

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.