

**SENATE . . . . . No. 232**

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

<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>

**SENATE . . . . . No. 232**

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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.

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[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

9 century skills, including multilingualism, both through English language acquisition and dual  
10 language learning; and

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

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

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

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

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

## 27 Section 2. Definitions

28 In this chapter:

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 a 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.