academic achievement, first and second
- 39 speakers of another language, with the goals of high academic achievement, first and second
- 40 *academic language proficiency, and cross-cultural understanding.*
- 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 consistent with a student's English proficiency, performance and developmental level.
- 44 It is a component of all comprehensive language acquisition programs, and explicit, systematic,
- 45 developmental, proficiency-driven English language and literacy are the primary content.
- 46 e) "English learner", a student who does not speak English or whose native language
- 47 is not English, and who is not currently able to perform ordinary classroom work in English.
- 48 f) "Foreign language", a language other than English, and includes *American Sign*
- 49 *Language.*
- 50 g) "Language acquisition program", an instructional program that includes English
- 51 language acquisition for English learners as a component. Language acquisition programs are
- 52 not limited to any single program design or pedagogical style.
- 53 h) "Sheltered English immersion", a program composed of two instructional
- 54 components: sheltered content instruction that focuses on teaching academic content with

55 language support, using English as the primary language of instruction, and English language
56 development instruction.

57 i) "Transitional bilingual education," an English learner program that follows a
58 bilingual approach to learning in which the native language of the English learner is initially
59 used to support and scaffold the student's development of English and content learning and then
60 is gradually phased out of instruction as the student's English proficiency increases. The
61 language goal of transitional bilingual programs is English proficiency and not bilingualism.

62 Section 2. *Census*

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

72 Section 3. *English Language Education*

73 English learners enrolled in a Massachusetts public school shall be educated through a
74 comprehensive, research-based instructional program that includes subject matter content and an
75 English language acquisition component. The programs for English learners may include
76 sheltered English immersion, dual language education or transitional bilingual education but

- 77 shall not be limited to any specific program or instructional design provided that any such
- 78 programs shall include the acquisition of the English language. Districts may choose one or more
- 79 programs that meet the requirements of this section based on best practices in the field, the
- 80 linguistic and educational needs, and the demographic characteristics of their students. Districts
- 81 may incorporate opportunities for students to develop and maintain native language proficiency
- 82 as part of a formal or extracurricular academic program.
- 83 English learners shall receive English language development instruction at a level and
- 84 *frequency that is appropriate for their level of English language proficiency and educational*
- 85 *needs and instructed by teachers properly qualified under state law. Each school district shall*
- 86 *employ sufficient ESL teachers for identified English language learners, provided, however, that*
- 87 each school district shall employ at least one teacher licensed in English as a Second Language.
- 88 Any student who has exited an English learner program and attained English proficiency
- 89 shall have access to English language support and/or development instruction, as needed, in
- 90 order to perform ordinary grade level classwork.
- 91 Schools shall be permitted but not required to place in the same classroom English
- 92 learners of different ages but whose degree of English proficiency is similar. *Schools shall be*
- 93 *encouraged to mix together in the same classroom English learners from different native-*
- 94 *language groups but with the same degree of English fluency. Once English learners acquire a*
- 95 *good working knowledge of English, and are able to do regular school work in English and*
- 96 *achieve a score of proficient or higher on the statewide test of English language proficiency*
- 97 *pursuant to section 7, they shall no longer be classified as English learners.*
- 98

Foreign language programs and special education programs shall be unaffected.

Section 4. Parental Choice

- 99 Parents or legal guardians of students who are deemed eligible to enroll in an English
- 100 learner program may select any available English language learner program offered within the
- 101 district.
- 102 Parents or legal guardians may refuse to enroll a student or may remove their student
- 103 from any English learner program provided that written confirmation of any such request is
- 104 retained in the student's cumulative folder. The student shall continue to be designated as an
- 105 *English learner*, receive supports necessary to overcome language barriers within the general
- 106 academic program setting, and retain the right to an English learner program at any time.
- 107
- 108 Any school district may join with any other school district or districts to provide English
- 109 learner 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 or programs for *English learners*
- 115 that serve more than 100 English learners or in which English learners are more than 5% of the
- 116 district's student population, whichever is less, shall establish an English learner parent advisory
- 117 council. The parent advisory council shall be composed of parents or legal guardians of students
- 118 who are enrolled in language acquisition programs within the district, or of alumni of said
- 119 programs. The duties of the parent advisory council shall include, but not be limited to, advising
- 120 the district 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 or district improvement plans established under section 59C of chapter 71
- 124 as they pertain to English learners. Any parent advisory council may, at its request, meet at least
- 125 once annually with each school council within its district. The parent advisory council shall
- 126 establish by-laws regarding officers and operational procedures. In the course of its duties under
- 127 this section, the parent advisory council shall receive assistance from the director of language
- 128 acquisition programs for the district or other appropriate school personnel as designated by the
- 129 superintendent.

Section 5. Parental Notice

- 130
- 131 The Department shall issue regulations regarding additional communication to parents of
- 132 English learners in compliance with all state and federal requirements. Any such communication
- 133 shall annually inform such parents or legal guardians of their rights to choose any language
- 134 acquisition program among those that are offered at the school district, including, but not limited
- 135 to, sheltered English immersion, transitional bilingual education and two-way or dual language
- 136 education to request a new language acquisition program under Section 4, or to withdraw their
- 137 child from a particular language acquisition program. Such notice shall be sent by mail not later
- 138 than 10 days after the enrollment of the student in the school district. The notice shall, to the
- 139 extent possible, be in a language that is understandable to such parents or legal guardians, shall
- 140 contain a simple, non-technical description of the purposes, method and content of the various
- 141 programs, and shall inform the parents or legal guardian that they have the right to visit English
- 142 language learner programs in the school district. They shall also be notified that they may come
- 143 to the school for a conference to learn about the various English language learner programs.

- 144 Furthermore, should the school district issue a recommendation to place an English language
145 learner in an English language learner program, the parents or legal guardian of such student shall
146 have the right, either at the time of the original notification under this section, or at the close of
147 any marking period thereafter, to withdraw the student from such program by sending written
148 notice of such decision by both mail and electronic communication to the school authorities of
149 the school district in which the student is enrolled.
- 150 Section 6. Monitoring Language Acquisition Programs
- 151 *To ensure that the educational progress of English language learners is monitored in*
152 *learning English and in mastering the standards for other academic subjects, each publicly*
153 *funded English language learner must participate as in the statewide assessment system adopted*
154 *pursuant to section 11 of chapter 69.*
- 155 A statewide standardized criterion-referenced test of English language proficiency shall
156 be administered once each year to all Massachusetts students whose educations are publicly
157 funded and who are English language learners in kindergarten through grade 12, assessing their
158 English language achievement of oral and literacy skills.
- 159 The assessment scores of individual students shall be confidentially provided to their
160 individual parents and legal guardians, and the aggregated assessment data for individual schools
161 and school districts shall be made publicly available online in machine readable format; the
162 scores for students classified as English learners shall be separately sub-aggregated and made
163 publicly available there as well, with further sub-aggregation based on the English learner
164 program type in which they are enrolled.

- The results of any such assessments shall be used as evidence of the efficacy of the
- 165 English language learner programs offered by the school district. The results of any single annual
- 166 assessment of English proficiency under this section shall not be the sole basis for evaluations of
- 167 assessment of English learner programs, or individual educators.

168 districts, schools, English learner programs, or individual educators.

169 The district shall send report cards and progress reports including, but not limited to,

170 progress in becoming proficient in using the English language and other school communications

171 to the parents or legal guardians of students in the English learners programs in the same manner.

172 *and frequency as report cards and progress reports to other students enrolled in the districts. The*

173 *reports shall, to the maximum extent possible, be written in a language understandable to the*

174 *parents and legal guardians of such students.*

175 Section 7. Evaluation of Programs

176 The department shall conduct on-site visits to school districts at least once every 6 years

177 for the purposes of evaluating the effectiveness of programs serving English learners. The

178 evaluation shall include, but not be limited to, a review of individual student records of all

179 English learners, a review of the programs and services provided to English learners, and a

180 review of the dropout, graduation, discipline, and special education incidence rates of the English

181 learner population in the district. Using the best available data, the department shall include in its

182 *monitoring report dropout, graduation, discipline, and special education rates of English learners*

183 *who exited the English language learner education program within the three school years*

184 *preceding the on-site visit, for such three year period. Said report shall also describe the*

185 *processes by which school-based teams, consisting of educators, administrators and support sta*

186 *monitor the progress of English learners and former English learners and a review of the amount*

187 frequency and effectiveness of ESL instruction. The ELL/Bilingual Advisory Council

188 established under MGL Ch. 15, Section 1G shall annually review the results of the department's

189 monitoring of English language learner programs in the school districts.

190 If a significant number of students in a district fail to make progress in English language

191 proficiency, the language acquisition programs must be evaluated by a qualified external

192 evaluator, approved by the department, to determine how to improve instructional programs for

193 the district's English learner population. Nothing in this section shall prevent the department

194 from conducting an evaluation of the program if it so chooses.

