

An Act Relative to Affirming and Maintaining Equal Access to Public Education for all Children

HD 2144 -- Representative Frank Moran, Representative Alice Peisch

SD 1208 -- Senator Pavel Payano, Senator Sal DiDomenico

At this moment, many longstanding education rights may be in jeopardy for English learners, immigrant students, and students with disabilities. HD 2144/SD 1208 would preserve key federal protections in education and affirm the Commonwealth's commitment to educational equity.

Maintaining special education protections for English learners with disabilities. The federal Departments of Education and Justice issued guidance critical to addressing the needs of English learners with disabilities, whose needs frequently go unmet in schools. HD 2144/SD 1208 would ensure this vital federal guidance remains the law in MA regardless of changes at the federal level.

Ensuring that school interpreters are qualified and trained. Many schools rely on untrained employees, volunteers, or contracted interpreters who are unqualified to provide language access that is so crucial to parent engagement and participation during meetings regarding special education, discipline, and other matters. Federal guidance requires that school interpreters are fluent in both languages and trained in interpretation ethics, confidentiality, and educational terminology used in parent meetings. HD 2144/SD 1208 would maintain these requirements to ensure MA schools continue to improve in communicating with parents best served in a language other than English.

Protecting students with disabilities from inequitable school exclusion. When a student is having behaviors in school that are *directly related to their disability*, federal law provides protections to prevent undue exclusionary discipline. The federal law is carefully crafted to ensure the safety of other students and school personnel while also addressing the need for appropriate educational services to address behavioral needs of students with disabilities and avoid inequitable school exclusion. HD 2144/SD 1208 would preserve these protections in MA.

Preserving the right to public education regardless of disability or immigration status. The right to public education for all children is well established in the Commonwealth's Constitution, federal and state disability civil rights and education laws and a US Supreme Court decision from over 40 years ago establishing the right to public education for undocumented students, *Plyler v. Doe*. While our state antidiscrimination law for schools specifically protects against discrimination based on national origin, national citizenship, and color, the law is not explicit with regard to disability or immigration status. This bill would address that by adding these two categories, affirming the Commonwealth's commitment to equity.

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