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***Elementary and Secondary Education***

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| Mitchell D. Chester, Ed.D.*Commissioner* |  |

# MEMORANDUM

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| **To:** | Members of the Board of Elementary and Secondary Education |
| **From:**  | Mitchell D. Chester, Ed.D., Commissioner |
| **Date:**  | February 21, 2012 |
| **Subject:** | Proposed Amendments to Regulations for Educator Licensure and Preparation Programs, License Renewal, and Education of English Learners |

The purpose of this memorandum is to present proposed amendments to the Regulations for Educator Licensure and Preparation Programs, License Renewal, and Education of English Learners that are designed to improve and better support academic achievement of English Language Learners (ELLs). I will ask the Board to vote on February 28th to solicit public comment on these proposed amendments. Following the public comment period, I intend to return to the Board in May 2012 with recommendations for final regulations. This memorandum also presents a plan for rolling out a redesigned course of study and related initiatives that together represent a multifaceted and comprehensive approach to improving the education and support of ELLs in Massachusetts public schools.

Strengthening teaching and learning for English Language Learners is a key to closing the proficiency gap. Improving the performance of ELLs was an important focus of the Board's Proficiency Gap Task Force, and the Board has identified in its annual budget requests the need to support training and professional development for teachers of ELLs. It is indeed the state's role to define the basic preparation and training that teachers and other educators must have to be licensed. The U.S. Department of Justice (DOJ) notified us in July 2011 that the state has a duty to mandate preparation and training requirements for educators of ELLs in the Sheltered English Immersion (SEI) program. As I stated in September 2011 when we discussed this initiative (see <http://www.doe.mass.edu/bese/docs/fy2012/2011-09/item4.html>), DOJ's notification and focused involvement are accelerating our movement in this direction and making it imperative.

My touchstones for this initiative, which we are calling Rethinking Equity and Teaching for English Language Learners (RETELL), continue to be that (1) it must benefit ELL students by strengthening their instructional programs, (2) it must be grounded in sound research on educational practice, and (3) it must be feasible to implement on a large scale. I believe the proposed regulations and our plan for implementation meet these three criteria. In short, the proposed regulations:

* Create a Sheltered English Immersion (SEI) Endorsement for educator licensure and license renewal that defines essential knowledge and professional practice standards for educators who work with ELLs.
* Require all core academic teachers[[1]](#footnote-1) of ELLs to earn the SEI Teacher Endorsement, and the administrators who supervise them to earn the SEI Administrator Endorsement, either upon initial licensure, or when they advance their license to a higher level (for example, initial license to professional license), or when they renew their educator license.
* Require educator preparation programs to align their programs with the new knowledge and professional practice standards.
* Require all licensed educators who seek to renew their educator licenses to earn at least 15 professional development points (PDPs) related to SEI and/or English as a Second Language and 15 PDPs related to instruction of students with disabilities – on the theory that every educator needs basic knowledge to work effectively with these student populations.
* Create timetables for phasing in the new requirements.
* Provide an accelerated schedule for cohorts of core academic teachers who currently teach subject matter content in English to ELL students and administrators who supervise such teachers to obtain the SEI endorsement during the period from July 1, 2012 through June 30, 2016. The schedule would give highest priority to training teachers and administrators in districts with a high incidence of ELLs and low ELL performance.
	+ With respect to identified high incidence districts, the Department plans to roll out training to facilitate expedited compliance with the new standards and licensure requirements, subject to available funds.
* Starting on August 1, 2016, require that no core academic teacher be assigned to an SEI classroom unless such teacher holds an SEI endorsement, or will meet the requirements for an SEI endorsement within one year from the date of the assignment, or will meet the requirements for an SEI endorsement by the deadline for renewal of the teacher’s license – whichever date is earlier.

The remainder of this memorandum provides background; an overview of the RETELL initiative; proposed amendments to the regulations; a budget estimate; and additional components of the RETELL initiative.

