

Executive Summary

of
The Report of the Bilingual Education Commission
December, 1994

On June 18, 1993, Governor William F. Weld signed the Education Reform Act of 1993 (the Act) into law. The Act called upon the Governor to appoint a Study Commission on Bilingual Education to include three parents, three educators, and three community representatives, chaired by the Secretary of Education. The Governor's appointment of the Commission provided for an opportunity to study the effectiveness and implementation of bilingual education in the Commonwealth.

The Commission was granted one year to produce a report for submission to the Massachusetts Legislature. This is the first mandated review of the Transitional Bilingual Education Act of 1971 (Massachusetts General Laws Chapter 71 A) by an official, independent body since TBE was passed twenty-three years ago. The findings in this report are based on interviews with experts in the field, a review of a survey of bilingual education program directors, a review of Massachusetts Department of Education data, documents, and annual reports, and a review of current literature on bilingual education theories and practices.

The Commission focused its attention on the bilingual child. The report found that:

- There are 105,902 language minority pupils in the Commonwealth who come from homes where languages other than English are spoken — 12% of all public school pupils. This population has nearly doubled in the last decade, while the overall public school enrollment has declined by 9%.
- Of the total language minority pupil population, 43,690 (41%) are enrolled in bilingual education programs by parental choice. Most participate in Transitional Bilingual Education (TBE) programs, but the Department of Education has approved other program models, including two-way bilingual programs which are open to native English speakers.
- 64% of all pupils in bilingual programs are Spanish-speaking, but bilingual programs are offered in 17 other languages.
- Pupils have access to bilingual programs in 51 school districts.
- 3,165 pupils are classified as belonging to "low incidence" languages: that is, the school district in which they reside does not offer them native language instruction in a bilingual program because there are fewer than 20 speakers in one of the low incidence languages, and thus constitute too few to make up a bilingual program. Low incidence language pupils come from more than 90 different language groups and are served through a variety of programs, including English as a Second Language (ESL).

Questions

The Commission examined the various kinds of support systems that bilingual pupils currently receive from parents, teachers and administrators, bilingual programs, their schools, and from the state. Within this framework, the report sought answers to the following four questions:

- 1) *Are TBE programs effective?* The Commission found that adequate and reliable data has never been collected that would indicate whether or not bilingual programs offer language minority pupils a superior educational option. The report strongly endorses the 1993 Education Reform Act's emphasis on accountability of educational outcomes for all pupils, including the development of appropriate assessments of pupils in bilingual programs, and the collection of data specific to bilingual pupils.
- 2) *What does TBE cost, and is the funding appropriate?* The Commission found that the average per pupil expenditure for TBE pupils at the state level in fiscal year 1993, and projected in FY95, was \$1.13 to every \$1.00 spent on mainstream pupils. However, although both the old (pre-Education Reform) and new funding systems established by the Education Reform Act of 1993 qualify districts to receive extra state funding for pupils enrolled in bilingual education programs, there is currently no system in place to verify that these funds are being spent on bilingual programs at the local level. As a result, there are indications that some programs are underfunded.

Furthermore, because funding is based on a pupil's full-time enrollment in a TBE program, the Commission is concerned that once a pupil is mainstreamed, funding may no longer be made available, though it is still required in order to provide continued support to that pupil. By linking state funding to full-time enrollment (1.0 Full Time Equivalency), school districts may not be receiving adequate funding for those pupils that are no longer enrolled on a full-time basis, yet still require continued part-time support.

- 3) *Is Chapter 71 A still appropriate after 23 years?* The Commission found that until reliable data on pupil progress is collected, this question cannot be answered. The Commission endorsed the principles around which M.G.L. Chapter 71A was formed, but found the statute limited in its failure to address the relationship of bilingual education programs to schools in which they function, and to educational outcomes.
- 4) *How does bilingual education fit with the goals and practices under Education Reform?* The Commission concluded that the future of bilingual education is inextricably linked to the Education Reform Act and that conversely, the attainment of the goals set by the Act will depend on increasing the quality of all programs, including bilingual education programs. The goal of higher educational performance for all pupils and the goal that "all pupils should read, write, and converse in at least one language in addition to English" (Massachusetts Common Core of Learning) are more likely to succeed if pupils have access to academically rigorous bilingual education programs.