195 Section 7A. Supplemental Programs

196 School districts shall develop an intensive English learning success plan for any English

197 learners whom the district determines fails to achieve scores on English proficiency assessments

198 that, per benchmarks established by the department, reflect sufficient progress towards achieving

199 English language proficiency following the student's first year in any English learner program.

200 Any such plan shall be developed with the participation and approval of the student's parents or

201 legal guardian. The plan shall include a description of the services necessary to progress the

202 student to English language proficiency in a timely manner. Such services may include, but are

203 not limited to, intensive English classes, intensive tutoring, after or before school programs,

204 summer programs, literacy mentoring, and other academic supports that will assist the student in

205 achieving the rapid and effective acquisition of English necessary to access academic standards

206 at grade level. This plan shall remain in place and be updated annually as long as the student

207 requires intervention and support to achieve English proficiency, allowing the student to reach

208 grade level achievement. Any student who fails, following the student's second year in such

- 209 program, to achieve scores on English proficiency assessments that, per benchmarks established
- 210 by the department, reflect sufficient proficiency that will enable the student to perform
- 211 successfully in classes in which instruction is given only in English, may remain or be placed in
- 212 such intensive plan, or be placed in a revised intensive plan for an additional time period to be
- 213 specified by the district, with the approval of the student's parents or legal guardian.
- 214 If later evidence suggests, as determined by the school district, that a limited English
- 215 proficient student transferred from an English language learner program to a regular education
- 216 program is still disadvantaged by a lack of English proficiency, such student, with the approval
- 217 of the student's parents or legal guardian, may be so reenrolled subject to specific learning goals
- 218 to be articulated by the district.
- 219 Section 8. Educator Certification and Endorsement
- 220 All teachers and administrators assigned to language acquisition programs shall be
- 221 properly qualified under state law for the program type. Core academic teachers of English
- 222 language learners, include core academic teachers in vocational-technical education programs
- 223 under chapter 74, shall meet the requirements of section 38G of chapter 71, and the regulations
- 224 promulgated thereunder, for certification in their respective subject areas and endorsement or
- 225 certification in content instruction of English language learners.
- 226 The Department shall create an endorsement for educators who have completed
- 227 coursework and field-based experiences in providing instruction within dual-language programs.
- 228 The Department shall create a language acquisition program administrator license.

SECTION 3. Chapter 71A of the General Laws, as so appearing, is hereby further

- 229 amended by adding the following new sections:-
- 230
- 231 Section 9. Language Acquisition Program Administrator
- 232 (a) A school district with 200 or more students who are designated as English learners or
- 233 where English learners comprise 10% or more of the total student population shall appoint a
- 234 person to be its administrator of language acquisition programs. Such administrator shall devote
- 235 full time to the duties involved in supervising the provision of all language acquisition programs
- 236 in the school system.
- 237 (b) A school district with fewer than 200 students designated as English learners or with
- 238 English learners who comprise less than 10% of the total student population shall appoint a
- 239 person to be its administrator of language acquisition programs. Such administrator shall have
- 240 the duties involved in supervising the provision of all language acquisition programs in the
- 241 school system for not less than 25 percent of the duties assigned to such a positions.
- 242 (c) Notwithstanding the provisions of paragraphs (a) and (b), the school committee of any
- 243 city, town, or school district may, to meet its obligations under this section, with the approval of
- 244 the department, enter into an agreement with any other school committee to jointly appoint an
- 245 administrator of English language learners.
- 246 Section 10. State Seal of Bilingualism
- 247 (a) Chapter 69 of the General Laws as appearing in the 2014 Official Edition is
- 248 hereby amended by adding after Section 1P a new section:

- Section 10. The commissioner shall develop criteria and guidelines for a State Seal of
- 249 Bilingualism to be awarded by school districts to recognize high school graduates who have met
- 250 academic benchmarks, to be determined by the department, in one or more languages in addition
- 251 to English.
- 252
- 253 The purposes of the State Seal of Bilingualism are as follows: (1) To encourage students to
- 254 study languages; (2) To certify attainment of bilingualism; (3) To provide employers with a method
- 255 of identifying people with language and bilingual skills; (4) To provide universities with a
- 256 method to recognize and give academic credit to applicants seeking admission; (5) To prepare
- 257 pupils with 21st century skills; (6) To recognize and promote foreign language instruction and
- 258 native and heritage language instruction in public schools; (7) To strengthen intergroup
- 259 relationships, affirm the value in diversity, and honor the multiple cultures and languages of the
- 260 Commonwealth.
- 261 The department shall be responsible for developing an appropriate insignia to be affixed
- 262 to the diploma or transcript of the student indicating that the student has been awarded a State
- 263 Seal of Bilingualism, and making said insignia available to school districts for the preparation of
- 264 diplomas. In developing the guidelines for the State Seal of Bilingualism, the department shall
- 265 consider the recommendations of the Massachusetts Foreign Language Association.
- 266 A school district that participates in the program under this section shall maintain
- 267 appropriate records in order to identify pupils who have earned a State Seal of Bilingualism and
- 268 affix the appropriate insignia to the diploma or transcript of each pupil who earns a State Seal of
- 269 Bilingualism. State Seals of Bilingualism shall be available electronically.

271 The department shall issue regulations or guidelines as necessary to implement the

272 provisions of this act.

Adopted

Redraft Amendment 1

Ensuring Receipt of DESE Guidelines

Mr. Keenan moves to amend the bill in section 9, in proposed section 8 of chapter 71A of the General Laws, by striking out the first paragraph and inserting in place thereof the following paragraph:-

“Upon receipt of success templates and guidelines from the department as described in this section, districts shall adopt procedures to identify English learners who do not meet benchmarks in attaining English proficiency established by the department and shall establish a process for the district to: (i) identify areas in which an identified English learner needs improvement and set individualized goals for the identified English learner to attain English proficiency; (ii) assess and track an English learner’s progress on the areas of improvement; (iii) review resources and services available to an identified English learner that may assist the identified English learner in the identified areas of improvement; and (iv) incorporate input from a identified English learner’s parents or legal guardian.”; and

in said section 9, in the third paragraph of said proposed section 8 of said chapter 71A, by striking out the last sentence; and

in said section 9, by inserting after said third paragraph of said proposed section 8 of said chapter 71A the following paragraph:-

“The department shall solicit public comment before issuing the benchmarks, guidelines and English learning success template. The department shall review the benchmarks, guidelines and

English learning success template every 5 years and may update them as appropriate. The review shall include a period of public comment.”; and

by inserting after section 11 the following section:-

“SECTION 11A. The department of elementary and secondary education shall establish and publish on its website the benchmarks, guidelines and English learning success template described in section 8 of chapter 71A of the General Laws not later than September 1, 2018.

Districts shall adopt the procedures described in said section 8 of said chapter 71A not later than 6 months after the establishment by the department of the benchmarks, guidelines and English learning success template described in said section 8 of said chapter 71A.”.

Teaching of Civics

Mr. Tarr moves to amend the bill by inserting at the end thereof the following:-

SECTION_. Notwithstanding any general or special law to the contrary the department of elementary and secondary education shall report on the teaching of civics in secondary or intermediate public school districts. The report shall include but not be limited to number of school districts requiring the completion of a civics section before graduation.

Said report shall be submitted to the clerks of the house and senate and the joint committee on education by December 31, 2017.

Tarr Yes # 74
Adopted 39-0

Teaching of U.S. History

Mr. Tarr moves to amend the bill by inserting at the end thereof the following:-

SECTION_. Notwithstanding any general or special law to the contrary the department of elementary and secondary education shall report on the teaching of united states history in secondary or intermediate school. The report shall include but not be limited to number of schools requiring the completion of a united states history section before graduation.

Said report shall be submitted to the clerks of the house and senate and the joint committee on education by December 31, 2017.

Adopted

Amendment 5

Clarifying Requests for Additional Language Acquisition Program Choices

Mr. Keenan moves to amend the bill in Section 9 in line 128 and 129 by striking out the words "and may request a new language acquisition program for a student enrolled in an English learner program"

And further by striking out the words in line 138 "If a school district or charter school receives a request" and inserting in place thereof the following words:-

"The parent or legal guardian of a student may request a new language acquisition program for a student enrolled in an English learner program, and if a school district or charter school receives requests"

Adopted

The Commonwealth of Alaska

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

SENATE, July 20, 2017

The committee on Ways and Means to whom was referred the House Bill relative to language opportunity for our kids (House, No. 3740) -- reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2125 (also based on Senate, No. 2070)

For the committee,
Karen E. Spilka

The Commonwealth of Massachusetts

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

1 SECTION 1. Section 1 of chapter 69 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out, in lines 3 and 4, the words "a limited English
3 proficient student" and inserting in place thereof the following words:- an English learner.

4 SECTION 2. Section 1A of said chapter 69, as so appearing, is hereby amended by
5 striking out, in line 57, the words "conducted pursuant to the provisions of section 3 of chapter
6 71B".

7 SECTION 3. Section 11 of said chapter 69, as so appearing, is hereby amended by
8 striking out, in line 279, the word "and".

9 SECTION 4. The nineteenth paragraph of said section 11 of said chapter 69, as so
10 appearing, is hereby amended by striking out clause (j) and inserting in place thereof the
11 following 6 clauses:-

12 (j) whether there were complaints filed with a federal or state court or administrative
13 agency since the program's inception concerning compliance with federal or state minimum legal
14 requirements, the disposition of the complaint and the monitoring and evaluation of an
15 agreement or court order relative to the complaint;

16 (k) opportunities that the district makes available to English language learners for
17 instruction in maintaining or developing proficiency in a student's native language;

18 (l) a description of the school district's plan to evaluate the effectiveness of its English
19 language learner programs relative to: (i) helping students attain English language proficiency
20 and master academic standards; (ii) measuring student readiness to join integrated classrooms;
21 (iii) evaluations and measures provided in addition to department requirements; and (iv) a
22 description of the steps that the school district plans to take to address an identified deficiency;

23 (m) a record of: (i) instances in which a parent or guardian requested to withdraw a
24 student from or refused a student's participation in an English language learner program; and (ii)
25 meetings held with parents regarding a student who is not making satisfactory progress toward
26 participating and learning in an integrated classroom;

27 (n) a description of training provided by the district to staff who work with culturally and
28 linguistically diverse student populations; and

29 (o) documentation detailing the participation of English language learners in the district's
30 regular and advanced educational programs and extracurricular activities.

