

OFFICE OF THE ATTORNEY GENERAL
INITIATIVE PETITION INFORMATION SHEET

TITLE OF PETITION: An Act to Promote Choices in Bilingual Education for
Students & Parents

PETITION NUMBER (to be filled in by AG staff): 01-27

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Will the proponents propose a summary by August 6, 2001? Yes No

Will the proponents submit a memo of law by August 10, 2001? Yes No

Please note that the above information will be made available to the public and particularly to possible opponents of certification. You and your attorney (if any) will receive copies of any materials submitted by the public regarding certification.

AG STAFF PERSON RECEIVING PETITION: Peter Sacks DATE: 8/1, 2001

AN INITIATIVE PETITION FOR A LAW:
An Act to Promote Choices in Bilingual Education for Students & Parents.

Be it enacted by the People, and by their authority, as follows:

SECTION 1. PURPOSE.

To authorize each school district within the Commonwealth to submit a District Plan Application to the Massachusetts Department of Education for English language learners to vary from the transitional bilingual education requirements set forth in M.G.L. Chapter 71A.

SECTION 2. DEFINITIONS.

Chapter 71A of the General Laws is hereby amended by inserting the following definitions into Section 1:

"District" shall mean a school district within the Commonwealth.

"District Plan" shall mean the plan submitted to the Department of Education pursuant to this statute, which will permit a District to offer bilingual education programs that vary from the transitional bilingual education requirements set forth in M.G. L. Chapter 71A.

"District Plan Application" shall mean an application sent to the Commissioner of Education outlining a plan to offer bilingual education programs that vary from the transitional bilingual education requirements set forth in M.G. L. Chapter 71A.

"ELL Programs" shall mean programs and services for English Language Learners.

"ELLs" shall mean English language learners. ELLs referred to in this statute and in District Plan Applications apply only to those ELLs participating in programs and services under the District Plan.

"TBE" shall mean Transitional Bilingual Education, as defined and described in M.G. L. 71A.

"ESL" shall mean a subject taught by teachers trained and certified in English as a Second Language, using specialized curriculum, materials and assessment instruments.

"Application Review Committee" shall mean a committee composed of seven members that makes recommendations to the Commissioner of Education regarding District Plan Applications to offer bilingual education programs that vary from the transitional bilingual education requirements set forth in M.G. L. Chapter 71A.

The Application Review Committee shall include one representative from each of the following organizations: (a) Massachusetts Association for Bilingual Education; (b) Massachusetts Association of Administrators of Transitional Bilingual Education; (c) Massachusetts Association for Teachers of Speakers of Other Languages; (d) Massachusetts Superintendents'

Association; (e) the Department; and (f) two parents of students enrolled in bilingual education programs.

SECTION 3. DISTRICT PLAN APPLICATIONS; PROGRAMS AND SERVICES FOR ENGLISH LANGUAGE LEARNERS.

Chapter 71A of the General Laws is hereby amended by inserting after Section 5 the following sections: --

Section 5A. There shall be established a process wherein Districts may submit applications to vary from the transitional bilingual education requirements set forth in this Chapter. Applications shall take the form of a District Plan submitted to the Department for approval.

(1). The Commissioner of Education will review District Plan Applications submitted by an Application Review Committee of the Department. The Application Review Committee shall meet twice annually to review District Plan Applications submitted by Districts requesting permission to vary from the transitional bilingual education requirements set forth in this Chapter.

(2). Districts must present a District Plan that defines and addresses all elements required in this Chapter and demonstrates strong local linguistic minority support. District Plans that are educationally sound and meet all the criteria required herein as agreed upon by the Application Review Committee shall be forwarded to the Commissioner for approval.

Section 5B. A District must submit a District Plan Application to the Department for approval. District Plans must encompass all programs and services at each particular school that seeks to vary from the transitional bilingual education requirements set forth in this Chapter.