Recommendations:

The Commission is optimistic that bilingual education programs will benefit from many of the changes called for in the Act, particularly in the areas of certification and recertification, data collection, professional development, charter schools, and pupil assessment. Most of the Commission's recommendations are not only consistent with the Act, but specify how provisions in the Act can be of benefit to bilingual pupils.

The Commission's main recommendations specify measures that will:

- Increase accountability for bilingual pupils' academic progress;
- Lead to the appointment of a Bilingual Study Commission to determine the effectiveness of bilingual programs as well as the impact of this Commission's recommendations through the collection and analysis of appropriate data over the next two years;
- Enlarge the pool of certified bilingual teachers;
- Prepare all staff in districts serving language minority pupils to work with those pupils more effectively;
- Ensure that funds allocated for bilingual pupils are spent on bilingual programs;
- Promote and support the integration of bilingual programs and pupils into the life of the school;
- Support increased bilingual parental involvement and decision-making; and,
- Support native language proficiency, knowledge of the pupil's culture, and high academic standards, yet not at the expense of attaining English proficiency.

IV. Recommendations

The Commission's recommendations are closely tied to initiatives already underway pursuant to the Education Reform Act. All the recommendations that follow are designed to develop a high quality educational program.

Pupils

1. Bilingual Pupils should not be evaluated without assessing the kind of education they are receiving.

Pupils cannot succeed unless they participate in a quality program that provides the best curriculum, taught by well-prepared teachers who are supported by parents and administrators. The process for improving bilingual education should focus primarily on pupil preparedness, integration into the whole school, and above all, pupil performance.

2. Language minority pupils should have access to the full range of demanding academic subjects taught in language that they understand.

The Commission recommends that language minority pupils should have an opportunity to develop a comprehensive education and advanced English skills in schools with well-trained teachers, an environment supportive of literacy development in their two languages and, a respect for all cultural backgrounds.

3. In addition to English as a Second Language, low incidence language minority pupils should have access to distance learning, school choice, magnet and charter schools as an educational resource.

The Commission recommends that distance learning courses, magnet schools, charter schools, as well as inter- and intra-district school choice be established to accommodate the small numbers of pupils living great distances apart in this state who speak the same low incidence languages.

Educators:

Principals, Teachers and Other Educational Personnel

I. Recruitment of well-prepared bilingual teachers.

a. The Commission recommends the funding and implementation of Massachusetts General Laws Chapter 15A, section 19A, The Attracting Excellence to Teaching Program, which provides for the repayment of educational loans for the purpose of encouraging outstanding college graduates who know languages spoken by bilingual pupils in the Commonwealth to teach in this state. Also, the Commission recommends that greater efforts be made to target language minority pupils for entrance into the teaching profession.

- b. The Commission recommends the funding and implementation of M.G.L. Chapter 15A, section 35, Professional Development Schools Grant, which would provide for award grants to exemplary public schools and to cooperating public or private institutions of higher education in the Commonwealth to establish collaborative programs for the purpose of fostering improved teacher training and professional development.
- c. The Commission recommends the development of more high quality bilingual teacher certification programs.
- d. The Commission recommends that the Department of Education expand its program of reciprocity for out of state certification programs. Florida State Law has established some models for comparison (*see Appendix 1*).

2. Adequate training for bilingual, English as a Second Language (ESL), mainstream, Special Education and Chapter One teachers, administrators and other educational personnel in language acquisition, cultural diversity, and/or specific training in instructional issues necessary for working with bilingual pupils.