31 SECTION 5. The last paragraph of said section 11 of said chapter 69, as so appearing, is
32 hereby amended by striking out the last sentence and inserting in place thereof the following 2
33 sentences:- The commissioner shall annually submit a report to the joint committee on education
34 on the data, which shall be disaggregated on a statewide and school district basis and into
35 categories including, but not limited to, language group and type of English learners program.
36 The report shall also include an analysis of the status of the progress of English learners,
37 referencing the relevant data required to be collected in this section.

38 SECTION 6. Said chapter 69 is hereby further amended by inserting after section 1P the
39 following section:-

40 Section 1Q. The commissioner of elementary and secondary education shall develop
41 criteria and guidelines for a state seal of biliteracy to be awarded by school districts to recognize
42 high school graduates who have met academic benchmarks determined by the department in 1 or
43 more languages in addition to English.

44 The department of elementary and secondary education shall develop an insignia to be
45 affixed to the diploma or transcript of a student who has been awarded a state seal of biliteracy
46 and make the insignia available to school districts in an electronic format for the preparation of
47 diplomas. A school district that chooses to award the state seal of biliteracy to qualifying
48 students under this section shall maintain appropriate records in order to identify students who
49 have earned a state seal of biliteracy and affix the appropriate insignia to the diploma or
50 transcript of a student who earns a state seal of biliteracy.

51 SECTION 7. Section 59C of chapter 71 of the General Laws, as appearing in the 2016
52 Official Edition, is hereby amended by striking out, in line 44, the figure "3" and inserting in
53 place thereof the following figure:- 4.

54 SECTION 8. The fifth paragraph of said section 59C of said chapter 71, as so appearing,
55 is hereby amended by inserting after the first sentence the following sentence:-

56 In school districts with English learners, the plan to improve student performance shall
57 include a description of the educational program models and approaches offered by the school
58 district to ensure the progress of English learners in attaining English speaking, reading, writing

- 59 and oral comprehension skills and in meeting academic standards under section 1D of chapter 69
60 and curriculum frameworks under section 1E of said chapter 69.
- 61 SECTION 9. Chapter 71A of the General Laws is hereby amended by striking out
62 sections 1 to 8, inclusive, as so appearing, and inserting in place thereof the following 9
63 sections:-
- 64 Section 1. For the purposes of this section, the following words shall have the following
65 meanings unless the context clearly requires otherwise:
- 66 "Commissioner", the commissioner of elementary and secondary education.
- 67 "Department", the department of elementary and secondary education.
- 68 "Dual language education" or "2-way bilingual", a program that integrates language
69 learning and academic instruction for native speakers of English and native speakers of another
70 language with the goals of high academic achievement, first and second academic language
71 proficiency and cross-cultural understanding.
- 72 "English language development" or "English as a second language", a specially designed
73 course of study that focuses on the acquisition of the English language consistent with a student's
74 English proficiency, performance and developmental level.
- 75 "English learner", a student who does not speak English or whose native language is not
76 English and who is not currently able to perform ordinary classroom work in English.
- 77 "Foreign language", a language other than English, which shall include American sign
78 language.

- 79 "Language acquisition program", an instructional program that includes English language
- 80 instruction for English learners to gain fluency as a component, but which shall not be limited to
- 81 a single program design or pedagogical style.
- 82 "Sheltered English immersion", a program composed of the following 2 instructional
- 83 components: (i) content instruction that focuses on teaching academic content with language
- 84 support, using English as the primary language of instruction; and (ii) English language
- 85 development instruction.
- 86 "Transitional bilingual education", a program for an English learner that follows a
- 87 bilingual approach to learning in which the native language of the English learner is used to
- 88 support a student's development of English and content learning and then is gradually phased out
- 89 of instruction as a student's English proficiency increases to assist a student in attaining oral
- 90 comprehension, speaking, reading and writing skills in English and in meeting academic
- 91 standards of curriculum frameworks established under sections 1D and 1E of chapter 69.
- 92 Section 2. A school district shall annually identify the number of English learners within
- 93 the school district in grades pre-kindergarten to grade 12, inclusive, for districts that have a pre-
- 94 kindergarten program and in grades kindergarten to grade 12, inclusive, for districts that do not
- 95 have a pre-kindergarten program, and shall classify an English learner according to: (i) grade
- 96 level: (ii) the language in which the English learner possesses a primary speaking ability; and
- 97 (iii) the type of English learner program in which the English learner is enrolled. The information
- 98 shall be made publicly available for each school and the school district on the district's website.
- 99 A school district shall also track the academic performance of the students who have exited an

- 100 English learner program to assess the academic achievement of English learners and the
- 101 effectiveness of language acquisition programs.
- 102 Section 3. An English learner enrolled in a public school, including a charter school, shall
- 103 be educated through a comprehensive, research-based instructional program that includes subject
- 104 matter content and an English language acquisition component. Programs for English learners
- 105 may include sheltered English immersion, dual language education and transitional bilingual
- 106 education but shall not be limited to a specific program or instructional design. The programs
- 107 shall be based on best practices in the field, linguistic and educational needs and the
- 108 demographic characteristics of English learners in the school district. A school district may
- 109 incorporate opportunities for students to develop and maintain native language proficiency as
- 110 part of a formal or extracurricular academic program.
- 111 An English learner shall receive English language development instruction at a level and
- 112 frequency that is appropriate for the English learner's level of English language proficiency and
- 113 educational need and shall be instructed by teachers qualified under state law. Each school
- 114 district shall employ a sufficient amount of teachers of English as a second language for
- 115 identified English learners: provided, however, that a school district shall employ at least 1
- 116 teacher licensed in English as a second language if that district has an English learner.
- 117 A student who has exited an English learner program and attained English proficiency
- 118 shall have access to English language support or development instruction, as needed, in order to
- 119 perform grade level classroom work.
- 120 Schools may place English learners of different ages in the same classroom if the level of
- 121 English proficiency for those English learners is similar. Schools shall be encouraged to integrate

- 122 English learners from different native-language groups who have the same level of English proficiency in the same classroom. If an English learner reaches proficiency in English, is able to
- 123 do grade level classwork in English and achieves a score of proficient or higher on the statewide
- 124 evaluation of English language proficiency under section 6, the student shall no longer be
- 125 classified as an English learner.
- 126
- 127 Section 4. The parent or legal guardian of a student eligible to enroll in an English learner
- 128 program may select any available English learner program offered by the school district and may
- 129 request a new language acquisition program for a student enrolled in an English learner program.
- 130 A parent or legal guardian may refuse to enroll a student or may remove a student from
- 131 an English learner program. The parent or legal guardian shall provide written confirmation of
- 132 the decision, which shall be retained in the student's cumulative folder. The student shall
- 133 continue to be designated as an English learner, receive the support necessary to overcome
- 134 language barriers within the general academic program setting and retain the right to enter into
- 135 an English learner program at any time.
- 136 A school district may join with other school districts to provide an English learner
- 137 program under this chapter.
- 138 If a school district or charter school receives a request from the parents or legal guardians
- 139 of not less than 20 students to implement a specific program to provide language instruction in
- 140 that school district or charter school, the school district or charter school shall, not later than 90
- 141 days after receiving the request, respond and provide: (i) a plan for implementation of the
- 142 requested program; or (ii) a denial of the request, in writing, that includes an explanation of the
- 143 denial.

- 144 A school district operating a language acquisition program for English learners serving
- 145 more than 100 English learners or in which English learners are more than 5 per cent of the
- 146 district's student population, whichever is less, shall establish an English learner parent advisory
- 147 council. The parent advisory council shall be composed of parents or legal guardians of students
- 148 who are or have been identified as an English learners. The duties of the parent advisory council
- 149 shall include, but not be limited to: (i) advising the school district, school committee or board of
- 150 trustees on matters that pertain to English learners; (ii) meeting regularly with school officials to
- 151 participate in the planning and development of programs designed to improve educational
- 152 opportunities for English learners; and (iii) participating in the review of school or district
- 153 improvement plans established under section 59C of chapter 71 as they relate to English learners.
- 154 Upon request from a parent advisory council, each school committee within the school district or
- 155 the board of trustees of the charter school shall meet at least annually with the parent advisory
- 156 council. The parent advisory council shall establish by-laws regarding officers and operational
- 157 procedures. In the course of its duties under this section, the parent advisory council shall receive
- 158 assistance from the director of language acquisition programs for the school district or other
- 159 appropriate school personnel as designated by the superintendent.
- 160 Section 5. Communication to the parents and legal guardians of English learners by the
- 161 school district shall, at least annually, inform the parents or legal guardians of their rights to: (i)
- 162 choose a language acquisition program among those offered by the school district including, but
- 163 not limited to, sheltered English immersion, transitional bilingual education and 2-way bilingual
- 164 or dual language education; (ii) request a new language acquisition program under section 4; or
- 165 (iii) withdraw a student from a language acquisition program. Notice shall be sent by mail not
- 166 later than 10 days after the enrollment of the student in the school district. The notice shall, to the

