

HOUSE No. 425

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to educator excellence..

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

1 SECTION 1. Chapter 10 of the General Laws, as appearing in the 2000 Official Edition,
2 is hereby amended by striking out section 35S and inserting in place thereof the following
3 section:—

4 Section 35S. There shall be established and set up on the books of the commonwealth a
5 separate fund, to be administered by the commissioner of education, which shall be known as the
6 Teacher, Principal and Superintendent Quality Endowment Fund. Said fund shall be pursuant to
7 Sections 2 and 3 of this act. The fund shall consist of all revenues from public and private
8 sources as appropriations, gifts, grants and donations and from the federal government as
9 reimbursements, grants-in-aid or other receipts to further the purposes of the fund in accordance
10 with sections 19B, 19C and 19E of chapter 15A. All revenues credited to the fund under this
11 section shall remain in the fund and shall be expended without further appropriation for
12 applications pursuant to said sections 19B, 19C and 19E of said chapter 15A. The state treasurer
13 shall deposit and invest monies in said fund in accordance with sections 34, 34A and 38 of
14 chapter 29 in such a manner as to secure the highest rate of return available consistent with the

15 safety of the fund. The fund shall be expended only for the purposes stated in said sections 19B,
16 19C and 19E of said chapter 15A at the direction of the commissioner. On February 1 of each
17 year, the state treasurer shall notify the commissioner of the projected investment earnings of the
18 fund for the upcoming fiscal year. The treasurer shall authorize the annual expenditure of an
19 amount not to exceed the interest earnings of the fund, plus an amount not to exceed \$3,600,000
20 from the principal of the fund. Not more than 10 percent of the fund shall be used for the
21 purposes stated in section 19B of said chapter 15A in each fiscal year, not more than 10 percent
22 of expenditures from the fund shall be used for the purposes stated in said section 19C of said
23 chapter 15A in each fiscal year, and not more than 30 percent shall be used for the purposes
24 stated in said section 19E of said chapter 15A.

25 SECTION 2. Chapter 15A of the General Laws, as appearing in the 2000 Official
26 Edition, is hereby amended by striking out section 19C and inserting in place thereof the
27 following:—

28 Section 19C. There shall be a Massachusetts master teacher corps program for the
29 purpose of building a group of recognized teachers of high achievement in the profession who
30 shall serve to further the goals of the Massachusetts Education Reform Act of 1993. The
31 department of education shall administer said program. Funding for said program shall be subject
32 to the provisions of section 35S of chapter 10. The board of education shall promulgate
33 regulations, where necessary, for the effective implementation of such program. Such regulations
34 shall include the following provisions:

35 (1) The department shall select master teachers who achieve master teacher status by
36 meeting the following criteria: achieve certification through the National Board for Professional

37 Teaching Standards (NBPTS); pass a challenging content test; and agree to serve as educational
38 leaders within their schools, including, but not limited to, acting as mentors to new teachers. The
39 department may develop and include alternatives to the NBPTS program provided such
40 alternatives maintain equivalent or higher standards of excellence in teaching.

41 (2) The department may provide master teachers with partial or full reimbursement for
42 the assessment costs of said NBPTS licensure; provided that the department may only provide
43 reimbursement to teachers who successfully achieve master teacher status.

44 (3) Teachers with master teacher status shall have full parity in licensure and
45 compensation with teachers who earn a master's degrees from approved higher education
46 institutions, notwithstanding the provisions of section 38G of chapter 71, or chapter 150E.

47 (4) The program shall set forth an outreach plan to attract underrepresented populations
48 to the teaching profession.

49 SECTION 3. Section 38 of chapter 71 of the General Laws, as appearing in the 2000
50 Official Edition, is hereby amended by inserting after the second paragraph the following:—

51 For purposes of said act, the term supervision shall mean support for professional growth
52 and learning through actions that may include but not be limited to mentoring, coaching, and
53 feedback; the term evaluation shall mean the maintenance of high, minimum standards of
54 performance.

55 The superintendent, by means of comprehensive evaluation, shall cause the performance
56 of all teachers, principals, and administrators within the school district to be evaluated using any
57 principles of evaluation established by the board of education pursuant to section one B of

58 chapter 69 and by such consistent, supplemental performance standards as the school committee
59 may require, including the extent to which students assigned to such teachers and administrators
60 satisfy student academic standards or, in the case of a special education student, the individual
61 education plan, and the successful implementation of professional development plans required
62 under section 38Q; provided, however, that such principles and standards be consistent with the
63 anti-discrimination requirements of chapter 152B. The procedures and standards for such
64 evaluations, but not the requirement for such evaluations, shall be subject to the collective
65 bargaining provisions of chapter 150E.

