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QUÉBEC AND LANGUAGE CONFLICT

See CANADIAN AND U.S. LANGUAGE POLICIES

QUESTION 2 (MASSACHUSETTS)

On November 5, 2002, Massachusetts voters passed English-only educational legislation, known as “Question 2,” with 70% voter approval. Question 2 modified the original 30-year-old Transitional Bilingual Education Act, which required school districts to implement transitional bilingual education (TBE) programs if there were 20 or more students enrolled from the same language group who were of limited-English-speaking ability. The passage of Question 2 practically eliminated TBE in the state. The new legislation established that all children in Massachusetts public schools are to be taught in English only. The law, however, did not affect students registered in two-way bilingual education programs, in which native English speakers and native speakers of another language learn in both languages; students who already knew English and were educated in foreign-language classes; or students in special education programs for the physically or mentally impaired.

According to Question 2, unless a waiver was granted, English language learners (ELLs) from kindergarten through 12th grade were to be educated through *sheltered English immersion* (SEI). In SEI classrooms, the curricula and presentation were

designed for children learning the English language, and all books and instructional materials were required to be in English. Question 2 established that teachers in SEI classrooms could use a minimal amount of the children’s native language(s) when necessary, although children had to learn to read and write solely in English. ELLs placed in SEI were to receive the service during a temporary transition period not normally intended to exceed 1 school year. However, the federal Civil Rights Act of 1964 required students to stay in the program until they acquired a good working knowledge of English that allowed them to participate meaningfully in a district’s mainstream education program.

Parents or legal guardians of ELLs had the right to request a waiver from their children’s participation in SEI programs; however, waivers were very restrictive for children younger than 10 years old. There were three circumstances in which parents could request a waiver: (1) for children who already knew English, as measured by the state English proficiency tests; (2) for children 10 years or older whose principal and educational staff believed that an alternate course of educational study would be better suited to the child’s overall educational progress and rapid acquisition of basic English language skills; or (3) for children younger than 10 years old with special individual needs.

Question 2 gave parents and legal guardians the right to sue any school district employee, school committee member, or other elected official for the legal enforcement of the provisions of the law. To do so, parents were required to prove that the school district employee or official willfully and repeatedly refused

to implement the terms of the law. If a person were found personally liable, he or she would then be responsible for attorney's fees, costs, and compensatory damages and would be forbidden to be indemnified for such monetary judgment by any public or private third party, such as the teachers union. In addition, these individuals would also be barred from election or reelection to any school committee and from employment in any public school district for a period of 5 years. Parents who were granted exception waivers retained full and permanent legal right to sue the individuals who granted such waivers if they subsequently discovered before the child reached the age of 18 that the application for waivers was induced by fraud or intentional misrepresentation and injured the education of their child. Nonetheless, before parents could sue teachers and other school officials, they must have exhausted the administrative process at the local and state level.

Finally, Question 2 stated that ELLs had to be taught to the same standards as all students, delineated in the Massachusetts Curricular Frameworks, and be provided the same opportunities to master such standards. To ensure the progress of students learning English, children were required to be assessed each year using standardized, nationally normed written tests of academic subject matter in English and of English proficiency. Aggregated percentile scores and distributional data for individual schools, program types, and school districts of students classified as ELLs had to be made available to the public.

When Massachusetts voters approved Question 2 mandating English-only classrooms for ELLs, these mandates were implemented in a specific context. During the 1990s, Massachusetts, along with the majority of states, developed content and performance standards, including the Massachusetts Comprehensive Assessment System (MCAS), to test all public school students on the state's learning standards. With the reauthorization of the Federal Elementary and Secondary Education Act, the No Child Left Behind Act of 2001, ELLs in Massachusetts were required to participate in all the state assessments scheduled for their grade levels regardless of the number of years they had been in the United States. The only exception involved ELLs who were in their first year of enrollment in an American school. In addition, ELLs had to annually take newly created English proficiency assessment tests in reading, writing, speaking, and listening.