**Background**

On September 27, 2011 – in keeping with the Board’s ongoing priority to close proficiency gaps for ELLs and in light of the U.S. Department of Justice’s (DOJ) conclusion that the Commonwealth has violated the federal Equal Educational Opportunities Act[[2]](#footnote-2) (EEOA) by not mandating training for SEI teachers – you directed me to review options for the preparation and training of teachers of academic content to ELLs. You further directed me to report back at the Board’s February 2012 meeting with proposed amendments to regulations that address educator preparation, licensure, and license renewal as well as a proposed plan for implementing new requirements. I provided an update of progress toward this goal at the December 20, 2011 meeting of the Board.

Under G.L. c. 71A, the statute that codified referendum Question 2 that replaced transitional bilingual education with SEI as the educational methodology[[3]](#footnote-3) for ELL instruction, an ELL education programs consists of two components:

1. English as a second language (ESL[[4]](#footnote-4)), i.e., the teaching of the English language to ELLs; and
2. Sheltered English Immersion (SEI), i.e., an approach to teaching subject matter content in English to students who are not proficient in English. This instruction generally, but not always, occurs in the same classrooms as native English-speaking students.

Our current regulations define the knowledge and professional practice standards that teachers must meet in order to earn an ESL license. However, our regulations do not identify requirements for teachers who provide SEI. In 2003, the Department developed and launched an SEI training program aimed at assisting teachers of core academic subjects to deliver effective instruction for ELLs. The SEI training, known as Category Training based on its four components or categories, covers the basic skills and knowledge necessary for teachers to be able to deliver content in SEI settings. The Department strongly recommended, but did not mandate, Category Trainings for teachers and districts.

Although the Category Trainings served their original purpose as an introduction to the concepts of SEI and ELL education, studies conducted under the auspices of the Department[[5]](#footnote-5) and DOJ[[6]](#footnote-6) have identified shortcomings. Moreover, significant research advances since 2002 in the field of English language learners present an opportunity to redesign the training to take advantage of new insights into effective practice.

**Rethinking Equity and Teaching for English Language Learners (RETELL)**

I launched the Rethinking Equity and Teaching for English Language Learners (RETELL) initiative to (1) update our SEI training to incorporate the latest insights regarding language and literacy development of ELLs, and (2) require that core academic content teachers participate in the updated training, with high priority placed on those teachers with ELLs currently in their class.

RETELL is built upon the lessons learned in implementing Category Training and the expertise of our Office for English Language Acquisition and Academic Achievement (OELAAA), directed by Esta Montano. I convened a panel of national and state experts in the education of ELLs to provide guidance and feedback for this RETELL initiative.[[7]](#footnote-7) I have been impressed by and appreciative of the expertise, thoughtfulness, and contributions that members of this panel have already contributed to this work during two scheduled meetings of the panel and in several separate conversations we have had with members on specific topics.

We have contracted with two researchers, Dr. Lilia Bartolomé and Dr. Diane Staehr Fenner at the University of Massachusetts, Boston, to: (1) develop a model course of instruction that builds upon the best of the Category Trainings; (2) take maximum advantage of the latest research into ELL language and literacy development; and (3) incorporate online course delivery technologies[[8]](#footnote-8) available in our state and nationally. We anticipate bringing additional experts, along with K-12 practitioners and administrators and representatives of higher education, into the development of RETELL to ensure that we provide our districts and educators with training that benefits ELL achievement and growth.

Senior Associate Commissioner Bob Bickerton and Associate Commissioner Julia Phelps are providing support, guidance, and executive oversight to RETELL. They have worked closely with offices across the Department to ensure that this effort is coordinated with our other priority initiatives, including accountability and targeted assistance, educator preparation, policy, and leadership, and educator licensure. A summary of the products of the work to date, including the proposed amendments to the regulations governing licensure and preparation programs, license renewal, and education of English learners may be found in the section on Proposed Amendments to the Regulations.