66 The superintendent shall require a formal performance-based evaluation of administrators
67 and of teachers each year for the first three years of employment in a district and then at least
68 once every four years in a professional growth cycle. A district may conduct a formal written
69 evaluation in any year where the evaluator has identified a concern with a teacher or
70 administrator.

71 In the years between formal evaluations, teachers shall engage in professional
72 development activities, pursuant to section 38Q of this chapter, which must be reviewed for
73 clarity, rigor and substance. Professional development activities may include, but not be limited
74 to, peer observation, action research, lesson study task groups, review and analysis of student
75 performance data and any other projects developed by districts. Said activities may focus on
76 areas of need as identified or informed through supervisory feedback.

77 All professional development plans shall be reviewed by administrators for clarity, rigor
78 and substance. Clarity shall mean that in reading the plan administrators are able to identify what
79 the teacher will do; substance shall mean that the plan includes work that will impact student

80 learning. Rigor shall mean that the plan requires a teacher to undertake activities that result in
81 challenging and significant professional growth.

82 At a minimum, performance standards for principals shall include broad categories, such
83 as (a) instructional leadership, including state curriculum frameworks, student performance
84 standards, and strategies for effective inclusive schooling for children with disabilities, (b)
85 strategic leadership, including student performance data analysis and long and short term
86 planning, (c) teacher evaluation skills and methods, including observation, performance analysis
87 and documentation, (d) professional community building, including implementation of teacher
88 instructional leadership, (e) communication skills, (f) promotion of equity and diversity, and (g)
89 parent and community relationships, and shall include multiple sources of data. Performance
90 standards shall be consistent with INTASC and MCREL.

91 At a minimum, performance standards for all teachers shall include broad categories,
92 such as a) applying knowledge of students and their diverse learning needs, b) applying
93 knowledge of cognitive science, c) applying knowledge of motivation, d) applying knowledge of
94 content, content specific pedagogy, and state curriculum frameworks, e) applying knowledge of
95 planning, instructional design, and assessment, f) applying knowledge of data analysis of student
96 results and classroom practices, g) applying knowledge of managing the learning environment,
97 h) applying knowledge of ongoing professional growth, i) applying knowledge of collaborating
98 with colleagues, families, and the community. Performance standards for preliminary and initial
99 educators shall be consistent with Interstate New Teacher Assessment and Support Consortium
100 (INTASC) and the National Board for Professional Teaching Standards (NBPTS), or its
101 successor organization, standards for new teachers, and (3) performance standards for

102 professional teachers shall be consistent with the National Board for Professional Teaching
103 Standards, or its successor organization.

104 During each school year, administrators and/or teacher instructional leaders shall visit
105 classrooms on a regular basis. Said supervisory interactions shall be for the purpose of enhancing
106 instructional skills and effectiveness and advancing professional growth.

107 Teachers shall be evaluated based on their work and the learning progress of their
108 students using multiple sources of data. Evidence of the teacher’s work may include, but not be
109 limited to, classroom observations, teacher-developed unit plans, the use of various assessment
110 data to adjust and focus instruction, collaboration with other teachers, knowledge-based practice
111 in teaching, communications with parents/guardians, performance of routine duties, and the
112 successful implementation of professional development plans [603 CMR 35.04 (3), and M.G.L.
113 c.69, §1B and c.71, §38.] Evidence of students’ learning progress may include, but not be
114 limited to, student work products, performance tasks, teacher-designed assessment, and evidence
115 that students satisfy state academic standards or individual education plans [603 CMR 35.04 (3),
116 and M.G.L. c.69, §1B and c.71, §38.]

117 Specific standards of teacher performance consistent with the provisions for performance
118 standards in this section may be established by the school committee upon the recommendation
119 of the superintendent, provided that where teachers are represented for collective bargaining
120 purposes, all teacher performance standards shall be determined as follows: The school
121 committee and the collective bargaining representative shall undertake for a reasonable period of
122 time to agree on teacher performance standards. Prior to said reasonable period of time, the
123 school district shall seek a public hearing to comment on such standards. In the absence of an

124 agreement, after 90 days, teacher performance indicator shall be determined by binding interest
125 arbitration. Either the school district or the teachers' collective bargaining representative may file
126 a petition seeking arbitration with the commissioner of education. The commissioner shall
127 forward to the parties a list of three arbitrators provided by the American Arbitration
128 Association. The school committee and the collective bargaining representative within three days
129 of receipt of the list from the commissioner of education shall have the right to strike one of the
130 three arbitrators' names if they are unable to agree upon a single arbitrator from among the three.
131 The arbitration shall be conducted in accordance with the rules of the arbitrators provided by the
132 American Arbitration Association to be consistent with the provisions of this section. In reaching
133 a decision, the arbitrator shall consider the multiple sources of data as established herein for
134 teacher evaluation. The arbitrator shall also consider the particular socioeconomic conditions of
135 the student population of the school district. Both the parties and the arbitrator may adopt
136 performance standards established by state or national organizations. The performance standards
137 shall be incorporated into the applicable collective bargaining agreement; provided, however,
138 that any subsequent modification of the performance standards shall be made pursuant to the
139 procedures set forth in this section.