- a. The Commission supports the new certification requirements for bilingual, ESL, mainstream, special education and Chapter I teachers and administrators.
- b. The Commission supports M.G.L. Chapter 71, section 59C, which states that "in school districts with language minority pupil populations each professional development plan shall . . . specify how the plan will address the need for [staff] training and skills in second language acquisition, [bilingualism], and in working with culturally and linguistically diverse [pupil] populations."
- c. The Commission recommends that teacher preparation programs be continuously reviewed and approved to assure that they are of the highest quality and are regionally appropriate to meet the needs of the entire state.
- d. In districts that serve language minority pupils, principals, teachers and other district-wide instructional, supervisory and support personnel should include the administrator of bilingual education programs in planning any training and professional development opportunities.

3. Dismissal of underperforming teachers and other personnel.

The Commission supports the increased authority and responsibilities granted to principals under the Education Reform Act of 1993, to demote or dismiss underperforming teachers and other personnel. The Commission recommends that principals fully exercise their responsibilities set forth in Massachusetts General Laws Chapter 71, sections 42 and 59B.

4. Accountability of school administrators.

The Commission recommends that principals and superintendents be held accountable for ensuring that pupils in programs of bilingual education receive full access to the benefits established in the Education Reform Act. The Secretary of Education, in concert with the Commissioner of Education, should review the performance of school districts, schools, and programs to determine whether they are meeting the standards and requirements established by the Education Reform Act and recommendations made by this Commission. Failure to meet the standards of the Act and recommendations of this Commission should result in administrative intervention involving the superintendent, principals of the underperforming schools and program directors to bring about prompt improvement.

5. *Certification and recertification of school personnel.*

The Commission recommends that the following competencies be adopted for the certification of all new administrators, teachers and other educational personnel. These competencies should also be required as part of the recertification of existing personnel who are employed in districts serving language minority pupils. The competencies require the following:

- knowledge of the historical, philosophical, theoretical and legal basis for bilingual education;
- knowledge of theories of bilingualism and second language acquisition;
- knowledge of curriculum, teaching strategies and organizational methods most effective for providing dual language instruction;
- knowledge of intercultural relations and communication; and,
- knowledge of the history and contributions of diverse ethnic and cultural groups in the United States, the concept of cultural identity and its influence on affective development.

Parents

1. *Parent involvement should continue to be monitored.*

The Commission recommends that parents of pupils from bilingual backgrounds must be informed and involved in the educational progress of their own children, including, but not limited to, placement decisions in TBE, in accordance with M.G.L. Chapter 71 A. Therefore, we recommend that the Department of Education continue the annual process initiated this year of monitoring how well districts adhere to the rights of parents established in M.G.L. Chapter 71A. We recommend the monitoring process be continually revised to improve the accuracy of the assessment. The Commission also recommends that the Department of Education conduct exiting interviews with Parent Advisory Council (PAC) members to determine the degree of their involvement and should include PACs throughout the full monitoring process.

2. *There should be active representation of language minority parents on the School Site Councils.*

The Commission recommends that because School Site Councils, established under the Education Reform Act, will be making decisions affecting bilingual programs and pupils, they should include representation from parents and teachers in the bilingual programs in those schools that have bilingual education programs. The Education Reform Act states that councils should reflect the ethnic makeup of the pupil population, and we recommend that the Department of Education monitor the ethnic composition of all School Site Councils and ask districts with language minority populations to show the means by which parents from language minority groups have been informed and encouraged to participate in School Site Council elections.

3. *School Site Councils need to be informed of issues affecting bilingual pupils.*

The Commission suggests that School Site Councils need access to accurate and up-to-date information about effective bilingual education in order to make informed decisions affecting bilingual programs in their schools. We recommend that the Department of Education provide technical assistance to educate School Site Councils on bilingual issues. In addition, School Site Councils should be routinely provided with the bilingual three-year plan and letter of intent from the bilingual director of their district.

4. *Parent Advisory Councils need continued support.*

The Commission recommends that since School Site Councils only involve a small number of parents. Bilingual Parent Advisory Councils (PAC's) need to be maintained and supported by school districts, as outlined in M.G.L. Chapter 71 A. The Department of Education should continue monitoring and enforcing districts' compliance with those sections of the state law that guarantee support for Bilingual Parent Advisory Councils.

