

SENATE No. 436

The Commonwealth of Massachusetts

PRESENTED BY:

Pavel M. Payano

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to affirming and maintaining equal access to public education for all children.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Pavel M. Payano</i>	<i>First Essex</i>	
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/6/2025</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/21/2025</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/25/2025</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/11/2025</i>

SENATE No. 436

By Mr. Payano, a petition (accompanied by bill, Senate, No. 436) of Pavel M. Payano, Sal N. DiDomenico, Jason M. Lewis, Vanna Howard and others for legislation to affirm and maintain equal access to public education for English learners. Education.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to affirming and maintaining equal access to public education for all children.

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 3 of chapter 71B of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by inserting in the sixth paragraph after the words
3 “emotional development”, in line 145, the following sentences:-

4 When conducting an evaluation for a child who is an English learner as defined pursuant
5 to MGL Chapter 71A Section 3, school committees shall consider the English language
6 proficiency of the student. Assessments and other evaluation materials used to evaluate said
7 child shall be provided and administered in the child’s primary language and in the form most
8 likely to yield accurate information on what the child knows and can do academically,
9 developmentally, and functionally. The Individualized Education Program (IEP) team, as defined
10 by the regulations of the department, that is convened for an English learner shall include a
11 participant who has requisite knowledge of the student’s language needs and shall also include
12 participants with training and expertise in second language acquisition and an understanding of

13 how to differentiate between the student's limited English proficiency and the student's
14 disability. Whenever an evaluation indicates that a child who is an English learner is also a
15 school aged child with a disability, the Individualized Education Program (IEP) team shall
16 ensure that the IEP includes services to meet both the English language and special education
17 needs of the child.

18 SECTION 2. Section 5 of Chapter 71A of the General Laws, as appearing in the 2022
19 Official Edition, is hereby amended by adding after the words "explanation of the denial" the
20 following paragraph:-

21 (c) School districts shall not recommend that parents decline all or some services within
22 an English learner program for any reason, including facilitating scheduling of special education
23 services or other scheduling reasons.

24 SECTION 3. Section 1B of Chapter 69 of the General Laws, as appearing in the 2022
25 Official Edition, is hereby amended by inserting after the thirteenth paragraph, in line 82, the
26 following paragraph:-

27 The board shall ensure meaningful communication between school personnel and parents
28 and legal guardians of all students receiving educational services pursuant to Chapters 69, 71,
29 71A, 71B and 74. The board shall ensure that interpreters and translators used in public school
30 settings are bilingual, have knowledge in both languages of any specialized terms or concepts to
31 be used in the communication at issue, and that interpreters are trained on the role of an
32 interpreter and translator, the ethics of interpreting and translating, and the need to maintain
33 confidentiality.

SECTION 4. Section 4 of said chapter 71A, as so appearing, is hereby amended by inserting after the words “English language acquisition component”, in line 12, the following words:- , including but not limited to addressing any academic deficits resulting from focusing on English language acquisition within a reasonable amount of time.

SECTION 5. Section 3 of said chapter 71B, as so appearing, is hereby amended by inserting in the ninth paragraph after the word “available”, in line 171, the following sentence:-

The department shall promulgate regulations to continue in effect and enforce the provisions of 20 USC sec.1415(k) in effect on January 1, 2025.

SECTION 6. Section 5 of chapter 76 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after the word “national origin” the following words:- , immigration or citizenship status, disability,