- 167 extent possible: (1) be in a language that is understandable to the parents or legal guardians; (2)
- 168 contain a simple, easy to understand description of the purpose, method and content of the
- 169 available programs; (3) inform the parent or legal guardian of the right to visit an English learner
- 170 program in the school district; and (4) inform the parent or legal guardian of available
- 171 conferences or meetings to learn about the English learner programs.
- 172 If the school district recommends placing an English learner in an English learner
- 173 program, the parent or legal guardian of the student shall have the right, at the time of the
- 174 original notification under this section or at the close of any marking period, to withdraw the
- 175 student from a program by sending written notice of the decision by mail or electronic
- 176 communication to the school authority designated by the school district in which the student is
- 177 enrolled.
- 178 Section 6. Each English learner shall participate, consistent with section 11 of chapter 69,
- 179 in the statewide assessment system.
- 180 A statewide standardized criterion referenced test of English language proficiency that
- 181 assesses the achievement of English language oral and literacy skills shall be administered
- 182 annually to students who are English learners in kindergarten to grade 12, inclusive, and enrolled
- 183 in a public school, including a charter school.
- 184 Assessment scores of individual students shall not be made publicly available and shall
- 185 be provided in a confidential manner to a parent or legal guardian of the student. Aggregated
- 186 assessment data for schools and school districts shall be made publicly available online in
- 187 machine readable format. The aggregated assessment data of students classified as English

- 188 learners shall be separately sub-aggregated and made publicly available, with the data further
- 189 sub-aggregated based on the English learner program in which the student is enrolled.
- 190 Results of assessments shall be used as a factor of the efficacy of an English learner
- 191 program offered by a school district but shall not be the sole basis for evaluation of a district,
- 192 school, English learner program or individual educator.
- 193 The district shall send report cards and progress reports including, but not limited to,
- 194 progress in becoming proficient in using the English language and other school communications,
- 195 to the parents or legal guardians of students in the English learners programs. Such report cards
- 196 and progress reports shall be completed in the same manner and with the same frequency as
- 197 report cards and progress reports to other students enrolled in the district. The report cards and
- 198 progress reports shall, to the maximum extent possible, be written in a language understandable
- 199 to the parent or legal guardian of a student.
- 200 Section 7. The department shall conduct an on-site visit in every school district at least
- 201 once every 6 years to evaluate the effectiveness of programs serving English learners. The
- 202 evaluation shall include, but not be limited to, a review of the individual student records of
- 203 English learners, a review of the programs and services provided to English learners and a
- 204 review of the dropout, graduation, discipline and special education incidence rates of the English
- 205 learner population in the district. Using the best available data, the department shall provide a
- 206 monitoring report of the dropout, graduation, discipline and special education rates of English
- 207 learners who exited the English learner education program within the 3 school years preceding
- 208 the on-site visit for that 3-year period. The report shall also include: a description of the
- 209 processes by which school-based teams, consisting of educators, administrators and support staff

- 210 monitor the progress of English learners and former English learners; a review of the amount,
- 211 frequency and effectiveness of English as a second language instruction; and a review of the
- 212 administration and coordination of English learner education programs. The advisory council for
- 213 bilingual education established under section 10 G of chapter 15 shall annually review the results
- 214 of the department's monitoring of English learner programs in school districts.
- 215 Nothing in this section shall prevent the department from conducting an evaluation of a
- 216 language acquisition program at any time.
- 217 Section 8. Districts shall adopt procedures to identify English learners who do not meet
- 218 benchmarks, established by the districts, in attaining English proficiency and shall establish a
- 219 process for the district to: (i) identify areas in which a student needs improvement and set
- 220 individualized goals for an identified English learner to attain English proficiency; (ii) assess and
- 221 track an English learner's progress on the areas of improvement; (iii) review resources and
- 222 services available to the student that may assist the student in the identified areas of
- 223 improvement; and (iv) incorporate input from a student's parents or legal guardian.
- 224 The department shall develop an English learning success template for use by districts to
- 225 assist an English learner who does not meet benchmarks in attaining English proficiency.
- 226 Districts that implement the template may use the template to develop a plan for a student who
- 227 does not meet benchmarks in attaining English proficiency.
- 228 The department shall establish guidelines for school districts to assist in the identification
- 229 of an English learner who does not meet benchmarks in attaining English proficiency. The
- 230 guidelines shall include: (i) recommendations for school districts to identify and monitor an
- 231 English learner's progress in English proficiency; (ii) ways for school districts to provide

- 232 individualized goals and plans for an English learner who is not meeting benchmarks in attaining
- 233 English proficiency; (iii) best practices for ensuring that an English learner meets individualized
- 234 goals and plans to meet benchmarks in attaining English proficiency; and (iv) ways for school
- 235 districts to share best practices among each other in assisting an English learner in gaining
- 236 English proficiency. The department shall solicit public comment prior to issuing the guidelines.
- 237
- 238 Upon a student's enrolling in an English learner program, and at the beginning of each
- 239 subsequent school year during which the student remains enrolled in an English learner program,
- 240 materials describing the benchmarks, English learning success template, and guidelines shall be
- 241 provided to the student's parent or legal guardian in a language that the parents or legal guardian
- 242 and the student understand.
- 243
- 244 Section 10. Teachers and administrators assigned to a language acquisition program shall
- 245 be properly qualified under state law for the program type. A core academic teacher of English
- 246 learners, as defined in regulation, including a core academic teacher in a vocational-technical
- 247 education program under chapter 74, shall meet the requirements under section 38G of chapter
- 248 71 and relevant regulations for certification in the teacher's subject area and endorsement or
- 249 certification in content instruction of English learners.
- 250
- 251 The department shall create an endorsement for educators who have completed
- 252 coursework and field-based experience to provide instruction within dual-language programs.
- 253
- 254 SECTION 10. The department of elementary and secondary education may issue
- 255 regulations as necessary to implement this act.

- 252 SECTION 11. The department shall consider the recommendations of the language
- 253 opportunity coalition in developing the guidelines for the state seal of bilinguery under section 1Q
- 254 of chapter 69 of the General Laws.
- 255 SECTION 12. This act shall apply to school years beginning on and after the 2018-2019
- 256 school year.

Chang-Diaz

S. 232

REPORT — SENATE

~~BILL OR RESOLUTION~~

REPORT of committee on

.....
Education
.....

Senate, No. 232
Bill for language opportunity for our kids

The Commonwealth of Massachusetts

MAY 18 2017

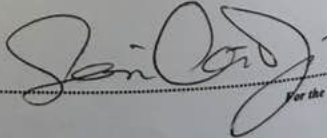
Senate,

Education

The committee on to whom
was referred the petition (accompanied by bill Senate No. 232) of

Sal N. DiDomenico, Joseph A. Boncore, Thomas M. McGee, Jack Lewis and other members of the General Court for legislation relative to language opportunity for our kids;

REPORT recommending that the bill / ~~bill~~ accompanying said petition ought to pass. (accompanying bill, Senate, No. 2070)


.....
For the Committee.

EDU

PETITION ---- SENATE

Senator Sal N. DiDomenico
of Middlesex and Suffolk

presents the petition of Sal N.
DiDomenico, Joseph A. Boncore,
Thomas M. McGee, Jack Lewis and
other members of the General Court for
legislation relative to language
opportunity for our kids

SENATE DOCKET, NO. 155
Filed: 1/12/2017

[Accompanied by bill, Senate, No. 232]

Senate, January 23, 2017
Referred to the committee on
Education

William F. Welch, Clerk.

House of Reps., January 23, 2017

The House concurs.

Steven T. James, Clerk.

SENATE No. 232**The Commonwealth of Massachusetts**

PRESENTED BY:

Sal N. DiDomenico

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 for language opportunity for our kids.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Sal N. DiDomenico	Middlesex and Suffolk	
Joseph A. Boncore	First Suffolk and Middlesex	2/3/2017
Thomas M. McGee	Third Essex	1/25/2017
Jack Lewis	7th Middlesex	1/25/2017
Jonathan Hecht	29th Middlesex	1/27/2017
Marjorie C. Decker	25th Middlesex	1/30/2017
Kevin G. Honan	17th Suffolk	2/2/2017
Jason M. Lewis	Fifth Middlesex	1/30/2017
Joseph W. McGonagle, Jr.	28th Middlesex	1/30/2017
Jay R. Kaufman	15th Middlesex	1/31/2017
Kay Khan	11th Middlesex	1/31/2017
Daniel J. Hunt	13th Suffolk	2/3/2017
Antonio F. D. Cabral	13th Bristol	1/31/2017
Juana Matias	16th Essex	2/1/2017
Elizabeth A. Malia	11th Suffolk	2/2/2017
Diana DiZoglio	14th Essex	2/1/2017
James T. Welch	Hampden	2/1/2017
Patricia D. Jehlen	Second Middlesex	2/2/2017

<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>2/2/2017</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>2/2/2017</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>2/2/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/2/2017</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>	<i>2/2/2017</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/2/2017</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>	<i>2/2/2017</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/3/2017</i>
<i>Brendan P. Crighton</i>	<i>11th Essex</i>	<i>2/3/2017</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>2/3/2017</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	<i>3/6/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>5/1/2017</i>

SENATE No. 232

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 232) of Sal N. DiDomenico, Joseph A. Boncore, Thomas M. McGee, Jack Lewis and other members of the General Court for legislation relative to language opportunity for our kids. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 262 OF 2015-2016.]