5. *School Site Councils and PAC's need to communicate.*

The Commission recommends that School Site Councils and PACs must maintain an open and reciprocal flow of information if bilingual parents are to have an effective voice in the governing of their children's schools. We therefore recommend that the chair of the School Site Council (or representative) and the Bilingual PAC president (or representative) sit as ex-officio member of each other's organization.

6. *Parent outreach programs for young children need to be developed.*

The Commission recommends that schools find successful approaches to involve the parents of bilingual pupils early on in their children's educational development. The Education Reform Act directs the Department of Education to test different models of outreach to parents of young children in order to determine the most effective approach, and we recommend that among the models selected that there be projects that target bilingual parents, using bilingual staff (*See Chapter 71, section 84 of the Education Reform Act of 1993*).

7. *Schools need to communicate with parents.*

The Commission recommends that in order to promote the involvement of parents in the education of their children, schools should make every effort to communicate with parents in writing, in person and on the telephone in the language which they prefer, regardless of whether their children are enrolled in bilingual programs or not. Schools with language minority pupils should be encouraged to employ qualified bilingual office staff where possible. Further, we recommend that whenever possible teachers go to the community and meet with parents outside the school setting.

8. *Parent Information Centers should be prepared to serve the district's constituency.*

The Commission recommends that Parent Information Centers in districts with language minority pupils be staffed with bilingual personnel and have materials available in the major languages spoken in the district. Collaboration between PAC's and Parent Information Centers should be encouraged.

9. *Parents of "low incidence" language learners need information.*

The Commission recommends that parents from "low incidence" groups be offered access to information about what schools have programs which might be most educationally suitable to their children. Parent Information Centers should provide parents with information they need in order to make appropriate decisions about schools and programs.

10. *The Bilingual Education Advisory Council should be utilized as a resource.*

The Bilingual Education Advisory Council could be a vehicle to promote increased parental participation since six of the Council's members are to be parents of bilingual pupils.

Programs

1. *TBE pupils must learn to the same high standards and content as other pupils.*

The Commission recommends that a pupil-centered philosophy be adopted that says that all children can learn and can meet high academic standards. For TBE to be successful, it must be seen as a superior option by educators, parents and pupils as well as policy makers. Educators should be held accountable to carry out this philosophy.

2. *TBE and other bilingual pupils' performance in each of the following seven educational outcomes should be measured.*

1. Performance on achievement tests in the Common Core of Learning, including reading, writing, mathematics, science and social studies in the language of instruction;*
2. Performance on PSAT, SAT and Advanced Placement tests;
3. Performance on achievement tests which measure both;*
 - proficiency in standardized English
 - proficiency in first language
4. Pupil attendance, retention, dropout and graduation rates;*
5. Pupil admission to postsecondary education, at four year universities; two year colleges or technical/vocational schools;*
6. Pupil participation in outside classroom or school activities; and,
7. Parent participation and involvement.

[These recommendations reinforce the mandate established in the Education Reform Act under Chapter 69, section II.]*

Results should be tracked across classrooms, individual schools, and school systems. The new confidential pupil identifier system should accommodate, among other things, TBE or other bilingual program identity; language group; whether currently enrolled in TBE or mainstreamed; Chapter I or Special Education; TBE entry and exit dates; and, various other data currently unavailable.

3. *Enhancement of a pupil's native language should be encouraged.*

The Commission recommends that continuing education in a TBE pupil's first language, particularly after mainstream, be easily available and strongly encouraged. We must not

squander in any child his/her additional language resources. Developing this First language resource should not, and need not, interfere with the pupil's English language acquisition.