**U.S. Department of Justice (DOJ)**

With the Board’s approval to solicit public comment on the proposed regulations, we expect to use the comment period to work with key stakeholders in Massachusetts and to continue our ongoing discussions with DOJ, with the assistance of the Office of the Attorney General. These discussions concern the sufficiency of the proposed regulations and other components of RETELL not yet completed (e.g., the Department-approved course of study/training), that DOJ officials have indicated are essential to align with EEOA requirements.

**Proposed Amendments to the Regulations**

The proposed amendments are designed to replace the voluntary approach to SEI trainings with requirements that core academic teachers, as well as principals, assistant principals, and supervisor-directors who supervise SEI teachers,[[9]](#footnote-9) be trained in the knowledge and professional practice standards related to effective SEI instruction and support. The most suitable mechanism for the Department to effect such requirements is through amendments to the regulations for Educator Licensure and Preparation Program Approval (603 CMR 7.00), Licensure Renewal (603 CMR 44.00), and Education of English Learners (603 CMR 14.00).

This is an ambitious and complex undertaking since it will involve tens of thousands of educators at various stages in their careers as well as the organizations that prepare, support, and employ them. How and when each aspiring or incumbent educator pursues the requirements will vary. The content of the trainings will, however, reflect the new standards proposed in these amendments to the regulations.

The proposed amendments:

* Establish an ***SEI Teacher Endorsement*** for core academic teachers, defined to include: early childhood and elementary teachers, teachers of students with moderate or severe disabilities, and teachers of English, reading or language arts, mathematics, science, civics and government, economics, history, and geography. The SEI Teacher Endorsement would be awarded through one or more of the following:
* Completion of a Department-approved course of study specific to providing sheltered English instruction (the Department will issue guidelines for this course of study);
* Passing a Department-approved assessment; or
* Earning a bachelor’s degree in a major approved by the Department, or other graduate level training approved by the Department.
* Establish an ***SEI Administrator Endorsement*** for principals/assistant principals and supervisor-directors who supervise and evaluate SEI teachers. The SEI Administrator Endorsement would be awarded based upon the completion of a Department-approved training that addresses a subset of the subject matter requirements specified for teachers. The training would focus on strengthening administrators’ ability to recognize and support effective ELL instruction.
* Revise the ***Education of English Learners Regulations*** to establish a staged, four-year implementation schedule of training for core academic teachers of ELLs, and administrators who supervise them.

Implementation Timeline: In crafting these recommendations, our goal is that the training content and timelines result in teachers and administrators who are better able to promote the academic attainment of ELLs. This goal necessitates a balance of expeditious implementation on the one hand (to advance as quickly as possible the skills of educators currently working with ELLs) while, on the other hand, bringing to scale training that is effective while being delivered to tens of thousands of educators.

Under the proposed amendments to the licensure regulations, core academic teachers will be required to have earned an SEI Endorsement to earn or advance an educator license or to renew a Professional license after July 1, 2014. We propose providing the lead time of two years before requiring the SEI Endorsements in these regulations (603 CMD 7.00 and 44.00) in order to accommodate:

* the many steps that educator preparation programs must take before they can offer, and have candidates complete, course(s) and practicum(s) that must be updated in order to meet the new standards, and
* the time necessary for the Department and districts to qualify sufficient numbers of trainers and implement the large number of courses of study/trainings that educators seeking to advance or renew their licenses must be able to access.

Based on an analysis of ELL enrollment and performance in the Commonwealth, we are requiring core academic teachers with ELLs and administrators in districts with the highest incidence and lowest performance to participate in SEI training earlier than educators in other districts. Based on the data, the Department drafted a framework for a statewide rollout of the new course of study for 25,000[[10]](#footnote-10) SEI teachers and administrators. The draft rollout plan is predicated on finding the right balance for:

* strengthening instruction for ELLs in the highest incidence and lowest performing districts, and
* considering the cumulative load of this and multiple other initiatives targeted to these same districts.

