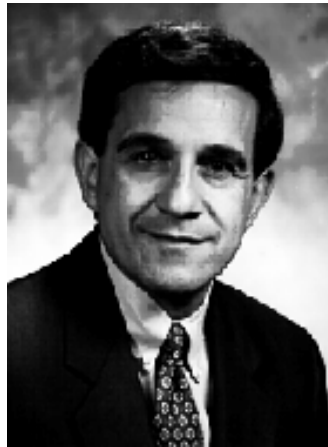


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Commissioner's Update

February 21, 1997

Dear Superintendents and Charter School Leaders:

I am enclosing in this coordinated mailing three items, but under separate cover you will be receiving two other documents of particular interest. First, you will be receiving the [preliminary estimates of your FY 98 net school spending requirement and state aid figures](#). Second, you will receive a [memorandum summarizing the current state assessment schedule](#). With this document will be a personalized survey for superintendents and school principals asking for detailed information which will help when the time comes for administering the tests this spring.

In this mailing, you will find the following:

1. [Request for comment on proposed revisions to regulations on transitional bilingual education](#)
We are encouraging written comment on proposed revisions to these state regulations, and have also scheduled three public hearings of the Board of Education in March.
2. Reminder materials about March School-to-Work conference in Boston
I have enclosed the conference agenda and a copy of the registration form for this conference. You are entitled to the \$325 registration rate, even though the deadline has passed. The Executive Institute offers an opportunity for you to meet with top business, government and higher education leadership. The plenary session offers nationally recognized speakers including Frank Levy of MIT, Richard Murnane of Harvard, and J.D. Hoyer, the National School to Work Director. Workshops will offer advice for schools on best practices and give examples of connecting school curriculum and workplace opportunities. I encourage you to consider attending the conference or having representation from your district.
[No longer available]
3. [Memorandum about "Opening Doors" brochure regarding high school planning](#), for parents, to be sent to principals

Wishing you all the best, and

Sincerely,

Robert V. Antonucci
Commissioner of Education

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Proposed Revisions to Regulations on Transitional Bilingual Education (603 CMR 14.00)

To: Superintendents of Schools, Charter School Leaders, Transitional Bilingual Education Directors, Other Interested Parties

From: Robert V. Antonucci, Commissioner

Date: February 19, 1997

REQUEST FOR PUBLIC COMMENT

The Department of Education is continuing to review all state education regulations in order to ensure that every regulation is clear, current and essential. Regulations should advance education reform for the benefit of students and minimize administrative burdens on schools. In accordance with this regulatory reform initiative and with Executive Order 384, Department staff have analyzed the Board of Education regulations for Transitional Bilingual Education (603 CMR 14.00) that were adopted in 1971. The Massachusetts Board of Education voted at the February 10, 1997 meeting to solicit public comment on the proposed revisions to the Transitional Bilingual Education Regulations as described in Appendices 1 and 2.

Written comments on the proposed revisions to the regulations are strongly encouraged. Comments on the provisions of the statute may also be submitted. Written comments may be sent to the Department of Education, ATTN. TBE Regulation Review, through **April 4, 1997**. The Board of Education will also conduct **public hearings** on the proposed revisions to the regulations. Hearing dates and locations are attached.

Individuals planning to make comment are advised to review the background information which follows in order to:

- distinguish recommendations regarding the regulations from those related to the statute (**note: only the Massachusetts Legislature has the authority to repeal or amend the statute**);
- address the criteria in Executive Order 384 for retaining regulations (see page 3).

All written comments and public hearing testimony will be reviewed and considered prior to final action on the amendment of the Transitional Bilingual Education regulations. The Board of Education expects to take final action at its April 14, 1997 meeting.

BACKGROUND INFORMATION

MASSACHUSETTS GENERAL LAWS: CHAPTER 71A

It is important to note that virtually all components of Transitional Bilingual Education programs are required by the Massachusetts statute and that changes in the statute can be made only by the Legislature.

For example, Massachusetts Chapter 71A requires that:

1. a program in Transitional Bilingual Education be a full-time program of instruction:

(a) in all those courses or subjects which a child is required by law to receive and which are required by the child's school committee which shall be given in the native language of the children of limited English-speaking ability who are enrolled in the program and also in English;

(b) in the reading and writing of the native language of the children of limited English speaking ability who are enrolled in the program and in the oral comprehension, speaking, reading and writing of English; and

(c) in the history and culture of the country, territory or geographic area which is the native land of the parents of the children of limited English-speaking ability who are enrolled in the program and in the history and culture of the United States. (G.L. c. 71A, § 1);

2. when there are 20 or more children of limited English-speaking ability in any such language classification, the school committee must establish a TBE program (G.L. c. 71A, § 2, para. 2);

3. students of limited English-speaking ability be enrolled and participate in a TBE program for 3 years or until the student achieves a level of English language skills which will enable the student to perform successfully in classes in which instruction is given only in English, whichever occurs first; but a student of limited English-speaking ability may remain in TBE longer than 3 years at the discretion of the school district and with the parent's approval (G.L. c. 71A, § 2, paras. 3 and 4);