140 The results of teacher evaluations may be used in decisions to dismiss, demote, or remove
141 a teacher pursuant to sections 42, 42A, and 63, provided that districts shall provide formal
142 improvement plans and intensive support services to teachers rated as unsatisfactory, according
143 to district policies. At the end of a one-year intensive remediation process, districts may dismiss
144 teachers who continue to rate as unsatisfactory in accordance with the provisions of Section 42,
145 and provided further that districts that fail to provide said plans and services shall not be allowed

146 to dismiss teachers rated as unsatisfactory and may assign them to non-teaching duties until such
147 time that said plans and services are fully implemented.

148 The results of principal evaluations may be used to dismiss a principal rated as
149 unsatisfactory, according to district policies (See Section 9, Section 41).

150 Each school district shall conduct evaluations of teachers and administrators in
151 accordance with the regulations of the board.

152 SECTION 4. Chapter 71 of the General Laws, as appearing in the 2000 Official Edition,
153 is hereby amended by striking out section 38G and inserting in place thereof the following:—

154 Section 38G. As used in this section the following words shall, unless the context
155 requires otherwise, have the following meanings:—

156 “Board”, the board of education established by chapter fifteen. “Initial
157 educator”, a person who holds an initial license.

158 “Initial license”, a license to teach issued to a person who has successfully met the
159 preparation and eligibility requirements as established herein for an initial license and completed
160 a college program, graduate or undergraduate, or other program to receive a performance-based
161 approval. Said license shall be valid for five years of employment as an educator in the schools
162 of the commonwealth and may be renewed for an additional five years of employment in
163 accordance with regulations adopted by the board.

164 “Preliminary educator”, a person who holds a preliminary license.

165 “Preliminary license”, a license to teach issued to a person who has successfully met the
166 preparation and eligibility requirements as established herein for a preliminary license. The

167 preliminary license shall be valid for five years of employment as an educator in the schools of
168 the commonwealth and shall be non-renewable.

169 “Professional educator”, a person who holds a professional license.

170 “Professional license”, a license to teach issued to a person who has successfully met the
171 preparation and eligibility requirements as established herein. The professional license shall be
172 active for renewable terms of five years. An inactive license becomes invalid after five

173 years. “Regionally licensed or certified educator”, an applicant for a teacher’s license in
174 Massachusetts who has been granted a regional license or certificate by another state jurisdiction
175 under terms of a contract entered into pursuant to chapter 748 of the acts of 1968, the Interstate
176 Agreement on Licensure of Educational Personnel. Such certificate shall be equivalent to the
177 initial license.

178 “Reciprocity of certified educators”, the process and requirements established by the
179 commissioner for candidates to obtain a license who have completed a college preparation
180 program included in the licensure reciprocity system of the National Association of State
181 Directors of Teacher Education and Licensure (NASDTEC); or a performance-based approval.
182 Such license shall be equivalent to the initial license.

183 “Temporary license”, a license to teach which the commissioner of education may, at his
184 discretion, issue to a person who holds an active teaching license or certificate from another state
185 and who has been employed under the license or certificate for a minimum of three years but has
186 not satisfied the testing requirements for a license contained in this section. The temporary
187 license shall be active for one year and shall be nonrenewable. Service under a temporary license

188 shall be counted as service in acquiring professional teacher status, contingent upon the teacher
189 passing the applicable licensure tests.

190 The commissioner of education shall have authority to grant, upon application,
191 preliminary, initial, temporary, and professional licenses to persons who have satisfied the
192 requirements for such licenses as established by the board.

193 To be eligible for a license as a preliminary educator, the candidate shall (1) hold a
194 bachelor's degree in arts or sciences from an accredited college or university with a major course
195 in the arts or sciences appropriate to the instructional field; (2) pass a test established by the
196 board which shall consist of two parts: (A) a writing section which shall demonstrate the
197 communication and literacy skills necessary for effective instruction and improved
198 communication between school and parents; and (B) the subject matter knowledge for the
199 license; and (3) be of sound moral character. Candidates who complete the requirements in this
200 paragraph shall be issued preliminary licenses, which shall permit them to seek employment in
201 teaching positions requiring instructional licenses in districts that have an approved program to
202 train, support, and supervise preliminary educators.