The Commonwealth of Massachusetts

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

An Act for 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 2014 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 to
6 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

29 (a) "Language acquisition program" or Language Instruction Educational Program
30 refers to an instructional program that includes English language acquisition for English learners
31 as a component. Language acquisition programs are not limited to any single program design or
32 pedagogical style.

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

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

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

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

50 (f) "Transitional bilingual education," an English learner program that follows a
51 bilingual approach to learning in which the native language of the ELL is used to support and
52 scaffold the student's development of English and then gradually phase instruction in the native
53 language out while delivering content instruction.

54 (g) "Foreign language" means a language other than English, and includes American
55 Sign Language.

56 Section 3. Census

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

65 Section 4. English Language Education

66 English learners enrolled in a Massachusetts public school district or charter school shall
67 be educated through a comprehensive, research-based instructional program that includes a
68 content component to ensure appropriate acquisition of subject matter content and a language
69 acquisition component to ensure appropriate acquisition of the English language. The programs
70 for English learners may include sheltered English Immersion, dual language education or
71 transitional bilingual education but shall not be limited to any specific program or instructional

72 design provided that any such programs shall include the acquisition of the English language.
73 The department shall promulgate regulations to allow districts to choose one or more programs
74 that meet the requirements of this section based on best practices in the field, the linguistic and
75 educational needs, and the demographic characteristics of their students. Districts may
76 incorporate opportunities for students to develop and maintain native language proficiency as
77 part of a formal or extracurricular academic program.

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

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

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

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

95 Section 5. Parental Choice

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

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

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

109 20 or more parents or legal guardians of pupils within a single district or charter school
110 may request a specific program that is designed to provide language instruction. The parents or
111 legal guardians of 20 pupils or more in any grade may request a specific program within a single
112 district or charter school that is designed to provide language instruction. Within 90 days the
113 school district must respond and either provide the plan for implementation or provide written
114 informed reason for denial.

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

130 Section 6. Legal Standing and Parental Enforcement

131 The Department shall issue regulations regarding additional communication to parents of
132 English learners in compliance with all state and federal requirements. Any such communication
133 shall annually inform such parents or legal guardians of their rights to choose any language
134 acquisition program among those that are offered at the school district, to request a new language
135 acquisition program under Section 4, or to withdraw their child from a particular language
136 acquisition program. Furthermore, should the school district issue a recommendation to place an
137 English learner in an language acquisition program, the parents or legal guardian of such student

138 shall have the right, either at the time of the original notification, or at any point thereafter, to
139 withdraw the student from such program by sending written notice of such decision by mail to
140 the school authorities of the school district in which the student is enrolled.

141 Section 7. Monitoring Language Acquisition Programs

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

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

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

160 reports shall, to the maximum extent possible, be written in a language understandable to the
161 parents and legal guardians of such students.

162 Section 7A. Evaluation of Programs

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

171 Section 8. Community-based English Tutoring

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

182 or community organizations. Funding for these programs shall be administered by the
183 Department of Education, and shall be disbursed at the discretion of the local school committees,
184 in each district, under reasonable guidelines established by, and subject to the review of, the
185 Board of Education.

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

188 Section 9. Educator Certification and Endorsement

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

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

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

200 Section 10. Language Acquisition Program Administrator

201 (a) A school district with 200 students who are designated as English learners shall
202 appoint a person to be its administrator of language acquisition programs. Such administrator

203 shall devote full time to the duties involved in supervising the provision of all language
204 acquisition programs in the school system.

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

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

213 Section 11. State Seal of Biliteracy

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

216 Section 1Q. The commissioner shall develop criteria and guidelines for a state seal of
217 biliteracy to be awarded by school districts to recognize high school graduates who have met
218 academic benchmarks determined by the department in 1 or more languages in addition to
219 English.

220 The department shall develop an insignia to be affixed to the diploma or transcript of a
221 student who has been awarded a state seal of biliteracy and make the insignia available to school
222 districts in an electronic format for the preparation of diplomas. A school district that chooses to
223 award the state seal of biliteracy to qualifying students pursuant to this section shall maintain

224 appropriate records to identify students who have earned a state seal of biliteracy and to affix the
225 appropriate insignia to the diplomas or transcripts of those students

226 SECTION 2. The department of elementary and secondary education shall consider the
227 recommendations of the language opportunity coalition in developing the guidelines for the state
228 seal of biliteracy pursuant to section 1Q of chapter 69 of the General Laws.

229 SECTION 3. This act shall apply to school years beginning on and after the 2019-2020
230 school year.

HOUSE No. 4032

The Commonwealth of Massachusetts

The committee of conference on the disagreeing votes of the two branches with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2134) of the House Bill relative to language opportunity for our kids (House, No. 3740), reports recommending passage of the accompanying bill (House, No. 4032). November 14, 2017.

Alice Hanlon Peisch	Sonia Chang-Diaz
Frank A. Moran	Sal N. DiDomenico
Kimberly N. Ferguson	Patrick M. O'Connor

HOUSE No. 4032

The Commonwealth of Massachusetts

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

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. Section 1 of chapter 69 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out, in lines 3 and 4, the words “a limited English
3 proficient student as defined in section 1 of” and inserting in place thereof the following words:-
4 English learners, as defined in.

5 SECTION 2. Section 1A of said chapter 69, as so appearing, is hereby amended by
6 striking out, in lines 16 and 17, the words “language learners” and inserting in place thereof the
7 following words:- learner.

8 SECTION 3. Said section 1A of said chapter 69, as so appearing, is hereby further
9 amended by striking out, in line 19, the words “limited English proficient students” and inserting
10 in place thereof the following words:- English learners.

11 SECTION 4. Section 1I of said chapter 69, as so appearing, is hereby amended by
12 striking out, in lines 51, 242 and 243, 245, 247, 249, 254 and 255, 258, 260, 269, 273 and 275,

13 the words “language learners” and inserting in place thereof, in each instance, the following
14 words:- learner.

15 SECTION 5. Said section 1I of said chapter 69, as so appearing, is hereby further
16 amended by striking out, in line 237, the words “have limited English proficiency” and inserting
17 in place thereof the following words:- are English learners.

18 SECTION 6. Said section 1I of said chapter 69, as so appearing, is hereby further
19 amended by striking out, in lines 246 and 265, the words “limited English proficient students”
20 and inserting in place thereof, in each instance, the following words:- English learners.

21 SECTION 7. Said section 1I of said chapter 69, as so appearing, is hereby further
22 amended by striking out, in lines 253 and 254 and in line 261, the words “limited English
23 proficient student” and inserting in place thereof, in each instance, the following words:- English
24 learner.

25 SECTION 8. Said section 1I of said chapter 69, as so appearing, is hereby further
26 amended by striking out, in line 279, the word “and”.

27 SECTION 9. The nineteenth paragraph of said section 1I of said chapter 69, as so
28 appearing, is hereby amended by striking out clause (j) and inserting in place thereof the
29 following 6 clauses:-

30 (j) if there were complaints filed with a federal or state court or administrative agency
31 since the program's inception concerning compliance with federal or state minimum legal
32 requirements, the disposition of the complaint and the monitoring and evaluation of an
33 agreement or court order relative to the complaint;

34 (k) opportunities that the district makes available to English learners for instruction in
35 maintaining or developing proficiency in a student's native language;

36 (l) a description of the school district's plan to evaluate the effectiveness of its English
37 learner programs relative to: (i) helping students attain English language proficiency and master
38 academic standards; (ii) measuring student readiness to join mainstream classrooms; (iii)
39 evaluations and measures provided in addition to department requirements; and (iv) a description
40 of the steps that the school district plans to take to address an identified deficiency;

41 (m) a record of: (i) instances in which a parent or guardian requested to withdraw a
42 student from or refused a student's participation in an English learner program; and (ii) meetings
43 held with a parent or guardian regarding a student who is not making satisfactory progress
44 toward participating and learning in a mainstream classroom;

45 (n) a description of the training provided by the district to staff who work with culturally
46 and linguistically diverse student populations; and

47 (o) documentation detailing the participation of English learners in the district's regular
48 and advanced educational programs and extracurricular activities.

49 SECTION 10. Said section 11 of said chapter 69, as so appearing, is hereby further
50 amended by striking out the last paragraph and inserting in place thereof the following
51 paragraph:-

52 Annually, the commissioner shall analyze and publish data reported by school districts
53 under this section regarding English learner programs and English learners. The published data
54 shall be on the department's website in a machine readable format, to the extent feasible. The

55 commissioner shall annually submit to the joint committee on education a report on the data,
56 which shall be disaggregated on a statewide and school district basis and divided into categories
57 including, but not limited to, language group and type of English learners program. The report
58 shall also include an analysis of the status of the progress of English learners, referencing the
59 relevant data required to be collected in this section.

60 SECTION 11. Section 1J of said chapter 69, as so appearing, is hereby amended by
61 striking out, in lines 105, 146 and 147, 237, 241, 455, 494 and 495, 588 and 592, the words
62 “limited English-proficient students” and inserting in place thereof, in each instance, the
63 following words:- English learners.

