

HOUSE No. 3947

The Commonwealth of Massachusetts

PRESENTED BY:

Manny Cruz

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 bilingual educators and dual language certification incentives.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>1/20/2023</i>

HOUSE No. 3947

By Representative Cruz of Salem, a petition (accompanied by bill, House, No. 3947) of Manny Cruz for legislation to a establish a separate fund to be known as the bilingual education trust fund in support of bilingual educators and dual language certification incentives. Revenue.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to bilingual educators and dual language certification incentives.

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. Chapter 29 of the General Laws is hereby amended by inserting after
2 section 2AAAAAA the following section:-

3 Section 2BBBBBB. (a) There shall be established and set up on the books of the
4 commonwealth a separate fund to be known as the Bilingual Education Trust Fund. The fund
5 shall be administered by the commissioner of elementary and secondary education. The fund
6 shall be used for: (i) providing financial assistance to school districts and public institutions of
7 higher education in support of the establishment and expansion of bilingual education programs
8 in the commonwealth; and (ii) funding the bilingual educator incentive program established
9 pursuant to section 14 of chapter 71A. The commissioner shall prioritize funding for districts
10 with the highest percentages of multilingual learners and with persistent gaps in achievement for
11 multilingual learners

12 (b) The fund shall be credited with:

13 (i) revenue from appropriations and other money authorized by the general court and
14 specifically designated to be credited to the fund;

15 (ii) funds from public and private sources such as gifts, grants and donations which shall
16 be considered a charitable contribution tax deduction under subparagraph (13) of paragraph (a)
17 of Part B of section 3 of chapter 62;

18 (iii) funds collected from the excise tax on the retail sale of marijuana or marijuana
19 products in accordance with section 2 of chapter 64N;

20 (iv) funds collected from the excise tax on sports wagering operators in accordance with
21 section 14 of chapter 23N; and

22 (v) interest earned on money in the fund. Amounts credited to the fund shall not be
23 subject to further appropriation and any money remaining in the fund at the end of a fiscal year
24 shall not revert to the General Fund.

25 (c) Annually, not later than October 1, the commissioner of elementary and secondary
26 education shall report to the clerks of the senate and house of representatives, the joint committee
27 on education and the house and senate committees on ways and means on the fund's activities.
28 The report shall include, but not be limited to: (i) the source and amount of funds received; (ii)
29 the expenditures made from the fund and the purposes of such expenditures; (iii) any anticipated
30 remaining revenue from awards; and (vi) the number municipal K through 12 school districts and
31 public institutions of higher education who received funding.

32 (d) The department of elementary and secondary education shall establish rules and
33 regulations that are necessary to implement this section and section 14 of chapter 71A.

34 SECTION 2. Subsection (a) of section 14 of chapter 23N of the General Laws, as
35 appearing in by section 5 of chapter 173 of the acts of 2022, is hereby amended by striking out
36 the first sentence and inserting in place thereof the following sentence:-

37 An excise is hereby imposed upon sports wagering operators in the commonwealth at the
38 rate of: (i) 15 per cent of the operator's adjusted gross sports wagering receipts from the
39 operation of in-person sports wagering, with 5 per cent to be deposited into the Bilingual
40 Education Trust Fund established in section 2BBBBBBB of chapter 29 and 10 per cent to be
41 deposited into the Sports Wagering Fund established in section 17; (ii) 20 per cent of the
42 operator's adjusted gross sports wagering receipts from the operation of sports wagering through
43 mobile applications and other digital platforms approved by the commission, with 5 per cent to
44 be deposited into the Bilingual Education Trust Fund established in said section 2BBBBBBB of
45 said chapter 29 and 15 per cent to be deposited into the Sports Wagering Fund established in said
46 section 17; and (iii) 15 per cent of the adjusted gross fantasy wagering receipts of a person or
47 entity that offers fantasy contests, as defined in section 11M1/2, with 5 per cent to be deposited
48 into the Bilingual Education Trust Fund established in said section 2BBBBBBB of said chapter 29
49 and 10 per cent to be deposited into the Sports Wagering Fund established in said section 17.

50 SECTION 3. Chapter 64N of the General Laws is hereby by amended by striking out
51 section 2, as amended by section 5 of chapter 180 of the acts of 2022, and inserting in place
52 thereof the following section:-

53 Section 2. (a) An excise tax is hereby imposed upon the sale of marijuana or marijuana
54 products by a marijuana retailer to anyone other than a marijuana establishment at a rate of 10.75
55 per cent of the total sales price received by the marijuana retailer as a consideration for the sale

56 of marijuana or marijuana products. The excise tax shall be levied in addition to state tax
57 imposed upon the sale of property or services as provided in section 2 of chapter 64H and shall
58 be paid by a marijuana retailer to the commissioner at the time provided for filing the return
59 required by section 16 of chapter 62C.