The Board initially promulgated the Education of English Learners Regulations (603 CMR 14.00) to support the implementation of G.L. c.71A, as amended by Question 2. The proposed amendments to these regulations are designed to establish a deliberate, accelerated implementation of the SEI Teacher and Administrator Endorsement requirements for those core academic teachers currently instructing ELLs. They would also impose an SEI endorsement requirement on charter schools and their SEI staff, where licensure may not be required. The proposed amendments to Chapter 14.00 would add a new provision (603 CMR 14.07), that states: “Core academic teachers who provide sheltered English instruction to ELLs in school districts must earn an SEI Teacher Endorsement…” The amendments further provide for the Department to establish a four-year schedule (from July 1, 2012 through June 30, 2016) for cohorts of SEI teachers, principals and supervisor-directors who supervise SEI teachers to earn the SEI Teacher or Administrator Endorsement. The schedule would meet the following criteria:

*The cohorts established by the Department shall be based upon the incidence and performance of English language learners in the districts that employ these educators, provided further that educators employed in districts with the highest incidence and lowest performance shall meet this requirement earlier and educators employed in districts with the lowest incidence and highest performance shall meet this requirement later in this four-year period.*

Finally, the amendments to the Education of English Learners Regulations require that beginning August 1, 2016, no core academic teacher be assigned to provide subject matter instruction in English to an ELL student unless such teacher holds an SEI endorsement, or will meet the requirements for an SEI endorsement within one year from the date of the assignment, or will meet the requirements for an SEI endorsement by the deadline for renewal of the teacher’s license – whichever date is earlier.

The regulations for approval of preparation programs, licensure, licensure renewal, and Education of English Learners establish an expeditious timetable for implementation of the SEI endorsement requirements, with a priority on reaching those educators who are currently providing SEI instruction. As described later in this memorandum, we are committed to engaging all stakeholders as we continue our efforts over the coming months to achieve a rollout plan that is aggressive, high quality, and feasible.

Knowledge and Professional Practice Standards: Included in the proposed amendments are the knowledge and professional practice standards that must be met in order to qualify for an SEI Teacher or Administrator Endorsement. These standards are at the heart of the RETELL initiative because they provide the foundation for almost every aspect of educator preparation and licensure. The Department took care to link standards relevant to SEI instruction in general with new English language arts (ELA) standards adopted by the Board at its December 2010 meeting. The ELA standards are rigorous and quite demanding; they will prove challenging for all students, including ELLs.

Our expert advisory panel recommends that SEI training have a strong focus on literacy and language instruction. In addition, the panel recommends that the training limit attention to linguistic and social theory while concentrating on effective practice. The panel is pointing us toward a growing body of research that identifies teacher practices that effectively promote the language and literacy development of language-minority students. These are practices that benefit low-performing native English speakers, as well.

Research demonstrates that when provided appropriate instruction focused on vocabulary and reading comprehension development, ELLs are capable of learning sophisticated content and exploring complex texts. For example, the sophistication of ELL language production in English during early adolescence is largely developmentally appropriate, although underdeveloped linguistic knowledge (including syntax and morphology) results in less sophisticated-sounding construction. Further, the rate of vocabulary growth for ELLs from early childhood to early adolescence exceeds that of the typical native English-speaking student.

Despite this capacity, instruction and remediation focused on the mechanics and conventions of reading and language (strategies that have a place) are often applied to ELLs ubiquitously and with limited discrimination as to whether the frequency of this intervention best serves ambitious learning objectives. As a result, these widely applied strategies to accelerate word reading speed and accuracy too often come at the cost of denying ELLs opportunities to experience rich texts and explore sophisticated ideas and subjects.

This instructional profile, wherein the content of ELL instruction effectively limits opportunities for learning ambitious content, is experienced by many native English-speaking students as well. We anticipate that SEI training will emphasize instruction that capitalizes on ELL strengths in the service of improving text comprehension and advancing subject matter learning and, thus, will benefit native English-speakers as well.