Implementation

Question 2 went into effect during the 2002–2003 school year. Within a few months, more than 50 school districts in the state restructured their programs for ELLs in order to accommodate Question 2 mandates. At the beginning of the 2003–2004 school year, almost all TBE programs were disarticulated, and most ELLs were placed in either SEI programs or in mainstream classrooms.

The interpretation and implementation of Question 2 mandates, however, was complex: Districts had to implement Question 2 mandates without much time for planning curricula, materials, and/or professional development. Almost all TBE programs were dismantled regardless of the quality of those programs; programs that successfully taught English as well as another language were eliminated.

Implementation in SEI Classrooms

The majority of the former TBE teachers who remained in the system after the passage of Question 2 were placed in SEI classrooms. Two forms of SEI programs were implemented in the state. The first type was SEI classes for students from the same language group in which the teacher provided instruction in English but used the students' native language(s) for clarification. The second type was classes designed as SEI for mixed-language students in which all instruction was provided in English.

SEI teachers went through many changes and challenges during the first years of implementation because the structure of the SEI programs was weak: Implementation guidelines were too general, ambiguous, or continually changing, so that SEI teachers were left with unanswered questions about curricula, instruction, and assessment.

Because Question 2 specifically prohibited teaching through languages other than English in SEI classrooms, some former TBE teachers who switched to SEI classrooms felt the difference without the support of students' native language when teaching instruction only in a language that students either did not understand or were not adequately proficient. The inability to teach through students' native language was very challenging for these teachers, particularly when teaching newcomers with interrupted schooling and U.S.-born children whose native language was not English and who had low native-language literacy

skills. Although many teachers did not feel they were being monitored in their use of language in the classroom, they did feel constrained as to how and when to use the students' native language, and they feared possible sanctions. There were inconsistencies in the ways in which teachers were informed about the acceptable use of students' native language for instruction. Therefore, SEI teachers interpreted the amount and purpose of students' native-language use in different ways. Whereas some SEI teachers used students' native language only on very few occasions and for oral language communication, other teachers allowed students to read and write in their native language.

Impact in Mainstream Classrooms

Many schools prior to Question 2 did not have particular programs for ELLs; therefore, these students had attended mainstream classrooms. Although Question 2 identified mainstream programs as an option for ELLs, the legislation did not give these programs any specification, as it did with SEI programs. After the passage of Question 2, several dismantled TBE programs were replaced by mainstream classrooms. In general, mainstream classrooms experienced a limited impact of Question 2 mandates. Those classrooms most impacted by Question 2 were those that experienced an increase in the number of ELLs after the law's passage but lacked the resources to meet the specific needs of these students. The increase of ELLs in mainstream classrooms was related to the pressure for rapid transition of students from SEI to mainstream classrooms even though these students still had limited English proficiency.

After the passage of Question 2, more efforts and resources were allocated to provide professional development for mainstream teachers working with ELLs. Before Question 2, the education of ELLs was perceived as solely the responsibility of TBE and English as a Second Language (ESL) programs.

However, with the increased number of ELLs present in mainstream classrooms, the state required mainstream teachers to be prepared to work with them. Although school districts had been developing and providing more professional development opportunities for their teachers, there was a need for allocating more resources in this area.

Impact of Question 2 in Two-Way Bilingual Education Classrooms

The original text of Question 2 excluded two-way bilingual education as an acceptable educational program for ELLs. However, several months after Question 2 passed, the legislation was amended, and two-way bilingual programs were exempted from the legislation. After this amendment, two-way bilingual teachers did not feel the impact of Question 2 to the extent their colleagues did in other types of programs.

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See also Dual-Language Programs; English for the Children Campaign; English Immersion; English-Only Organizations; Proposition 203 (Arizona); Proposition 227 (California)

Further Readings

- Brisk, M. E., & Sánchez, M. T. (2006). What are the state mandates for educating English language learners? In E. Hamayan & R. Freeman (Eds.), *English language learners at school. A guide for administrators* (pp. 12–14). Philadelphia: Caslon.
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