(1) For those ELL programs and services in a District that are not included in the approved District Plan, the District must continue to comply with this Chapter.

(2) In order to ensure parental choice, if there are 20 or more ELLs in any one language group, and who otherwise are entitled to transitional bilingual education (TBE) services

(3) under this Chapter and whose parents do not wish to have the ELL children participate in the District Plan options, those students shall continue to receive transitional bilingual education services in accordance with this Chapter.

(4) The District Plan must provide each ELL enrolled in a program under the District Plan with appropriate programs and services to be competent in using the English language and to participate effectively in the District's regular and advanced instructional programs and extra-curricular activities.

(5) The District Plan must outline how, under the Plan, ELLs will continue learning content material at each student's assessed level of performance.

(6) Any student, whether English-speaking or ELL, who is enrolled in a program of the District Plan, will be considered ELL for the purposes of cost reimbursement to District by State.

(7) The District Plan must address the following:

a) General

i. Describe and provide documentation of how families of eligible students and the community-at-large were involved in the development and review of the District Plan for Programs and Services for ELLs.

ii. Describe the range of programs and services the District Plan will make available to all ELLs, including those from low-incidence populations, with a research-based rationale for each option proposed and how these programs are expected to exceed the goals of the existing TBE program.

iii. In the District Plan, describe the qualifications and certification status of all staff who will provide services directly or indirectly to ELLs, in addition to building their capacity. District Plan Applications should include a comprehensive Staff

- Development Plan that describes how the District Plan will build capacity among all staff in the school district to serve ELLs, including low-incidence populations.
- iv. Describe the period of time for which the District Plan approval is requested. District Plans will be approved for up to a three-year period, subject to an annual review that includes at least two site visits by the Department and the Application Review Committee to programs and of services included in the District Plan.
 - v. Describe how the District will evaluate the effectiveness of the programs and services being provided through a comprehensive research design.

(b) Identification, Evaluation and Assessment

- i. Describe how qualified personnel will use appropriate state-approved ELL assessments to determine language dominance, as well as the level of English proficiency and ability to perform regular classroom work in English for newly enrolled students who may be of limited-English proficiency. Describe the assessment tools that will be used and the qualifications of all staff directly or indirectly involved with students who are ELLs.
- ii. If the results of the assessment indicate that a student is limited-English proficient, describe how appropriate programs or services will be provided under the District Plan so that the student has necessary support to: (a) become competent in using the English language; (b) to maintain and develop his or her native language at each student's level of ability through daily academic instruction in that language by certified bilingual teachers; and (c) to participate effectively in the District's regular and advanced instructional programs and extra-curricular activities. The programs or service provided to ELLs must also ensure that the students achieve the learning standards of the state curriculum frameworks, including the standards for world languages.
- iii. Describe how students' oral comprehension, speaking, reading and writing of English and other target languages will be assessed annually under the District Plan, and how these assessments will be used in conjunction with other evaluation information to determine when the student has achieved a level of English-language skills that will enable him or her to perform regular classwork in English.
- iv. Describe the techniques used to ensure that ELLs in a mainstream classroom outside of the District Plan continue their progress in all areas of the curriculum, including compliance with the learning standards of the state curriculum frameworks, and the standards of the world language curriculum.

(c.) Parent Involvement

- i. Upon identification of an ELL, describe how the school district will communicate to parents the English proficiency level of their child, and their right to choose to enroll the child in one of the District's proposed education program and services for ELLs under the District Plan or to have the child remain in the regular education program. This communication, in a language and manner that is

understandable to the parents, should contain a simple, non-technical description of the purposes, method and content of such programs, and of the parents' right to visit the program.