This approach to the knowledge and professional practice standards maximizes the value and impact of trainings for teachers of core academic subjects. The standards will be incorporated into the model course of study and related assessments developed under Race to the Top; the approval of educator preparation programs; and the award, advancement, and renewal of educator licenses for core academic teachers, as well as principals/assistant principals, and supervisor-directors who supervise SEI teachers.

**Budget**

As identified in the Board of Elementary and Secondary Education’s budget priorities for FY13 that were adopted during the November 29, 2011 meeting:

*We anticipate the ELL training curriculum and program would be implemented for approximately 40,000 teachers. While the specific course curriculum and delivery method are still under discussion, it is estimated this will be a multi-million dollar investment. The specific funding need for FY13 will be better known in the months ahead, and the Budget Committee recommends the Governor support the funding need in FY13.*

We estimate that the cost of securing the SEI endorsements for the 25,000 teachers and administrators will total approximately $7 million over the four years. This is a best-case estimate and depends in large part in our ability to deliver substantial components of training online. It is unclear whether federal funds can be employed to underwrite professional development requirements that are required by regulation.

**Additional Components of the RETELL Initiative**

There are a number of additional dimensions to the RETELL initiative. These include:

SEI Coaching: Attainment of the SEI Teacher or Administrator Endorsement constitutes an important step toward better meeting the needs of ELLs enrolled in our public schools. Students benefit when their teachers and administrators are provided support and guidance to implement in their classrooms what they have learned in professional development, particularly during the earlier stages of applying new knowledge and implementing new approaches to teaching and learning. To be effective, professional development must not only be informative, it must be influence educators’ practice in ways that benefit students.

RETELL is developing a conceptual framework and plan to integrate a coaching component to support SEI teachers and administrators. Identifying a research base and developing a practicable coaching model that will support higher levels of ELL achievement and growth is quite challenging. Traditional coaching models are very costly and are not a good fit for our many low incidence districts. We are exploring a number of recent innovations for coaching, e.g., models that weave together support for both in-person and online professional learning communities/networks. We will bring additional expert support to further develop this RETELL component over the coming months and will report our progress to the Board this spring.

Data Systems and Evaluation: RETELL must develop new data collection systems that will support the efficient processing of the SEI Endorsements and that will provide essential information to evaluate the efficacy and impact of the SEI endorsements, particularly with regard to ELL academic achievement and growth.

Findings Related to English Language Acquisition: Our analyses of current practices, requirements, and their relationship to ELL achievement and growth are revealing opportunities to pursue additional improvements to the system of instruction and supports provided to ELLs. One immediate priority that has emerged is that the requirements for earning the ESL Teacher License need to be revisited and updated. I am planning to bring proposed amendments to the regulations for earning the ESL license to the Board’s meeting in March.

Also among our findings is that major differences in how well districts manage ELL students’ acquisition of English and subsequent transition out of ELL status have a significant impact on students’ subsequent academic success. I expect to be able to share these analyses with the Board this spring and anticipate that we can use this information to extract promising practices that can be shared with school districts across the state.

We also will incorporate the principles of the Massachusetts Tiered System of Support (MTSS) into the guidance and additional professional development opportunities that emerge from the RETELL initiative. Parents, other family members, and communities play an especially important role in the success of ELLs. Components of the MTSS, such as wrap-around zones and family literacy, are surfacing additional opportunities for strengthening instruction and related supports.