203 The commissioner shall establish standards for the training, support, and supervision of
204 preliminary educators in accordance with the provisions of this section.

205 Each public school district seeking to hire a preliminary educator must submit a district-
206 based training program plan for preliminary educators to the department of education. No district
207 shall be authorized to employ a preliminary educator unless it has submitted a plan for such a
208 program and received approval of the commissioner. Each plan shall describe the key elements
209 of the proposed preliminary educator program in accordance with guidelines published by the

210 department. Such guidelines shall require that district-based programs to receive a performance-
211 based approval.

212 Three years after the effective date of this act, district-based training programs for holders
213 of preliminary licenses shall include but not be limited to (1) knowledge-based instruction in a)
214 applying knowledge of students and their diverse learning needs, b) applying knowledge of
215 cognitive science, c) applying knowledge of motivation, d) applying knowledge of content,
216 content specific pedagogy, and state curriculum frameworks, e) applying knowledge of planning,
217 instructional design, and assessment, f) applying knowledge of data analysis of student results
218 and classroom practices, g) applying knowledge of managing the learning environment, h)
219 applying knowledge of ongoing professional growth, i) applying knowledge of collaborating
220 with colleagues, families, and the community;

221 (2) in-class instructional coaching; and (3) practical application and performance based
222 assessment of these strategies.

223 Three years after the effective date of this act, district based administrator training
224 programs shall include but not be limited to (1) knowledge-based instruction in (a) instructional
225 leadership, including state curriculum frameworks, student performance standards, and strategies
226 for effective inclusive schooling for children with disabilities, (b) strategic leadership, including
227 comprehensive school reform, managing change, student performance data analysis and long and
228 short term planning, (c) teacher or principal evaluation skills and methods, including
229 observation, performance analysis and documentation, (d) professional community building,
230 including teacher instructional leadership, (e) communication skills, (f) promotion of equity and

231 diversity, (g) parent and community relationships; and (2) practical application and performance
232 based assessment of these strategies.

233 Districts shall show either evidence of joint sponsorship or collaboration of training
234 programs with (1) colleges or universities, or (2) other districts, or (3) other programs approved
235 by the commissioner to provide such programs for both teachers and administrators. The
236 department shall issue sample district plans that districts may implement in lieu of developing
237 original plans. The department shall coordinate the training efforts of districts; shall insure that
238 district programs meet fair, substantive and comprehensive professional development standards;
239 and shall establish regional programs for preliminary teachers and administrators. The
240 department of education shall devise standardized criteria for a final comprehensive evaluation
241 of each preliminary teacher and administrator, conducted at the end of the preliminary educator
242 period. All such evaluations shall be conducted according to nationally recognized professional
243 standards for personnel evaluation.

244 At the conclusion of each year of the approved district training program for preliminary
245 teachers and administrators, the district shall prepare a comprehensive evaluation report of the
246 preliminary educator's performance. Such report shall be submitted by the district directly to the
247 department of education. The final comprehensive evaluation report on each preliminary
248 educator shall be made on forms provided by the department of education. Said report shall
249 include an assessment of the individual's on the job performance and one of the following
250 recommendations:

251 (1) Approved: recommends that initial licensure be granted upon completion of the
252 other preparation and eligibility requirements as established by the board;

253 (2) Insufficient: recommends that the candidate be required to seek entry in the future
254 into the same or another district's training program prior to being recommended to advance to
255 initial licensure; or a candidate found insufficient twice shall not be allowed to enter another
256 district training program; or

257 (3) Disapproved: recommends that initial licensure not be granted and that the candidate
258 not be allowed to enter into the same or another district's training program within the
259 Commonwealth within two years.

260 The district shall provide the preliminary educator with a copy of the written evaluation
261 report and licensure recommendation before submitting it to the commissioner of education.

262 To be eligible for a license as an initial teacher, the candidate shall provide evidence that
263 he or she (1) holds a bachelor's degree in arts or sciences from an accredited college or
264 university with a major course in the arts or sciences appropriate to the instructional field or the
265 equivalent baccalaureate degree; (2) has passed a test established by the board which shall
266 consist of two parts: (A) a writing section which shall demonstrate the communication and
267 literacy skills necessary for effective instruction and improved communication between school
268 and parents; and (B) the subject matter knowledge for the license; (3) has satisfactorily
269 completed a teacher preparation program that has received performance-based approval; and (4)
270 is of sound moral character. A candidate who completes the requirements of this paragraph shall
271 be issued an initial license that will permit him to seek employment in a teaching position
272 requiring an instructional license.