4. Reports of Pupil Achievement should be published annually.

The Commission recommends that the Department of Education publish an annual report on TBE Effectiveness and Accountability in Massachusetts, summarizing the seven measured educational outcomes, with year-to-year comparisons among programs, schools, school districts and language groups, and drawing comparisons with other bilingual programs and mainstream groups. *[Note: This is similar to Chapter 69, section II of the Education Reform Act, which calls for all schools to produce an annual report. This Commission, however, has suggested an expanded list of measured outcomes. See Recommendation 2 of this section.]*

5. A process should be established to review transition practices for TBE pupils.

The Commission recommends that the Department of Education establish a process to review children staying in programs for longer than three years or less than two years to ensure that appropriate decision making and approval documentation are in effect.

6. Underperforming schools should be identified.

The Commission recommends that Massachusetts Secretary of Education should counsel annually with the Commissioner of Education regarding programs, schools and districts where TBE performance is unsatisfactory and identify any under-performing programs or schools which would be candidates for administrative processes called for in the Education Reform Act which allows for appointment of an independent fact finding team, preparation of a remedial plan and other solutions. *[Note this recommendation reinforces the mandate established in the Education Reform Act, Chapter 69, section IJ.]*

7. Parents should be surveyed.

The Commission recommends that the Commonwealth conduct a survey every several years of parents of former TBE pupils, a year or two after a child leaves the school, so parents, with the benefit of hindsight, might rate the TBE or other bilingual programs; offer suggestions on what they would maintain or change; and note whether the school was responsive to parents' concerns and needs.

8. Bilingual Education should develop a system of on-going evaluation.

The Commission recommends that after two years of experience with this new approach, the Governor should appoint another Bilingual Education Commission whose primary objective should be to evaluate the impact of the recommendations of this Commission's report.

9. The Curriculum Frameworks and statewide assessments that are currently being developed should be reflective of the needs and resources of bilingual pupils.

The Curriculum Frameworks should provide bilingual pupils with quality curriculum in their language of instruction. Similarly, the state-wide assessments offered in the 4th, 8th, and 10th grades as well as the various certificates of mastery; Certificate of Mastery, Certificate of Occupational Proficiency and the Certificate of Advanced Mastery, should all be designed to accommodate the needs and resources of language minority pupils.

10. The Commission recommends that bilingual education programs combine language and content area, both in the native language and in English, whenever possible.

Schools

1. Principals should be familiar with bilingual education strategies.

The principal assigned to each school housing a bilingual education program should be thoroughly familiar with strategies for language acquisition and bilingual education.

2. Collaboration between all teachers is needed.

Each k-6 (k-5, k-8) bilingual education teacher should be paired with at least one and preferably two regular program teachers of the same grade level, and their schedules should in every case allow for at least bi-weekly joint planning time.

3. Pupils should receive a double assignment from the start.

Each pupil in grades k-6 (k-5, k-8) requiring bilingual instruction should from the start and each subsequent year receive a double assignment, to a bilingual class and to a partner regular program class; both teachers should be considered responsible for the pupil's academic progress.

4. Pupils should be counted as 1.5 FTE for the first three years.

A pupil in grades k-6 (k-5, k-8) requiring bilingual instruction should for the first three years (including kindergarten) be counted as 1.5 pupils for the purpose of establishing pupil/teacher ratios: as a full-time pupil for the bilingual program teacher and as a half-time pupil for the regular program teacher.

5. Continuation of bilingual learning should be allowed.

A pupil in grades k-6 (k-5, k-8) who has completed three years of bilingual instruction may continue to receive such instruction after the third year, if in the judgment of the principal, on the basis of formal assessment and in consultation with the parents and the pupil's bilingual and regular program teachers, this would enhance the academic success of the pupil. In this case, the pupil should be counted as a half-time pupil (.5 Full-Time Equivalency) for the bilingual program teacher and as a full-time pupil (1.0 FTE) for the regular program teacher.

6. Flexible staffing is needed.

Bilingual program teachers may be assigned responsibility for half-time pupils at several different grade levels if, in the judgment of the principal, this is consistent with sound education.