64 SECTION 12. Said section 1J of said chapter 69, as so appearing, is hereby further
65 amended by striking out, in lines 120 and 121 and in lines 470 and 471, the words “limited
66 English-proficient, special education and low income” and inserting in place thereof, in each
67 instance, the following words:- English learners, special education students and low-income.

68 SECTION 13. Said section 1J of said chapter 69, as so appearing, is hereby further
69 amended by striking out, in line 122, the words “limited English proficient students” and
70 inserting in place thereof the following words:- English learners.

71 SECTION 14. Said section 1J of said chapter 69, as so appearing, is hereby further
72 amended by striking out, in lines 471 and 472, the words “alternative English language learning
73 programs for limited-English proficient students” and inserting in place thereof the following
74 words:- English language acquisition programs for English learners.

75 SECTION 15. Said section 1J of said chapter 69, as so appearing, is hereby further
76 amended by striking out subsection (x) and inserting in place thereof the following subsection:-

77 (x) Notwithstanding any general or special law to the contrary, any underperforming or
78 chronically underperforming school operating a program for English learners shall establish an
79 English learner parent advisory council pursuant to section 6A of chapter 71A.

80 SECTION 16. Section 1K of said chapter 69, as so appearing, is hereby amended by
81 striking out, in lines 17, 103, 142 and 143, 234 and 238, the words “limited English-proficient
82 students” and inserting in place thereof, in each instance, the following words:- English learners.

83 SECTION 17. Said section 1K of said chapter 69, as so appearing, is hereby further
84 amended by striking out, in lines 118 and 119, the words “limited English-proficient, special
85 education and low income” and inserting in place thereof the following words:- English learners,
86 special education students and low-income.

87 SECTION 18. Said section 1K of said chapter 69, as so appearing, is hereby further
88 amended by striking out, in lines 120 and 121, the words “alternative English language learning
89 programs for limited-English proficient students” and inserting in place thereof the following
90 words:- English language acquisition programs for English learners.

91 SECTION 19. Said chapter 69 is hereby further amended by inserting after section 1P, as
92 so appearing, the following section:-

93 Section 1Q. The board of elementary and secondary education shall establish a state seal
94 of biliteracy to be awarded by school districts to students who have attained a high level of
95 proficiency in English and not less than 1 other language in addition to English. To qualify for
96 the seal, a student shall meet criteria established by the board.

97 The criteria shall include, but shall not be limited to attainment of a specified level of
98 performance on: (i) the tenth grade English language arts exams of the Massachusetts
99 Comprehensive Assessment System; and (ii) not less than 1 nationally recognized and readily
100 available assessments that measure literacy in a language other than English or an equivalent
101 alternative that the board may establish.

102 The department shall develop an insignia to be affixed to the diploma or transcript of a
103 student who has been awarded a state seal of biliteracy and make the insignia available to school
104 districts in an electronic format for the preparation of diplomas.

105 A school district that awards the state seal of biliteracy shall maintain appropriate records
106 to identify students who have earned a state seal of biliteracy and affix the appropriate insignia to
107 the diploma or transcript of a student who earns a state seal of biliteracy.

108 SECTION 20. Section 2 of chapter 70 of the General Laws, as so appearing, is hereby
109 amended by striking out, in line 74, the words “language learners” and inserting in place thereof
110 the following words:- learner.

111 SECTION 21. Said section 2 of said chapter 70, as so appearing, is hereby further
112 amended by striking out, in lines 75 and 76, the words “limited English proficient students” and
113 inserting in place thereof the following words:- English learners as defined in chapter 71A.

114 SECTION 22. Section 34H of chapter 71 of the General Laws, as so appearing, is hereby
115 amended by striking out, in line 9, the words “language learners” and inserting in place thereof
116 the following words:- learner.

117 SECTION 23. Section 38G of said chapter 71, as so appearing, is hereby amended by
118 striking out, in line 328, the words “language learners” and inserting in place thereof the
119 following words:- learner.

120 SECTION 24. Said section 38G of said chapter 71, as so appearing, is hereby further
121 amended by striking out, in line 329, the words “for limited English proficient students”.

122 SECTION 25. Section 38Q of said chapter 71, as so appearing, is hereby amended by
123 striking out, in lines 21 and 31, the words “limited English proficient students” and inserting in
124 place thereof, in each instance, the following words:- English learners as defined in chapter 71A.

125 SECTION 26. Section 59C of said chapter 71, as so appearing, is hereby amended by
126 striking out, in line 44, the figure “3” and inserting in place thereof the following figure:- 6A.

127 SECTION 27. The fifth paragraph of said section 59C of said chapter 71, as so appearing,
128 is hereby amended by inserting after the first sentence the following sentence:- In schools
129 serving 10 or more English learners or in which English learners comprise at least 5 per cent of
130 the student population, whichever is less, the plan to improve student performance shall include a
131 description of the educational program models and approaches offered by the school district to
132 ensure the progress of English learners in attaining English speaking, reading, writing and oral
133 comprehension skills and in meeting academic standards under section 1D of said chapter 69 and
134 curriculum frameworks under section 1E of said chapter 69.

135 SECTION 28. Section 89 of said chapter 71, as so appearing, is hereby amended by
136 striking out, in lines 83 and 84, the words “limited English-proficient students” and inserting in
137 place thereof the following words:- English learners.

138 SECTION 29. The first paragraph of paragraph (3) of subsection (i) of said section 89 of
139 said chapter 71, as so appearing, is hereby amended by striking out clause (iv) and inserting in
140 place thereof the following clause:- (iv) that are English learners or of similar language
141 proficiency level as measured by a standardized English proficiency assessment chosen by the
142 department.

143 SECTION 30. Said section 89 of said chapter 71, as so appearing, is hereby further
144 amended by striking out, in lines 252 to 254, inclusive, the words “limited English-proficient of
145 similar language proficiency as measured by the Massachusetts English Proficiency Assessment
146 examination” and inserting in place thereof the following words:- English learners or of similar
147 language proficiency level as measured by a standardized English proficiency assessment chosen
148 by the department.

149 SECTION 31. Said section 89 of said chapter 71, as so appearing, is hereby further
150 amended by striking out, in lines 270 and 271, the words “limited English-proficient students”
151 and inserting in place thereof the following words:- English learners.

152 SECTION 32. Said section 89 of said chapter 71, as so appearing, is hereby further
153 amended by striking out, in line 818, the words “language learners” and inserting in place thereof
154 the following words:- learner.

155 SECTION 33. Section 92 of said chapter 71, as so appearing, is hereby amended by
156 striking out, in lines 33 and 34, 166 and 287 and 288, the words “limited English-proficient
157 students” and inserting in place thereof, in each instance, the following words:- English learners.

158 SECTION 34. Section 94 of said chapter 71, as so appearing, is hereby amended by
159 striking out, in line 85, the words “language learners” and inserting in place thereof the following
160 words:- learners as defined in chapter 71A.

161 SECTION 35. Section 2 of chapter 71A of the General Laws, as so appearing, is hereby
162 amended by striking out, in lines 2 to 6, inclusive, the words “In this chapter, (a) “Bilingual
163 education” means a language acquisition process for students in which all or substantial portions
164 of the instruction, textbooks, or teaching materials are in the child's native language other than
165 English.” and inserting in place thereof the following words:-

166 As used in this chapter, the following words shall have the following meanings unless the
167 context clearly requires otherwise:

168 “Commissioner”, the commissioner of elementary and secondary education.

169 “Department”, the department of elementary and secondary education.

170 “District”, the school department of a city or town or regional school district, including
171 charter schools.

172 “Dual language education” or “2-way immersion”, a program designed to promote
173 bilingualism and biliteracy, cross-cultural competency and high levels of academic achievement
174 for both native English speakers and English learners from a single language background;
175 provided, however, that students shall develop and maintain their first language while adding a
176 second language and shall receive the same core curriculum as all students in the state; provided
177 further, that the instruction for such students shall be provided in 2 languages throughout the

178 program; and provided further, that “2-way immersion” programs may begin in the early grades,
179 including pre-kindergarten and kindergarten, and may continue through the secondary level.

180 “English as a second language”, instruction designed to help students become proficient
181 in English and learn content simultaneously by providing systematic, explicit and sustained
182 language instruction to develop the high level of English language proficiency needed for
183 academic achievement; provided, that “English as a second language” instruction may focus on
184 academic language and developing the ability of a student to listen, speak, read and write in
185 English across a variety of social and academic contexts, to promote language development and
186 support content area learning of the English learner in grade-level academic classrooms.

187 SECTION 36. Said section 2 of said chapter 71A, as so appearing, is hereby further
188 amended by striking out, in line 7, the figure “(b)”.

189 SECTION 37. Said section 2 of said chapter 71A, as so appearing, is hereby further
190 amended by striking out, in line 13, the figure “(c)”.

191 SECTION 38. Said section 2 of said chapter 71A, as so appearing, is hereby further
192 amended by striking out, in line 17, the words “(d) “English learner” means a child” and
193 inserting in place thereof the following words:- “English learner”, a student.

194 SECTION 39. Said section 2 of said chapter 71A, as so appearing, is hereby further
195 amended by inserting after the definition of “English learner” the following 2 definitions:-

196 “Foreign language”, a language other than English.