60 (b) Two per cent of the excise tax rate imposed pursuant to the previous paragraph shall
61 be collected and deposited into the Bilingual Education Trust Fund established in section
62 2BBBBBB of chapter 29 and the remaining 8.75 per cent shall be collected and deposited
63 pursuant to section 5.

64 SECTION 4. Section 5 of said chapter 64N is hereby amended by inserting after the
65 words “than revenue”, in lines 2 and 3, as appearing in the 2020 Official Edition, the following
66 words:- deposited into the Bilingual Education Trust Fund pursuant to subsection (b) of section 2
67 and revenue.

68 SECTION 5. Chapter 71A of the General Laws is hereby amended by striking out section
69 1, as so appearing, and inserting in place thereof the following section:-

70 Section 1. The people of Massachusetts find and declare that:

71 (a) The United States of America and the commonwealth of Massachusetts, in respect of
72 multiculturalism, have established no official language. The people of the commonwealth
73 recognize that the first amendment of the Constitution of the United States, which has its roots in
74 the commonwealth, includes the freedom of expression of language. The vast majority of
75 Massachusetts’ residents can trace their ancestry to multilingual individuals who helped build the
76 commonwealth. While English remains the most commonly spoken language for science,

77 technology and international business, it is hereby acknowledged that multilingualism is a
78 tremendous asset for economic opportunity.

79 (b) All parents are eager to have their children become literate and biliterate, thereby
80 allowing them to fully participate in the American dream of economic advancement, honoring
81 their ancestry, and attaining social advancement.

82 (c) The government and the public schools of Massachusetts have a moral obligation and
83 a constitutional duty to provide all Massachusetts' children, regardless of their ethnicity or
84 national origins, with the skills necessary to become productive members of our society. Of these
85 skills, literacy in multiple languages, according to leading education research, is among the most
86 important.

87 (d) The public schools of Massachusetts have done an inadequate job of educating many
88 multilingual children, requiring that they be placed in native language programs and not
89 providing evidenced based programmatic language instruction that accelerates learning while
90 honoring the assets of multilingual students.

91 (e) Multilingual children can easily acquire full fluency and literacy in multiple
92 languages, if their native language is viewed as a strength and skill to be improved upon as soon
93 as they enter school.

94 (f) Therefore it is resolved that: all children in Massachusetts' public schools shall have
95 ample opportunities to acquire multiple languages as rapidly and effectively as possible.

96 SECTION 6. Said chapter 71A is hereby further amended by striking out section 10, as
97 so appearing, and inserting in place thereof the following section:-

98 Section 10. (a) Teachers and administrators assigned to a language acquisition program
99 shall be properly qualified under state law for the program type. The department shall establish
100 endorsements for educators who have completed coursework and field-based experience to
101 provide instruction within sheltered English immersion programs, 2-way immersion programs,
102 transitional bilingual programs and other programs that meet the requirements of this chapter.

103 (b) A bilingual education endorsement shall be awarded to educators who meet all of the
104 following requirements:

105 (1) A passing score on a foreign language test acceptable to the department in the
106 relevant foreign language.

107 (2) Demonstration of the subject matter knowledge and skill requirements set forth in 603
108 CMR 7.14(3)(b), through either: (i) the successful completion of a department approved course
109 of study for providing bilingual education; or (ii) a passing score on a test acceptable to the
110 department.

111 (3) Completion of 75 hours of field-based experience in a pre-K through 12 dual
112 language education or 2-way immersion program, transitional bilingual education program or
113 other bilingual education setting. A program for the required 75 hours of field-based experience
114 may be supervised by either: (i) a department approved course of study for providing
115 bilingual education; or (ii) the pre-K through 12 school where the field-based experience is
116 completed.

117 (c) Annually, not later than June 1, the department shall provide each district with a list of
118 all bilingual educators who have bilingual education endorsements pursuant to this section. Prior

119 to the beginning of each school year, districts, including charter schools shall verify that each of
120 the bilingual educators in a multilingual learner program is properly endorsed for that program.

121 (d) Notwithstanding any provision in this section to the contrary, the department shall
122 enter into reciprocity agreements with other states and territories of the United States that allows
123 teachers in other states and territories of the United States who hold that state or territory's
124 equivalent of an endorsement to obtain an endorsement in the commonwealth without needing to
125 meet the requirements of this section. The department shall promulgate rules and regulations
126 necessary to carry out this subsection.