**Next Steps**

Assuming the Board votes to authorize the Commissioner to solicit public comment on the proposed regulations, we expect to take the following steps between now and May, when I plan to bring back the regulations for a final vote:

* Outreach to stakeholders:
	+ Follow up discussions with MASS Partners (representatives from school committees, unions, and others), MA Association of School Superintendents, MA Urban Superintendents Network, MA Association of School Committees, MA Urban ELL Directors Network, MA Association of Teachers of Speakers of Other Languages (MATSOL), Higher Education Advisory Board to OELAAA
	+ Meetings during the comment period with: representatives from MTA, AFT, Teach Plus, Board’s Bilingual/ELL Advisory Council, MA Elementary School Principals Association, MA Secondary Schools Administrators Association, MA Association of Colleges for Teacher Education, Charter School Network
* Continued discussions with DOJ to discuss concerns, expectations, and feedback on proposed regulations and other aspects of RETELL
* Continued conferencing with Commissioner’s Panel on Education of English Language Learners
* Ongoing development of course of study, coaching model, guidelines, contract with course facilitators for summer pilot program, continued analysis of high need districts for course implementation, and interdepartmental work to integrate RETELL in Level 4 and Level 5 district activities

**Conclusion**

English Language Learners are the fastest growing student population not only in Massachusetts, but in the nation at large. We have seen a steep increase in our ELL population from 2000 to 2010. Since the initial implementation of the SEI professional development (Category Training) for teachers of ELLs, we have gained a more sophisticated understanding of the essential knowledge for teachers to provide ELL students with opportunities not only to learn English, but to succeed academically. The more our teachers understand about literacy, academic language development, and second language acquisition, the more effective they can be as teachers – and that translates into higher achievement for students. Indeed, these concepts have universal application for teaching all students, not only ELLs.

Our intent is to couple this ambitious new program of educator preparation and professional development with support for educators, schools, and districts. We will connect it to other components of our education reform agenda, including the new Massachusetts curriculum frameworks incorporating the Common Core State Standards. I am confident that we are moving in the right direction and that the RETELL initiative will prove to be a national model and a key to closing proficiency gaps.

Enclosures:

1. Under the proposed regulations, “core academic teacher” includes early childhood and elementary teachers, teachers of students with moderate and severe disabilities, and teachers of English, reading or language arts, mathematics, science, civics and government, economics, history, and geography. [↑](#footnote-ref-1)
2. The Equal Educational Opportunities Act, 20 USC § 1703(f), requires state education agencies and school districts to take action to overcome language barriers that impede ELLs from participating equally in their districts’ education programs. [↑](#footnote-ref-2)
3. G.L. c. 71A mandates instruction in English through SEI, but permits programs with other educational methodologies under certain conditions. [↑](#footnote-ref-3)
4. The term “English to speakers of other languages” (ESOL) is becoming increasingly popular because of the large and growing numbers of immigrants who arrive already speaking two or more languages other than English. [↑](#footnote-ref-4)
5. The WestEd report is posted to the Office of English Language Acquisition and Academic Achievement’s website; http://www.doe.mass.edu/ell/resources.html [↑](#footnote-ref-5)
6. The Board received the DOJ letter with my September 2011 memorandum, <http://www.doe.mass.edu/bese/docs/fy2012/2011-09/item4.html>. The report references an analysis of the Category Trainings developed for DOJ by Dr. Margarita Calderón. [↑](#footnote-ref-6)
7. The roster of the Commissioner’s Panel on ELL Instruction is attached. [↑](#footnote-ref-7)
8. We anticipate that the model SEI Endorsement course will be a blend of classroom-based and online modules. [↑](#footnote-ref-8)
9. Administrators holding a “Supervisor-Director” license often, but not always, serve as department chairs and evaluate teachers. [↑](#footnote-ref-9)
10. Among the target educators, there currently are approximately 25,000 SEI teachers and administrators whose preparation did not include meeting the knowledge and professional practice standards included in these proposed amendments to the regulations. In addition, we will identify the standards that have been met by SEI teachers who completed Category Trainings; these teachers will receive credit for the training they received. Finally, it is clear that the number of educators who need SEI endorsements will increase over the coming years as ELLs are assigned to teachers not included in this number. [↑](#footnote-ref-10)