- ii. Once the child is enrolled in a program for ELLs under the District Plan, describe the process for parents to withdraw their child from the program and for the child to be transferred to the regular education program.
 - iii. Describe how the District will send progress reports and other school communications to the parents of students enrolled in programs for ELLs under the District Plan in the same manner and frequency as progress reports and report cards of other students in the District. Such reports are to be written in a language understandable to the parents.
 - iv. Describe how parents will be informed when it has been determined through assessments that their child can participate fully in the English-language curriculum without native language or other language support services, and how the children can continue to participate in native language instruction programs and services under the District Plan.
 - v. A District shall demonstrate in its District Plan meaningful involvement by parents of ELLs. It must describe and document ELL parents' participation in the development and review of the District Plan Application, and their ongoing participation as an ELL parent committee, ELL parent council or other ELL parent group in programs for ELLs throughout the District during the year prior to the filing of the District Plan Application.
 - vi. The parents of ELLs shall have access to pertinent information about the District Plan, together with the programs and services established pursuant thereto, including the right to visit programs throughout the District's schools and the right to discuss as a group and comment to the district upon the needs of ELLs with other parents of such children.
- (d.) Professional Development
- i. Describe the training that will be provided for staff in second language acquisition and in working with culturally and linguistically diverse student populations (as required by G.L. c.71, s.59C).
 - ii. The Department and members of the Application Review Committee will conduct on-site visits twice per year to Districts with approved District Plans for the purpose of evaluating the implementation of the approved District Plan, and assisting the District in improving their capacity to serve ELLs. Department recommendations shall include, but not be limited to, the identification of assessment tools and staff development activities, together with the implementation of evaluation design and community outreach methods. The Department will also provide expertise as needed in all areas addressed by the District's plan.
- (e.) Program options and definitions
- i. Programs and services in addition to those consistent with this Chapter for ELLs under this District Plan provision shall mean the following:

1. **Bilingual Education: Two-Way.** A form of bilingual education in which ELLs and fully English proficient students develop full literacy throughout their school experience in two languages by being taught in the same classroom in which the medium of instruction is both English and the language of the ELLs. The curriculum is provided in such a manner that students are taught no less than half their instructional time in a language other than English. Two-way bilingual education is taught by teachers certified in bilingual education and ESL.
2. **Bilingual Education: Specialized Intensive English Language Instruction for Certain Learners.** A program of instruction for English-dominant students, or students who have demonstrated equal proficiency in all areas tested in both English and their native language, in which certified bilingual teachers use mostly English as the medium of classroom instruction. Teachers must be able to understand a child speaking in the native language and be able to communicate with that child using knowledge of both the native language and English. In a Specialized Intensive English Language Instruction for Certain Learners program, no less than 20 percent of the school day shall be spent on continued development of the child's native language at each student's level of ability which may occur as part of a school's world language program or otherwise.
3. **Bilingual Education: Modified Bilingual/World Language Program.** A program of whole school instruction for ELLs and English home-speakers that embraces both the language and the culture of the language-minority group to include it in all aspects of the school curricula. In a MB/WL program, ELL students are placed in English-speaking classrooms where teachers are competent in ESL techniques. ELLs receive home language instruction for no less than 20 percent of the day on a pull-out basis and in-class ESL instruction. In addition, all students in the classroom participate together in the teaching/learning of the ELLs' language which, in turn, becomes the world language for the school. Generally, ELLs participating in a MB/WL program demonstrate strong academic grounding in their native language. Targeted language groups typically represent ELLs whose families are in the United States on a temporary basis and will return after a two to three year period to their native countries. The goals of this program are for: a) ELLs to develop academic competence in English and maintain proficiency and use of their native language; b) English home-speakers to develop fluency in the ELLs' language; c) the school to become a place where the language and culture of its student population is a resource for leaning, sharing, and cross-cultural communication.

We the undersigned state under the pains and penalties of perjury that we have personally read the final text of this proposed statute titled An Act to Promote Choices in Bilingual Education for Students & Parents, fully subscribe to its contents, are qualified voters of the commonwealth at the addresses printed below our names, and freely and voluntarily agree to be one of its original signers as required by Amendment Article 48 of the Constitution of the Commonwealth of Massachusetts.

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