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HOUSE . . . . . No. 405

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to educator licensure in the commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The Commissioner of Education shall establish rules and regulations for appeals by candidates who are otherwise eligible for certification, but who have not passed one or more of the tests for certification required under section 38G of chapter 71. The purpose of said appeal process shall be to allow otherwise eligible candidates the opportunity to provide evidence demonstrating sufficient knowledge and skills for effective instruction and communication in the area at issue to meet or exceed the performance level equivalent of the qualifying score as determined by the Commissioner. In order to be considered eligible for such appeal process the candidate must meet all eligibility requirements for a performance appeal as determined by the Commissioner, unless otherwise indicated, that shall include, but not be limited to (i) the candidate has taken the test(s) in question at least three times; (ii) the candidate has on at least one attempt attained a score within two standard of error of passing as determined by the Department on the test(s) subject to the performance appeal, granted the appeal qualifying score shall be appropriately adjusted if the overall qualifying score as set by the Commissioner is adjusted; and (iii) the candidate has satisfied the payment of a reasonable fee as determined by

the Commissioner. Candidates having a documented disability shall, after having been denied access to a requested testing accommodation, be considered eligible for such performance appeal upon satisfaction of the aforementioned criteria regardless of the score(s) achieved during prior test administrations. Further, such performance appeals, if determined by the Commissioner to meet or exceed the performance level equivalent of the qualifying score, shall be considered as the equivalent of full state certification pursuant to section 38G of chapter 71 and in no way shall such appeal constitute a waiver of those requirements pursuant to said section.