273 Each public school district seeking to hire an educator who is within his first three years
274 of preliminary or initial licensure must submit a plan to the department of education which

275 details how the district will implement an induction program to supervise and support such
276 teacher or administrator in their first three years. The department of education shall issue sample
277 plans which districts may implement in lieu of developing an original plan. The commissioner
278 shall ensure that the following elements are included in all teacher and administrator induction
279 programs. mentoring; criteria-based selection and training for mentors; beginning teacher or
280 administrator development and training consistent with the standards set forth in this act;
281 administrator training to build school-wide support for beginning teachers; broad-based
282 systemwide planning; and induction program evaluation.

283 Assessment of induction programs shall be incorporated into existing department
284 monitoring for regulatory compliance to account for the degree an induction program is being
285 implemented and the quality of said program.

286 Effective two years after the enactment of this bill, and provided that the department of
287 education receives funding pursuant to Section 12, said department shall establish a statewide
288 recognition program for the most promising induction practices established by districts.

289 No district being funded through this act shall be authorized to employ an administrator
290 or teacher who is within his first three years of preliminary or initial licensure unless it has
291 shown evidence of implementing an induction program that has been approved by the
292 commissioner.

293 In not less than one year after the issuance of an initial license, the commissioner upon
294 receipt of a proper application shall issue a professional license to such educator who has
295 provided the commissioner with evidence, in such manner and form as prescribed by the board,
296 that he has met the preparation and eligibility requirements set by the board through a master's

297 degree program that meets the requirements of licensure approved by the commissioner, or
298 through an equivalent district program for a professional license approved by the commissioner,
299 or other equivalent programs approved by the commissioner; and has met the requirements set by
300 the commissioner and included in section 38 of this chapter, for demonstration of successful
301 performance.

302 Each professional license shall be active for five years and continued every five years
303 thereafter upon the successful completion of an individual professional development plan that
304 meets the subject matter knowledge and teaching skill requirements set by the board and that is
305 in accordance with the provisions established under section 38Q of this chapter. Such plan shall
306 be designed to increase the ability of the person to improve student learning.

307 Certificates granted by the board prior to October first, 1994, are hereby deemed
308 professional licenses which shall be renewed every five years.

309 The commissioner shall develop alternative paths for administrators to obtain an initial
310 license which shall facilitate a process whereby persons with significant managerial experience
311 can obtain such licensure, in accordance with the provisions of this section.

312 Any license issued by the commissioner may be revoked for cause, pursuant to standards
313 and procedures established by the board.

314 The board shall have the authority to promulgate, amend and rescind such rules and
315 regulations as may be necessary to carry out the provisions of this section. Such regulations shall
316 be presented to the joint committee on education arts and humanities for informational purposes
317 90 days prior to implementation.

318 All applications for licenses granted under this section shall be accompanied by a fee to
319 be determined annually by the commissioner of administration under the provisions of section
320 three B of chapter seven. Said fees shall be established and limited to allow the department to
321 carry out the licensure and license renewal responsibilities but in no case shall said applications
322 exceed \$100 with an increase no greater than the consumer price index.

323 Notwithstanding the foregoing, the board shall establish for each license area alternate
324 methods for fulfilling the professional development requirement, at least one of which shall be
325 provided at no cost to persons employed by a school district, including paraprofessionals or
326 assistant teachers, who are engaging in such activity for the purpose of satisfying the
327 professional development requirement of this section.

328 No person shall be eligible for employment as a teacher, guidance counselor, director,
329 school psychologist, school adjustment counselor, school social worker, school nurse, library
330 media specialist, school business administrator, principal, supervisor, director, assistant
331 superintendent of school, and superintendent of schools by a school district unless he has been
332 granted by the commissioner a preliminary, initial, or professional license with respect to the
333 type of position for which he seeks employment; provided, however, that nothing herein shall be
334 construed to prevent a school committee from prescribing additional qualifications; and provided
335 further, that a superintendent may upon request be exempt by the commissioner for any one
336 school year from the requirement in this section to employ licensed personnel when compliance
337 therewith would in the opinion of the commissioner constitute a great hardship in securing
338 teachers for that school district; provided that no school that has been placed on watch or
339 declared underperforming by the board of education shall be eligible for such waiver. During the
340 time that such a waiver is in effect, service of an employee of a school district to whom the

341 waiver applies shall not be counted as service in acquiring professional teacher status or other
342 rights under section 41.