197 “Language acquisition program”, an instructional program for English learners that
198 includes English language instruction as a component to achieve fluency.

199 SECTION 40. Said section 2 of said chapter 71A, as so appearing, is hereby further
200 amended by striking out, in line 20, the figure “(e)”.

201 SECTION 41. Said section 2 of said chapter 71A, as so appearing, is hereby further
202 amended by adding the following definition:-

203 “Transitional bilingual education”, a program designed to allow English learners to
204 achieve long-term academic success through English-medium instruction in general education
205 classrooms; provided, however, that the native language of the English learner is used to support
206 the student’s development of English and content learning and is then gradually phased out of
207 instruction as a student’s English proficiency increases; and provided further, that “transitional
208 bilingual education” may be initiated at any level, including middle and high school, but shall
209 not be intended as a method of instruction for a student’s entire academic career.

210 SECTION 42. Section 3 of said chapter 71A, as so appearing, is hereby amended by
211 striking out, in line 2, the words “Local school committees shall annually ascertain, not earlier
212 than the first day of April” and inserting in place thereof the following words:- School districts
213 shall annually ascertain.

214 SECTION 43. Said section 3 of said chapter 71A, as so appearing, is hereby further
215 amended by striking out, in line 3, the words “Department of Education” and inserting in place
216 thereof the following word:- department.

217 SECTION 44. Said section 3 of said chapter 71A, as so appearing, is hereby further
218 amended by striking out, in line 5, the word “Kindergarten” and inserting in place thereof the
219 following word:- pre-kindergarten.

220 SECTION 45. Said section 3 of said chapter 71A, as so appearing, is hereby further
221 amended by striking out, in line 9, the words “a website” and inserting in place thereof the
222 following words:- on the district’s website in machine readable format, to the extent feasible.

223 SECTION 46. Said section 3 of said chapter 71A, as so appearing, is hereby further
224 amended by adding the following sentence:- School districts shall also track the academic
225 performance of students who have exited an English learner program to assess the academic
226 achievement of English learners and the effectiveness of English language classroom
227 programming.

228 SECTION 47. Section 4 of said chapter 71A, as so appearing, is hereby amended by
229 striking out, in line 2, the words “Subject to the exceptions provided in Section 5 of this chapter,
230 all” and inserting in place thereof the following word:- All.

231 SECTION 48. Said section 4 of said chapter 71A, as so appearing, is hereby further
232 amended by inserting after the word “schools”, in line 3, the following words:- who are not
233 proficient in English.

234 SECTION 49. Said section 4 of said chapter 71A, as so appearing, is hereby further
235 amended by striking out, in lines 3 to 5, inclusive, the words “by being taught in English and all
236 children shall be placed in English language classrooms”.

237 SECTION 50. Said section 4 of said chapter 71A, as so appearing, is hereby further
238 amended by striking out, in line 5, the word “Children” and inserting in place thereof the
239 following words:- Subject to the exceptions in section 12, children.

240 SECTION 51. Said section 4 of said chapter 71A, as so appearing, is hereby further
241 amended by striking out, in line 6, the word “during” and inserting in place thereof the following
242 words:- or an alternative instructional program that meets the requirements of federal and state
243 law, during.

244 SECTION 52. Said section 4 of said chapter 71A, as so appearing, is hereby further
245 amended by striking out, in lines 7 to 12, inclusive, the words “one school year, provided,
246 however, that kindergarten English learners shall be educated either in sheltered English
247 immersion or English language mainstream classrooms with assistance in English language
248 acquisition, including, but not limited to, English as a second language, so-called” and inserting
249 in place thereof the following words:- the timelines established by the department in benchmarks
250 established pursuant to section 11. Alternative instructional programs shall include, but shall not
251 be limited to transitional bilingual education and dual language education. Programs shall be
252 research-based and include subject matter content and an English language acquisition
253 component. Programs shall be based on best practices in the field and the linguistic and
254 educational needs and the demographic characteristics of English learners in the school district.
255 A school district may join with other school districts to provide an English learner program
256 pursuant to this chapter.

257 SECTION 53. Said section 4 of said chapter 71A, as so appearing, is hereby further
258 amended by striking out, in lines 17 and 18, the words “a good working knowledge of English”
259 and inserting in place thereof the following words:- English proficiency.

260 SECTION 54. Said section 4 of said chapter 71A, as so appearing, is hereby further
261 amended by adding the following paragraph:-

262 A district that intends to offer a new sheltered English immersion or alternative
263 instructional English learner program in the next academic year shall submit, not later than
264 January 1 of the current academic year, to the department and the district's parent advisory
265 council, on a form prescribed by the department, a description of: (i) the new instructional
266 program selected; (ii) how the new sheltered English immersion or alternative instructional
267 program meets the needs of the population to be served; (iii) the number and expected
268 qualifications of the program's educators; and (iv) the number, native language and English
269 proficiency levels of students expected to be enrolled in the program. The district shall also
270 submit such description for any English learner programs it currently operates. If the department
271 finds that a proposed or current program fails to meet the requirements of federal or state law, it
272 shall notify the district in writing within 90 days of receiving the description. The notice shall
273 cite the legal requirements with which the program would not comply and include corrective
274 steps that shall be taken to bring the program into compliance and the district shall have 30 days
275 to adopt such steps. A district shall not commence a program that the department has determined
276 does not meet federal standards or the standards in this chapter, unless the district has
277 implemented the corrective steps laid out by the department; provided, however, that in a district
278 whose existing English learner programming is not found to be in compliance, the proposed
279 program may operate for a period of 1 year, with a corrective action plan established to ensure
280 compliance and may continue to operate after that year if the corrective action plan was
281 implemented. Nothing in this section shall prevent the department from conducting an evaluation
282 of a language acquisition program at any time. The district shall submit to the department a list
283 of the program's educators and their qualifications, as well as the number, native language and
284 English proficiency level of the students enrolled in the new English learner program not later

285 than September 1 of the first year of the program. Thereafter, the program shall be subject to the
286 requirements of this chapter.

287 SECTION 55. Said chapter 71A is hereby further amended by striking out section 5, as
288 so appearing, and inserting in place thereof the following section:-

289 Section 5. (a) The parent or legal guardian of a student eligible to enroll in an English
290 learner program may select any available English learner program offered by the school district;
291 provided, however, that the program shall be appropriate for the age and grade level of the
292 student; and provided further, that for any program selection that would require a student to
293 transfer to a different school within the district, the transfer request shall be approved by the
294 superintendent, in a form prescribed by the department. A school, under advisement of a teacher
295 or guidance counselor, may request a program transfer for an individual child in writing, with
296 notice of the transfer request provided to the child's parents, in a form prescribed by the
297 department.

298 (b) If a school district or charter school receives requests from the parents or legal
299 guardians of not less than 20 students to implement a specific program to provide language
300 instruction in that school district or charter school, the school district or charter school shall, not
301 later than 90 days after receiving the request, respond and provide: (i) a plan for implementation
302 of the requested program; or (ii) a denial of the request, in writing, including an explanation of
303 the denial.

304 SECTION 57. Said chapter 71A is hereby further amended by inserting after section 6
305 the following section:-

306 Section 6A. A school district or charter school operating a language acquisition program
307 for English learners serving 100 or more English learners or in which English learners comprise
308 at least 5 per cent of the district's or charter school's student population, whichever is less, shall
309 establish an English learner parent advisory council; provided, however, that any other school
310 district or charter school may establish a parent advisory council pursuant to this section. The
311 council shall be composed of volunteer parents or legal guardians of students who are or have
312 been identified as English learners and, to the extent feasible, the members of the council shall
313 represent the native languages most commonly spoken by the students of the district or charter
314 school. The duties of the council shall include, but not be limited to: (i) advising the school
315 district, school committee and board of trustees on matters that pertain to English learners; (ii)
316 meeting regularly with school officials to participate in the planning and development of
317 programs designed to improve educational opportunities for English learners; and (iii)
318 participating in the review of school improvement plans under section 59C of chapter 71 and
319 district improvement plans under section 1I of chapter 69 as the plans relate to English learners.
320 Upon request from a parent advisory council, each school committee or school council within
321 that parent advisory council's district shall meet at least annually with the council; provided,
322 however, that if the parent advisory council advises a charter school the board of the charter
323 school shall, upon request from the parent advisory council, meet not less than annually with the
324 council. The council shall establish by-laws regarding officers and operational procedures. In the
325 course of its duties under this section, the council shall receive assistance from the director of
326 language acquisition programs for the school district or charter school or other appropriate
327 school personnel as designated by the superintendent. The department shall promulgate
328 regulations for the implementation of this section including, but not limited to, the process for

329 parents or legal guardians to be notified of English learner parent advisory councils and the
330 process for the appointment of volunteer parents or legal guardians to a council.

331 SECTION 58. The first paragraph of section 7 of said chapter 71A, as so appearing, is
332 hereby amended by striking out the first 2 sentences and inserting in place thereof the following
333 sentence:- Each English learner shall participate, consistent with section 1I of chapter 69, in the
334 statewide assessment system.

335 SECTION 59. Said section 7 of said chapter 71A, as so appearing, is hereby further
336 amended by inserting after the word “learners”, in line 12, the following words:- and enrolled in
337 a public school, including a charter school.

