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### Bill H.4032 An Act relative to language opportunity for our kids

Signed into law on November 22, 2017

NOTE: Given the intense interest in the new law we are providing this quick overview to our members. This is not intended to be a complete or formal legal statutory analysis. Provisions of the law are subject to regulations and guidance created by Department of Elementary and Secondary Education. Link to the bill: <a href="https://malegislature.gov/Bills/190/H4032">https://malegislature.gov/Bills/190/H4032</a>.

#### **Terms and Definitions**

- Replaces term "Limited English Proficient students" with "English Learners" throughout current law.
- Updates the definitions for "bilingual education," "dual language education or 2-way immersion," "English as a Second Language," and "Transitional Bilingual Education."
- Does not change existing definition for "Sheltered English Immersion"

# English Learner Programs (Takes effect May 1, 2018)

- Allows districts to have English Learner programs included Sheltered English Immersion or other alternative programs that meet state and federal requirements, including Two-Way Immersion, and transitional bilingual education.
- Removes the artificial one-year program goal for EL program participation, and replaces it with benchmarks for achieving English proficiency (see Student Benchmarks below).
- Specifies that EL programs shall be research based, include subject matter content and English language acquisition components, and be based on best practices in the field.
- Specifies that EL programs shall be based on linguistic and educational needs and the demographic characteristics of English learners in the school district.
- Districts may join together to offer programs.

#### **English Learner Program Choice**

- Parents may request any EL program offered by a district for their child, as long as it is appropriate to age/grade. Removes the obstacle of the parental waiver for participation in bilingual programs.
- Transfers to a program in a different school must be approved by the superintendent.
- Schools, on recommendation by a teacher or guidance counselor, may initiate student transfer to a different EL program, with notice to parents.

# Establishing New English Learner Programs (Takes effect May 1, 2018)

• School districts that intend to open a new English Learner program (of any type) must submit a plan to DESE and the parent advisory council by Jan 1 of the preceding year.

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- The plan must include:
  - the new instructional program selected;
  - how the new sheltered English immersion or alternative instructional program meets the needs of the population to be served;
  - the number and expected qualifications of the program's educators; and (
  - the number, native language and English proficiency levels of students expected to be enrolled in the program.
- DESE reviews proposed new program and any current programs for compliance with federal and state law and notify districts within 90 days. If a proposed and/or current program does not comply, DESE must give the requirements for bringing the program into compliance, and districts have 30 days to adopt the steps.
- Districts may not start a new program that does not meet the standards.

# **Parent Request for New Language Programs**

• A group of parents/guardians of 20+ students can request a school district to establish a new language instruction program, and the district must respond in 90 days with a plan for implementation or an explanation of denial.

# **Seal of Biliteracy**

- Establishes a state Seal of Biliteracy for students who have attained a high level of proficiency in English and another language.
- The award criteria shall be developed by DESE, with consideration of the work Seal of Biliteracy Pilot Project, national standards, practices in other states, and other information.
- Criteria includes but is not limited to 10th grade MCAS for English and a nationally recognized assessment for other languages.
- Assessments must be available at no cost to low income students.

#### **Student Benchmarks**

- DESE must develop, with public comment:
  - (i) benchmarks for attaining English proficiency for English learners,
  - (ii) guidelines to assist school districts in the identification of English learners who do not meet benchmarks and
  - (iii) an English learning success template for use by districts to assist English learners who do not meet English proficiency benchmarks.
- Districts must adopt procedures to identify English learners who do not meet proficiency benchmarks and a process to:
  - (i) identify areas in which identified English learners needs improvement and establish personalized goals for the identified English learners to attain English proficiency;
  - (ii) assess and track the progress of English learners in the identified areas of improvement;
  - (iii) review resources and services available to identified English learners that may assist said learners in the identified areas of improvement; and

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- (iv) incorporate input from the parents or legal guardian of the identified English learner.
- Information must be provided to parents in their primary language.
- DESE must define the benchmarks, guidelines and learner success templates by September 1, 2018.

#### **Standardized Testing**

Most of the current law (Sec 7) stands with a few changes:

- Updates to make it consistent current assessment requirements in Ch 69 Sec1I.
- Stipulates that assessment results can't be used as the sole basis for evaluation of a school, district, EL program or individual educator.

# **Educator Qualifications**

- Directs DESE to establish educator endorsements for all EL program types including Sheltered English Immersion, Two-Way Immersion, and Transitional Bilingual Education.
- DESE must establish the endorsements by May 1, 2018.

## **Parent Advisory Council**

- Establishes an English Learner Parent Advisory Council for districts with 100+ or 5%+ ELs (or whichever is fewer).
- The PAC will advise the district, participate in planning and development of programs to increase EL opportunities, and participate in review on school improvement plans.
- PACs shall be composed of parents/guardians of EL students, and to the extent possible represent the native languages most commonly spoken.
- Upon request by the PAC, the PAC shall meet at least annually with the school committee, school council, or charter school board.
- PAC shall establish by-laws regarding officers and procedures.
- PACs shall be assisted by the director of language acquisition programs or other personnel designated by the superintendent.
- The department shall create regulations for implementation of PACs, including how to notify parents/guardians about the PACs and appoint volunteers.

#### **Program Evaluation**

- Changes EL program evaluation to every six years, in keeping with current practice.
- Evaluation shall include but is not limited to:
  - (i) a review of individual student records of English learners:
  - (ii) a review of the programs and services provided to English learners;
  - (iii) a review of the dropout, graduation, discipline and special education incidence rates of the English learner population in the district;
  - (iv) using the best available data, a review of the dropout, graduation, discipline and special education rates of English learners who exited the English learner education program within the 3 school years preceding the on-site visit for that 3-year period;

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- (v) a description of the processes by which school-based teams, consisting of educators, administrators and support staff, monitor the progress of English learners and former English learners;
- (vi) a review of the amount, frequency and effectiveness of English as a second language instruction;
- (vii) 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.

#### **Data Reporting**

- Adds Pre-K students to current requirement to annually count English learners.
- Requires districts to monitor performance of students who have exited English Learner programs to assess program effectiveness.
- Adds additional data that districts must annually report to ESE related to English learner education under Chapter 69 Sec 1I, and specifies disaggregation of data by school/district, native language, and EL program:
  - Program compliance with federal and state minimum requirements;
  - Opportunities for students to develop and maintain native language;
  - Plan to evaluate the effectiveness of EL programs in achieving proficiency and academic standards; readiness to join mainstream classes; evaluations and measures; steps taken to address an identified deficiency;
  - Record of parents withdrawing from/refusing participation in EL program; meetings with parents/guardians on students not making progress;
  - Training for staff to work with culturally and linguistically diverse students;
  - EL participation in regular and advanced programs & extracurriculars.

## **Special Commission on Data**

- Establishes a special commission to study the current collection and dissemination of district and state-wide data on school-aged English learners and submit a findings and recommendations by July 31, 2017.
- Specifies the organizations from which the participants will be chosen, which includes a representative of MATSOL appointed by the Governor.