343 Competence in Braille instruction shall be a requirement for an initial license as a teacher
344 of students with vision impairments. Such competence shall be verified through a testing
345 program which meets the standards of the Library of Congress National Library Service for the
346 Blind or its successor.

347 Competence in the use of technology as an instructional and management tool shall be a
348 requirement for all initial licenses.

349 For the purposes of licensing educators, the board shall establish policies and guidelines
350 and the commissioner may approve preparation programs devoted to the preparation of teachers
351 and other educational personnel. Three years after the effective date of this act, such policies and
352 guidelines shall require any institution offering an approved teacher training program to receive a
353 performance-based approval. For the purposes of licensing educators, the board shall establish
354 policies and guidelines and the commissioner may approve preparation programs devoted to the
355 preparation of teachers and other educational personnel. Three years after the effective date of
356 this act, such policies and guidelines shall require any institution offering an approved teacher
357 training program to receive a performance-based approval.

358 Three years after the effective date of this act, to receive program approval, a college or
359 university or school or district or other institution offering an approved teacher training program
360 (1) shall provide knowledge-based instruction and training to program participants including, but
361 not limited to, the following areas: a) applying knowledge of students and their diverse learning
362 needs, b) applying knowledge of cognitive science, c) applying knowledge of motivation, d)

363 applying knowledge of content, content specific pedagogy, and state curriculum frameworks, e)
364 applying knowledge of planning, instructional design, and assessment, f) applying knowledge of
365 data analysis of student results and classroom practices, g) applying knowledge of managing the
366 learning environment, h) applying knowledge of ongoing professional growth, i) applying
367 knowledge of collaborating with colleagues, families, and the community; and (2) shall require
368 one year of practical application and a performance-based assessment of these areas using
369 multiple sources of data.

370 Three years after the effective date of this act, program approval shall demonstrate that
371 technology tools for teachers are incorporated into all preparation. This provision shall also apply
372 to Massachusetts Institute for New Teachers and district-based programs.

373 Three years after the effective date of this act, policies and guidelines for approved
374 administrator training programs shall require training in (1) knowledge-based instruction,
375 including but not limited to the following areas, (a) instructional leadership, including state
376 curriculum frameworks, student performance standards, and strategies for effective inclusive
377 schooling for children with disabilities, (b) strategic leadership, including comprehensive school
378 reform, managing change, student performance data analysis and long and short term planning,
379 (c) teacher evaluation skills and methods, including observation, performance analysis and
380 documentation, (d) professional community building, including training in teacher instructional
381 leadership, (e) communication skills, (f) promotion of equity and diversity, (g) parent and
382 community relationships; and (2) shall require one year of practical application and performance
383 based assessment of these areas using multiple sources of data.

384 In addition to any other requirements in this section, in order to receive a preliminary or
385 initial license, persons applying for such licensure shall have completed such courses or training
386 sessions as the board shall require in supporting English language learners.

387 A college or university or school or district or other institution offering such an approved
388 program shall certify to the commissioner that a student has demonstrated satisfactory
389 competence in the skills and knowledge expected of college graduates in the most advanced
390 nations, and has completed the program approved.

391 A panel of teachers, principals, superintendents, and teacher preparation faculty, shall
392 develop an assessment to be used as a formative assessment of teacher training programs. Three
393 years after the effective date of this act, principals will use the assessment to rate the
394 preparedness of beginning teachers who have completed a particular Massachusetts-approved
395 teacher-training program; this shall include college, district-based, and alternative preparation
396 programs. Such assessment shall be concerned with whether teachers trained in such programs
397 possess the content knowledge and pedagogical skills appropriate for a novice practitioner.
398 Superintendents shall aggregate individual teacher assessment results and prepare reports
399 organized by teacher preparation program. Such reports shall be filed with the DOE and made
400 available.

401 At the end of each five-year period each professional educator shall attest to and provide
402 appropriate supporting evidence and documentation to the state department of education, in such
403 form and at such time as the commissioner shall prescribe, that the professional educator has
404 successfully completed a professional development plan which meets the standards set by the
405 board.

406 A teacher who is to be employed in a position in an area of license in which he is not
407 currently employed, but for which he held a license which had been active within five years
408 immediately preceding the starting date of employment in this position, shall be given a
409 reasonable period, as determined by the board, to fulfill a professional development plan which
410 demonstrates currency in the subject matter knowledge and re-qualify him for a license in said
411 area. In every instance, all evaluations and assessments shall follow nationally recognized
412 professional standards.