127 SECTION 7. Said chapter 71A is hereby amended by adding the following 2 section:-

128 Section 13. (a) The department shall establish licensure reciprocity agreements with other
129 states and territories of the United States aimed at increasing the number of bilingual educators
130 in Massachusetts. The department shall notify all other states and territories of the United States
131 of its intent to enter into licensure reciprocity agreements for bilingual educators.

132 (b) The department shall finalize licensure reciprocity agreements that align with the
133 departments goals of building a linguistically diverse educator workforce.

134 (c) There shall be a task force on the bilingual educator workforce in the commonwealth.
135 The task force shall consist of: (i) the secretary of education or a designee, who shall serve as
136 chair; (ii) a member of the board of higher education, appointed by the board; (iii) a member of
137 the board of elementary and secondary education, appointed by the board; (iv) the chairs of the
138 joint committee on education; (v) 1 current or past InSPIRED fellow of the inspired fellowship
139 to be appointed by the department elementary and secondary education; (vi) 1 member to be
140 appointed by Latinos for Education, Inc.; (vii) 1 member to be appointed by Multistate

141 Association for Bilingual Education-Northeast, Inc.; (viii) 1 member to be appointed by the
142 Massachusetts Association of School Superintendents, Inc. Urban Superintendents; (ix) 1
143 member to be appointed by Massachusetts Association of School Committees, Inc.; (x) 1
144 member to be appointed by the American Federation of Teachers Massachusetts; (xi) 1 member
145 to be appointed by the Massachusetts Teachers Association.

146 (d) The task force shall: (i) develop best practices and standards related to establishing
147 licensure reciprocity agreements with other states and territories of the United States aimed at
148 increasing the number of bilingual educators in Massachusetts; and (ii) recommend policies and
149 procedures to notify states and U.S territories of the intent to enter into licensure reciprocity
150 agreements for bilingual educators.

151 (e) Annually, not later than December 31, the department shall submit a report to the
152 clerks of the house of representatives and senate and the joint committee on education. The
153 report shall address the progress of the implementation of this section and shall develop a
154 publicly reported data dashboard to track the percentage of certified bilingual educators. The
155 report shall set a measurable goal to work towards by 2035 for the number of certified
156 bilingual educators throughout the commonwealth.

157 Section 14. (a) The department shall establish and administer a bilingual educator
158 incentive program that shall prioritize the recruitment and retention of racially, culturally,
159 ethnically and linguistically diverse educators consistent with chapter 132 of the acts of 2019 to
160 diversify the educator workforce. The bilingual educator incentive program shall prioritize
161 districts with the highest percentages of multilingual learners served and districts with the
162 greatest disparities in the parity between racially, culturally, ethnically and linguistically diverse

163 educators to students. Eligible participants for the bilingual educator incentive program shall
164 include, but not be limited to, paraprofessionals, teachers, school leaders and district
165 administrators. The criteria for eligibility shall be determined by an interactive process between
166 the department and the local school district.

167 (b) The bilingual educator incentive program shall provide educators who have obtained
168 the appropriate licensure or certification for a bilingual education program with an annual
169 stipend of \$10,000. The program's annual stipend shall only be available to educators who
170 working in an approved bilingual education program that is certified by the district and the
171 department.

172 (c) The bilingual educator incentive program shall provide eligible staff who are deemed
173 to be bilingual by a department approved process that is submitted by the district for an
174 additional \$5,000 stipend.

175 (d) An additional \$1,000 stipend shall be provided to bilingual educators who attain a
176 state seal of biliteracy from the department under 603 CMR 31.00.

177 (e) A 5 year stipend, valued at \$1,000 annually, shall be provided to bilingual educator
178 who are graduates of a public school system in the commonwealth.

179 (f) All bilingual educator incentive program stipends, in this section, shall be paid for by
180 the Bilingual Educator Trust Fund pursuant to section 2BBBBBB of chapter 29 and shall count
181 as compensation for the purposes of retirement with the Massachusetts teacher's retirement
182 system under chapter 32.

183 (g) A bilingual educator who completes 10 years of service in an approved bilingual
184 education program in the commonwealth, within the same school district, shall be eligible for
185 \$30,000 in student loan and education debt repayment assistance paid for by the Bilingual
186 Education Trust Fund under section 2BBBBBB of chapter 29.

187 SECTION 8 This act shall take effect on January 1, 2025.