7. Secondary bilingual education should provide support across the curriculum.

A pupil in grades 7-12 (6-12, 9-12) requiring bilingual instruction will in most cases be a recent immigrant or refugee. He/she should in every case be evaluated for previous academic progress as well as language proficiency, and should be individually scheduled to ensure an appropriate mix of language instruction in English and academic instruction through English and the home language to support academic progress. In every case, the instruction should be so scheduled and designed "that the student in question will be able to participate to the greatest extent possible in the regular school program as soon as possible.

At no time can a program be selected to place the student in a situation where the method of instruction will result in a substantial delay in providing the student with necessary English language skills needed by or required of other students at the time of graduation."³¹

The guiding principles for the secondary education program of pupils unable to perform ordinary classwork in English shall be those articulated by the Office for Civil Rights and reaffirmed by the Supreme Court in 1974: *"Any ability grouping or tracking system*

employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead-end or permanent track, " (Lau v. Nichols). Groups of bilingual and non-bilingual teachers should work together to ensure effective instruction of bilingual pupils in academic areas.

8. *Relevant Professional Development Plans should be designed for districts with language minority pupils.*

Professional Development Plans should be developed for school districts with language minority pupils. The commission recommends that funding be allocated for the implementation of General Laws Chapter 71, section 59C, which states that, "in school districts with language minority student populations the professional development plan...shall specify how the plan will address the need for training and skills in second language acquisition and in working with culturally and linguistically diverse student populations." We recommend that the Department of Education take the following steps to ensure that this section be most effectively implemented:

- a. monitor the professional development plans in districts with bilingual programs;
- b. offer technical assistance to districts who request help in drawing up a professional development plan which addresses the resources and needs of language minority pupils; and,
- c. in collaboration with the Multifunctional Resource Center, Massachusetts Association of Bilingual Educators, and other staff development experts in bilingual education, develop guidelines for effective staff development programs covering the areas of second language acquisition, cross-cultural communication and appropriate educational strategies for second language learners.

9. *Establish charter schools and increase the statewide cap.*

Charter Schools should be designed to address the needs of bilingual pupils. The Commission recommends that the number of state-approved charter schools and the number allowed in a particular community should be expanded to include bilingual charter schools in each community where a program of transitional bilingual education now exists and where such a school is proposed by local initiative and otherwise meets state requirements for charter schools.

A bilingual charter school should:

- a. enroll pupils whose first language is not English of a single language background as between 25 percent and 45 percent of its total enrollment;
- b. be headed by a principal eligible for certification in bilingual education or English as a second language as well as in school administration;
- c. be staffed with teachers knowledgeable of, and skilled, in second language teaching, including several proficient in the language other than English spoken by a substantial proportion of the pupils of the school; and,
- d. be organized to provide high-quality integrated instruction that employs two languages as media of instruction.

State

1. The Department of Education should oversee the implementation of Education Reform such that it benefits bilingual pupils. Specifically, the Department should ensure that:

- Curriculum Frameworks address the academic needs of language minority pupils;
- Assessment instruments be authentic, culturally unbiased and linguistically accurate in the languages in which they are developed;
- Adequate and accurate data on bilingual programs be collected and reported;
- Potential bilingual teachers be recruited through General Laws Chapter 14A, section 19A, and that the program of certification reciprocity be expanded;
- An adequate number of quality bilingual teacher certification programs be developed to and approved as soon as possible to meet the current teacher shortage;
- The mandate to train all educators of language minority pupils be carried out;
- School Site Councils reflect the ethnic composition of the school's pupil population; and,
- Underperforming schools be identified.

2. Fiscal Monitoring System should be developed by the Department of Education.

The Commission recommends that the Department of Education develop a monitoring system which, once implemented, would ensure that state funds allocated for TBE programs direct those funds in the form of services at the local level (as stated in general Laws Chapter 69, section II, h-i). This could take the form of on-site audits.

3. Graduated Funding Scale for TBE pupils should be developed.

This Commission recommends a funding scale that would allow for full funding for three years and decreasing funding beyond three years.

4. School District Profiles should include information on TBE.

The Executive Office of Education in its preparation of School District Profiles should include appropriate information on all bilingual education programs offered in Massachusetts' public school districts.