413 In addition to any other requirements of this section, the board shall require, as a
414 provision of an administrator's or teacher's license renewal, that all teachers and administrators
415 shall complete training required by section 38Q of this section. Anyone granted either a
416 professional license under this section or currently holding such license shall be required to
417 maintain the development of professional skills and the knowledge of subject matter pertinent to
418 the areas of licensure, and in accordance with section 38Q of this chapter.

419 Anyone granted a preliminary or initial license under this section or currently holding
420 such license shall maintain the development of professional skills and the knowledge of subject
421 matter pertinent to the areas of licensure by participating in a district induction/mentoring
422 program, and by fulfilling the requirements established by the board to advance to an initial or a
423 professional license. Any such educator who is not engaged in one of these options in the fourth
424 or fifth year of employment must complete a professional development plan that addresses
425 professional skills and subject matter knowledge and which meets the standards set by the board
426 for plans used for the purpose of license renewal.

427 Except as otherwise specifically provided in this section, no rights of any employees of a
428 school district under the provision of this chapter shall be impaired by the provisions of this
429 section.

430 This section shall not apply to trade, vocational, temporary substitute teachers, exchange
431 teachers, regionally licensed or certified teachers or to teaching or administrative interns;
432 provided, however, that approval for the employment of such personnel shall be generated by the
433 board under such rules and regulations as it may adopt.

434 The requirements of this section shall not apply to the license of teachers of adult
435 education. Nothing in this section or section 1H of chapter 69 shall be construed to prohibit a
436 school committee from employing a teacher certified under this section to teach adult education.

437 SECTION 5. Chapter 71 of the General Laws as appearing in the 2000 Official Edition is
438 hereby amended by inserting after Section 38G the following new section:-

439 Section 38G.5 Three years after the effective date of this act, to receive program
440 approval, any college or university offering an approved educator training program shall join
441 with a local school district to create an ongoing district advisory board. Said advisory board shall
442 provide colleges and universities an opportunity to be informed by practitioners about the needs
443 of the field and the knowledge and skills that are necessary for beginning teachers.

444 SECTION 6. Chapter 71 of the General Laws as appearing in the 2000 Official Edition is
445 hereby amended by inserting after Section 89 the following new sections:-

446 There is hereby established a comprehensive grant program pursuant to sections 90–94
447 and section 38Q of this act to support long-term planning, implementing, and evaluation to

448 upgrade a district’s systemic approach to improving educator quality through the processes of
449 recruitment, induction, teacher leadership, supervision and evaluation, professional development,
450 school structure, and school culture.

451 Said program shall support district capacity to consolidate human and financial resources
452 that influence the quality of the teacher and administrator workforce; and to advance
453 improvement in the aforementioned processes.

454 All districts across the Commonwealth shall have one year to plan and three years to
455 implement a comprehensive approach that integrates recruitment, induction, teacher leadership,
456 supervision and evaluation, professional development, school structure, and school culture to
457 build excellence in the teacher and administrator workforce.

458 Each district shall create a comprehensive plan that connects the seven processes; shall
459 elect the sequence in which each process is addressed over the one year of planning and three
460 years of implementation. The implementation design of district plans shall allow flexibility in
461 developing and strengthening each process into an integrated system for developing workforce
462 expertise.

463 In the first year after passage of this act, a grant program will be established to
464 support a)comprehensive planning by 15 pilot districts selected by a Statewide Panel described
465 in Section 7, b) establishment and training of the statewide panel, and c) staffing support for the
466 department of education.

467 Said funding shall be used by the department of education to provide staffing
468 support to the statewide panel, and in later years to regional panels; and build technical capacity
469 for supporting complex district change efforts to upgrade the processes specified in this bill. The

470 department of education shall submit a quarterly report to the house and senate committees on
471 ways and means and the joint committee on education, arts and humanities detailing said
472 department's expenditures

473 Said sums shall be in addition to any amounts previously appropriated and made
474 available; provided further, that all funds appropriated in this section shall not revert and shall be
475 available for expenditure until June 30, 2007.

476 Said program shall support district capacity to consolidate human and financial resources
477 that influence the quality of the teacher and administrator workforce; and to advance
478 improvement in the aforementioned seven processes.

479 Said program shall require evidence of a 10% matching contribution by the districts
480 towards improvement of these processes.

481

482 Three years after the effective date of this act, said funding shall be factored
483 into the chapter 70 formula and identified for educator quality to provide adequate, predictable,
484 and sustainable funding to districts to implement the provisions of this act. Districts shall not be
485 held accountable for implementing the provisions of this act for which the legislature has not
486 appropriated sufficient funds.