338 SECTION 60. Said section 7 of said chapter 71A, as so appearing, is hereby further
339 amended by striking out, in line 20, the words “on an internet web site” and inserting in place
340 thereof the following words:- online in machine readable format, to the extent feasible.

341 SECTION 61. The first paragraph of said section 7 of said chapter 71A, as so appearing,
342 is hereby amended by striking out the last sentence and inserting in place thereof the following
343 sentence:- Results of assessments shall be used as a factor in determining the efficacy of an
344 English learner program offered by a school district but shall not be the sole basis for evaluation
345 of a district, school, English learner program or individual educator.

346 SECTION 62. Said section 7 of said chapter 71A, as so appearing, is hereby further
347 amended by inserting after the word “The”, in line 39, the following words:- report cards and
348 progress.

349 SECTION 63. Section 7A of said chapter 71A, as so appearing, is hereby amended by
350 striking out, in line 2, the figure “5” and inserting in place thereof the following figure:- 6.

351 SECTION 64. Said section 7A of said chapter 71A, as so appearing, is hereby further
352 amended by striking out the second and third sentences and inserting in place thereof the
353 following 2 paragraphs:-

354 The evaluation shall include, but shall not be limited to: (i) a review of individual student
355 records of English learners; (ii) a review of the programs and services provided to English
356 learners; (iii) a review of the dropout, graduation, discipline and special education incidence
357 rates of the English learner population in the district; (iv) using the best available data, a review
358 of the dropout, graduation, discipline and special education rates of English learners who exited
359 the English learner education program within the 3 school years preceding the on-site visit for
360 that 3-year period; (v) a description of the processes by which school-based teams, consisting of
361 educators, administrators and support staff, monitor the progress of English learners and former
362 English learners; (vi) a review of the amount, frequency and effectiveness of English as a second
363 language instruction; and (vii) a review of the administration and coordination of English learner
364 education programs. The advisory council for bilingual education established under section 1G
365 of chapter 15 shall annually review the results of the department’s monitoring of English learner
366 programs in school districts.

367 Nothing in this section shall prevent the department from conducting an evaluation of a
368 language acquisition program at any time.

369 SECTION 65. Said chapter 71A is hereby further amended by adding the following 3
370 sections:-

371 Section 10. Teachers and administrators assigned to a language acquisition program shall
372 be properly qualified under state law for the program type. The department shall establish
373 endorsements for educators who have completed coursework and field-based experience to
374 provide instruction within sheltered English immersion programs, 2-way immersion programs,
375 transitional bilingual programs and other programs that meet the requirements of this chapter.

376 Annually, not later than June 1, the department shall provide each district with a list of all
377 educators who have current endorsements pursuant to this section. Prior to the beginning of each
378 school year, districts, including charter schools shall verify that each of the educators in an
379 English learner program is properly endorsed for that program.

380 Section 11. The department shall develop: (i) benchmarks for attaining English
381 proficiency for English learners, (ii) guidelines to assist school districts in the identification of
382 English learners who do not meet benchmarks and (iii) an English learning success template for
383 use by districts to assist English learners who do not meet English proficiency benchmarks.

384 The guidelines shall include: (i) recommendations for school districts to identify and
385 monitor an English learner's progress in English proficiency; (ii) methods for school districts to
386 provide personalized goals for English learners who are not meeting English proficiency
387 benchmarks; (iii) best practices for ensuring that English learners meet English proficiency
388 benchmarks and personalized goals including, but not limited to, methods to incorporate parental
389 input; and (iv) methods for school districts to share best practices in assisting English learners in
390 gaining English proficiency.

391 Upon the department's creation of the success templates and guidelines pursuant to this
392 section, school districts shall adopt procedures to identify English learners who do not meet

393 English proficiency benchmarks and shall establish a process for the district to: (i) identify areas
394 in which identified English learners needs improvement and establish personalized goals for the
395 identified English learners to attain English proficiency; (ii) assess and track the progress of
396 English learners in the identified areas of improvement; (iii) review resources and services
397 available to identified English learners that may assist said learners in the identified areas of
398 improvement; and (iv) incorporate input from the parents or legal guardian of the identified
399 English learner,.

400 The department shall solicit public comment prior to issuing the benchmarks,
401 guidelines and English learning success template. The department shall review the benchmarks,
402 guidelines and English learning success template not less than every 5 years. The review shall
403 include a period of public comment. School districts shall provide a copy of the department
404 guidelines, materials describing the benchmarks and the English learning success template to the
405 parent or guardian of each English learner, in the English learner’s primary language, at the
406 beginning of each school year or upon enrollment of the child in an English learner program if
407 the enrollment is not concurrent with the beginning of the school year.

408 Section 12. School districts shall, at least annually, inform the parents or legal guardians
409 of English learners of their rights to: (i) choose a language acquisition program among those
410 offered by the school district under section 4; (ii) request a new language acquisition program
411 under said section 4; or (iii) withdraw a student from a language acquisition program. Notice
412 shall be sent by mail not later than 10 days after the enrollment of the student in the school
413 district. The notice shall, to the extent possible: (A) be in a language that is understandable to the
414 parents or legal guardians; (B) contain a simple, easy to understand description of the purpose,
415 method and content of the available programs; (C) inform the parent or legal guardian of the

416 right to visit an English learner program in the school district; and (D) inform the parent or legal
417 guardian of available conferences or meetings to learn about the English learner programs
418 offered in the school district.

419 If the school district recommends placing an English learner in an English learner
420 program, the parent or legal guardian of the student shall have the right, at the time of the
421 original notification under this section or at the close of a marking period, to withdraw the
422 student from a program by sending written notice of the decision by mail or electronic
423 communication to the school authority designated by the school district in which the student is
424 enrolled; provided, however, that written confirmation of the withdrawal shall be provided
425 annually to the school by the parent or legal guardian and such confirmation shall be retained in
426 the student's cumulative folder; and provided further, that the student shall retain the right to
427 enter into an English learner program at any time.

428 SECTION 66. There shall be a special commission established pursuant to section 2A of
429 chapter 4 of the General Laws to investigate and study the current collection and dissemination
430 of school district and statewide data relative to school-age English language learners.

431 The commission shall consist of: the house and senate chairs of the joint committee on
432 education or their designees who shall serve as the co-chairs; 1 person to be appointed by the
433 senate president; 1 person to be appointed by the speaker of the house of representatives; 1
434 person to be appointed by the minority leader of the senate; 1 person to be appointed by the
435 minority leader of the house of representatives; the commissioner of elementary and secondary
436 education or a designee; the executive director of the Massachusetts Association of School
437 Superintendents, Inc. or a designee; the executive director of the Massachusetts Association of

438 School Committees or a designee; the executive director of the Massachusetts Elementary
439 School Principals' Assoc., Inc. or a designee; the executive director of the Massachusetts
440 Secondary Schools Administrators Association, Incorporated or a designee; the executive
441 director of the Administrators of Special Education. Inc. or a designee; and 5 persons to be
442 appointed by the governor, 1 of whom shall be representative of the Massachusetts Association
443 of Teachers of Speakers of Other Languages, Inc.; 2 of whom shall be superintendents selected
444 from a list of 3 superintendents from school districts serving high concentrations of English
445 language learners nominated by the Massachusetts Association of School Superintendents, Inc.
446 and 2 of whom shall be district-level English learner program directors selected from a list of 3
447 district-level English learner program directors nominated by the Massachusetts Association of
448 School Superintendents, Inc.

449 The commission shall: (i) study, review and report on all existing school and district
450 reporting requirements relative to English language learners including, but not limited to, annual
451 reporting requirements relative to English language learners as required under section 1I of
452 chapter 69 of the General Laws; (ii) consider how current data is collected and used to evaluate
453 English language learner programming and its effectiveness; (iii) review the parental choice and
454 parental notification process and the effectiveness and transparency of district and state reporting
455 relative to English language learners; and (iv) consider improvements to data collection and
456 dissemination relative to English language learners.

457 The commission may meet with state agencies, parents, guardians, teachers, school
458 administrators and any other person whom the chairs deem necessary for the purpose of filing its
459 report.

460 The commission shall file a report containing its finding and any recommendations with
461 the clerks of the senate and house of representatives not later than July 31, 2018.

462 SECTION 67. In developing the criteria to qualify for the state seal of biliteracy under
463 section 1Q of chapter 69 of the General Laws, the department of elementary and secondary
464 education shall consider the work of national organizations and other states on such a seal, the
465 work of the seal of biliteracy pilot project, as well as other information deemed relevant by the
466 department. Any assessment required to qualify for the seal shall be given by the school district
467 at no cost to a low-income student as described in the definition of low-income enrollment in
468 section 2 of chapter 70 of the General Laws.

469 SECTION 68. The department of elementary and secondary education shall establish and
470 publish on its website the benchmarks, guidelines and English learning success template
471 described in section 11 of chapter 71A of the General Laws not later than September 1, 2018.
472 Districts shall adopt the procedures described in said section 11 of said chapter 71A not later
473 than 6 months after the establishment by the department of the benchmarks, guidelines and
474 English learning success template described in section 8 of said chapter 71A.

475 SECTION 69. The department shall establish the endorsements described in section 10 of
476 chapter 71A not later than May 1, 2018.

477 SECTION 70. The department of elementary and secondary education may promulgate
478 regulations as necessary to implement this act.

479 SECTION 71. Sections 47 to 54, inclusive, shall take effect on May 1, 2018.