

HOUSE No. 5542

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 2, 1988.

The committee on Education, Arts and Humanities, to whom were referred the petition (accompanied by bill, Senate, No. 216) of Paul V. Doane for legislation to strengthen transitional bilingual education, the petition (accompanied by bill, Senate, No. 247) of Thomas C. Norton for legislation to strengthen transitional bilingual education, and the petition (accompanied by bill, House, No. 2642) of Patricia A. Walrath and other members of the General Court for legislation to strengthen transitional bilingual education, reports recommending that the accompanying bill (House, No. 5542) ought to pass.

For the committee,

NICHOLAS A. PALEOLOGOS.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Eight.

AN ACT TO STRENGTHEN TRANSITIONAL BILINGUAL EDUCATION.

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 49 of chapter 15 of the General Laws,
2 as added by section 6 of chapter 188 of the acts of 1985, is hereby
3 amended by inserting after the second paragraph the following
4 paragraph: —

5 Each school committee required to provide a program in
6 transitional bilingual education pursuant to chapter seventy-one
7 A of the General Laws shall file the following information with
8 the department every year: —

9 (a) the type or types of transitional bilingual education
10 programs provided; (b) with regard to children of limited English-
11 speaking ability, (i) the number enrolled in each type of
12 transitional bilingual education program; (ii) the number enrolled
13 in English as a second language courses who are not enrolled in
14 a program in transitional bilingual education; (iii) the results of
15 basic skills, curriculum assessment, achievement and language
16 proficiency testing, whether administered in English or in the
17 native language; (iv) the absentee, suspension, expulsion, dropout
18 and promotion rates; (c) the number of students each year who
19 have enrolled in institutions of higher education and were
20 formerly enrolled in a program in transitional bilingual education;
21 (d) the academic progress in regular education of students who
22 have completed a program in transitional bilingual education; (e)
23 for each child of limited English-speaking ability receiving special
24 education, the number of years in the school district prior to
25 special education evaluation and the movement in special
26 education programs by program prototype. Said information
27 shall be filed in the form of the total for the school district as well
28 as categorized by school, grade and language.

29 Each school committee required to provide a program in
30 transitional bilingual education pursuant to chapter seventy-one
31 A of the General Laws shall also file the following information
32 with the department every year: the name, national origin, native
33 language, certificates held, language proficiency, grade levels and
34 subjects taught of each teacher of transitional bilingual education
35 or English as a second language teacher, aide or paraprofessional,
36 guidance or adjustment counselor, and school psychologist
37 responsible for providing instruction or other services to children
38 of limited English-speaking ability.

1 SECTION 2. The state board of education is hereby directed
2 to oversee and develop a process to assist public school teachers
3 who are currently employed as English as a second language
4 teachers, but who are not currently certified in accordance with
5 the certification requirements of said board which took effect
6 September first, nineteen hundred and eighty-two, achieve said
7 certification. Said board is hereby further directed to oversee and
8 develop a process to assist public school teachers who are
9 currently employed as transitional bilingual education teachers
10 meet the certification requirements established pursuant to section
11 three of this act. The board shall submit a plan to the house and
12 senate committees on ways and means by February twenty-eighth,
13 nineteen hundred and eighty-nine, outlining the process necessary
14 for English as a second language and transitional bilingual
15 education teachers to achieve the certification standards required
16 by this act, the number of teachers who must be certified and a
17 detailed cost projection to the commonwealth for providing the
18 education required for such public school teachers to achieve said
19 certification.

1 SECTION 3. The fourth paragraph of section 6 of chapter 71A
2 of the General Laws, as appearing in the 1986 Official Edition,
3 is hereby amended by adding the following two sentences: —

4 Effective September first, nineteen hundred and ninety-nine, no
5 person shall be eligible for employment by a school committee
6 as a teacher of transitional bilingual education who has not had
7 training in bilingual teaching methodologies, such as bilingual

8 child development, first and second language acquisition theory,
9 methods and materials of bilingual education, bilingual education
10 and literacy theory and practice, multicultural curriculum design,
11 an understanding of United States culture and history, and
12 understanding of the culture and history associated with the
13 language other than English; provided, however, that this
14 provision shall not apply to any person granted a certificate as
15 a teacher of transitional bilingual education pursuant to an
16 interstate reciprocity agreement. Nothing herein contained shall
17 prohibit a waiver of certification restrictions by the board of
18 education.

1 SECTION 4. Section 8 of chapter 847 of the acts of 1973, as
2 most recently amended by chapter 865 of the acts of 1977, is hereby
3 further amended by inserting, after the third sentence, the
4 following two sentences: —

5 Notwithstanding any general or special act or regulation to the
6 contrary, effective September one, nineteen hundred and ninety-
7 one, no person shall be eligible for employment by a school
8 committee as a teacher of English as a second language, unless
9 said person meets the board's standards for certification as a
10 teacher of English as a second language under the board's
11 regulations for teacher certification which took effect September
12 one, nineteen hundred and eighty-two. Nothing herein contained
13 shall prohibit a waiver of certification restrictions by the board
14 of education.

1 SECTION 5. The department of education, under the
2 direction of the state board of education, shall make an
3 investigation and study relative to the various educational
4 approaches used in preparing children of limited English-speaking
5 ability for classroom instruction designed for English-speaking
6 students. The various educational approaches to be studied by
7 said department shall include, but not be limited to, the
8 following: — (a) programs in transitional bilingual education; (b)
9 programs in English as a second language; (c) programs in
10 structured immersion. Said department shall collect, compile and
11 summarize a sufficient cross section of studies focusing on the

12 relative merits of each of the various educational approaches
13 examined. Said department shall report to the general court the
14 results of its investigation and study, which shall include the
15 findings of the studies compiled, the department's position on each
16 of the studies compiled, and recommendations, if any, together
17 with drafts of legislation, necessary to carry out said recommen-
18 dations into effect, by filing the same with the clerk of the house
19 of representatives on or before the last Wednesday in April,
20 nineteen hundred and ninety.

