



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

HD 2144; Rep. Frank A. Moran, Rep. Alice Hanlon Peisch
SD 1208; Sen. Pavel Payano, Sen. Sal N. DiDomenico

At this moment, many longstanding education rights are 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. Without this bill, any rollback of federal law or guidance could negatively impact students' rights in Massachusetts.

Maintaining special education protections for English learners with disabilities

The federal Departments of Education and Justice issued guidance in 2015 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

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 and do not resort to using untrained employees or unqualified interpreters.

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 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. As there is no state law that deals directly with this issue, 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.

For more information and to get involved, contact Diana Santiago at dsantiago@massadvocates.org

Use this QR code
for citations to
federal law and
guidance referenced