4. no student be transferred out of a TBE program prior to the third year of enrollment unless the parent approves and the student has received a score on an examination that reflects a level of English language skills appropriate to the student's grade level (G.L. c. 71A, § 2, para. 5);

5. students who transfer out of a TBE program who do not have adequate English language skills may be re-enrolled in the program (G.L. c. 71A, § 2, para. 6);

6. parents have the right to withdraw their children from TBE programs after they have been enrolled (G.L. c. 71A, § 3);

7. the Department of Education set the maximum student-teacher ratio for TBE classes (G.L. c. 71A, § 5, para. 2);

8. the Board certify TBE teachers, who shall possess speaking and reading ability in a language other than English as well as communication skills in English (G.L. c. 71A, § 6). [The standards for certification of TBE teachers are included in the Board's Certification Regulations, 603 CMR 7.00.]; and

9. any city, town, or school district be allowed to join with any other city, town, school district or districts to provide TBE programs required or permitted by the statute. (G.L. c. 71A, § 4)

PROPOSED CHANGES TO THE BOARD OF EDUCATION'S REGULATIONS

The Governor's Executive Order 384 states that:

[O]nly those regulations which are mandated by law or essential to the health, safety, environment or welfare of the Commonwealth's residents shall be retained or modified. In order to find that a regulation meets this standard the Agency must demonstrate, in its review, that:

- (a) there is a specific need for governmental intervention that is clearly identified and precisely defined;*
 - (b) the costs of the regulation do not exceed the benefits that would be effected by the regulation;*
 - (c) less restrictive and intrusive alternatives have been considered and found less desirable based on a sound evaluation of alternatives;*
 - (d) the agency has established a process and a schedule for measuring the effectiveness of the regulation;*
- and*
- (e) the regulation is time-limited or provides for regular review.*

Regulations not meeting this standard shall be rescinded in accordance with law.

Using the standard criteria established in Executive Order 384, the Department analyzed the TBE regulations and determined that almost half of the current regulations are either restatements of requirements that are in the statute or are obsolete. (See Appendix 1.) Of the remaining regulations, including nine which are advisory, the Department

determined that all but eight could be addressed through administrative guidelines. Therefore, the following revisions are proposed for the Transitional Bilingual Education regulations:

- Amend eight regulations as described in Appendix 2. Six of these regulations have a direct impact on the quality of Transitional Bilingual Education programs for the benefit of students. These regulations address student identification and program placement; parental participation and notice; class size; and program access and credit concerns that are not specifically addressed in the statute. The other two regulations provide statutory references and a waiver provision.
- Repeal the remaining regulations. This includes 22 regulations that are restatements of the statute or are obsolete. It also includes an additional 27 regulations that are advisory in nature or are implementation details which can be addressed through administrative guidelines, such as the regulation that encourages districts to provide TBE kindergarten programs, the eight regulations on school district program plans and the three regulations on procedures for the annual student census.

FUTURE ACTIONS

Administrative Guide

Following the public comment period and a final vote of the Board on regulation changes, the Department will develop and publish a Transitional Bilingual Education Administrative Guide that will include the provisions of the state TBE statute, the amended regulations, relevant provisions of federal law, and recommended practices that address many of the current advisory regulations. This document will be helpful to school personnel and others who work with students, because it will compile in one reference document all of the applicable requirements for TBE programs.

ENCLOSURES

Included with this memorandum are the following materials:

- [Appendix 1: Analysis and Recommendations of 603 CMR 14 Regulations](#)
- [Appendix 2: Proposed Amended Language for 603 CMR 14 Regulations](#)
- [Massachusetts General Laws: Chapter 71A](#)
- [603 CMR 14: Transitional Bilingual Education Regulations](#)
- [Notice of Public Hearing](#)

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Brochures on High School Planning for Parents/ Guardians of 8th Grade Students

TO: All School Superintendents & Principals of Schools with 8th Grade Students

FROM: Robert V. Antonucci, Commissioner of Education

DATE: February, 1997

I am writing to request your assistance in providing every parent or guardian of an eighth grade student in your district or school with a copy of a brochure on high school planning, entitled "Opening Doors," which you will receive soon in the mail. Publication of "Opening Doors" is a joint project of the Massachusetts Department of Education and the Massachusetts Board of Higher Education, in collaboration with the state's [Higher Education Information Center](#).

The brochure explains to parents what courses will help students to prepare for postsecondary education. It also outlines the new admissions requirements for the University of Massachusetts system and the Massachusetts State Colleges which hold students to new, higher standards. Providing parents with this information before a child begins high school will enable them to make certain that their child is taking the necessary steps to qualify for a state college or university.

I would appreciate your cooperation in ensuring that the parents and guardians of the eighth grade students you serve will be able to receive a copy of "Opening Doors" when it arrives. The Higher Education Information Center will be sending you enough copies for all of your eighth grade students. Thank you very much for your assistance in this project.

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