487 One statewide panel appointed by the Commissioner of Education will approve plans of
488 all districts participating in the first three years of planning and implementation. The panel shall
489 consist of 12 persons. The Commissioner shall appoint 12 members selected from (a) nominees
490 submitted by each of the following nine organizations: The Massachusetts Association of

491 College for Teacher Education, the Massachusetts Association of School Superintendents, the
492 Massachusetts Elementary School Principals Association, the Massachusetts Association of
493 School Committees, the Massachusetts Secondary School Administrators Association, the
494 Massachusetts Federation of Teachers, the Massachusetts Teachers Association, the
495 Massachusetts Parent Teacher Organization, the Massachusetts Association of Supervision and
496 Curriculum Development; and (b) nominees submitted by each of the following three
497 organizations: the Massachusetts Business Roundtable, the Associated Industries of
498 Massachusetts, and the Massachusetts Biotechnology Council . These lists may be comprised of
499 members of said associations or other individuals identified by the associations. All nominees
500 must be knowledgeable in understanding of the change process pertaining to the seven processes
501 of educator quality listed in said act.

502 The department of education shall be responsible for providing support staffing, training,
503 and general management of the panels, including but not limited to, creating an internal
504 organization for the panel, and creating assignments so as to ensure no panel member reviews
505 plans emanating from his or her district or which he or she has an otherwise specific professional
506 or personal interest or which otherwise could present a conflict of interest. The Commissioner
507 shall have the authority to create one or more positions specifically for the management of
508 staffing and logistical support for these panels through the annual funding provided to the
509 department of education in this act. Members shall be appointed for three-year terms. Terms of
510 initially appointed members shall be staggered so that no more than 4 members per panel are
511 replaced in a given year.

512 Said panel shall create criteria and guidelines to support the development and
513 implementation of plans for districts and professional development schools; approve and
514 disapprove grant applications.

515 The department of education monitors progress in implementation of approved plans and
516 holds all relevant constituencies accountable for the effective utilization of allocated funding
517 pursuant to this act. The department of education shall determine whether districts have shown
518 evidence of results. If a district fails to show evidence of results, renewal funding shall be used
519 for said district to bring in an approved preferred provider, as identified by the department of
520 education, to assist them in re-designing their plans.

521 Said panel shall hold the department of education accountable for effective
522 utilization of funds allocated. The panel shall administer a survey to all districts and colleges and
523 universities with approved educator preparation programs regarding department performance. If
524 survey results indicate that the department is not utilizing said funding effectively, a re-
525 assessment of the department's plan shall be undertaken by the appointed panel.

526 Section 90. Said comprehensive program shall support professional development schools
527 formed through partnerships consisting of an approved educator preparation program, a teachers'
528 association, and a P-12 school district to develop and sustain the links, structures, and
529 opportunities that result in a seamless continuum of professional development for teachers and
530 administrators at all stages of the career span.

531 Section 91. Said comprehensive program shall also be used for the purpose of supporting
532 teacher and administrator induction programs. Said funding shall be used for but not limited to
533 substitutes, training, stipends for part-time coordinators or high-quality mentors, or for other

534 elements that support plan implementation. Collaboratives shall also be eligible for said funding
535 for induction.

536 Districts shall account for systematic, differentiated induction for preliminary and initial
537 educators. Districts shall address the development of professional skills and the knowledge of
538 subject matter appropriate to the type, field, and level of educators' licenses. The commissioner
539 shall establish standards for such induction programs.

540 Districts that have fully implemented and locally maintained all components of their
541 induction plans shall be eligible to serve as induction laboratories and provide support to other
542 districts on developing high quality induction programs. Districts that wish to serve as induction
543 laboratories shall apply to the Regional Teacher Quality Panels for funding that may be used to
544 compensate teachers who are involved in the work of the induction laboratories. Districts that
545 serve as induction laboratories may provide non-financial compensations to teachers, including
546 but not limited to release time, waived fees for license renewal, tuition reimbursement for
547 courses for the purpose of license renewal.

548 Section 92. Said comprehensive program shall also be used for the purpose of improving
549 the quality of teacher and administrator performance evaluations. Collaboratives shall also be
550 eligible for said funding for teacher and administrator performance evaluations.

551 Said funding shall be used for but not limited to hiring implementation coaches to support
552 the strengthening of supervision and evaluation processes; supporting full and half time
553 positions, training, and substitutes; ensuring a process by which parent input may be used outside
554 formal evaluations. Included in comprehensive plans shall be a delineation of how districts will

555 increase the frequency and quality of interactions among teachers, between teachers and other
556 instructional personnel, and between teachers and administrators.

557 Section 93: Said comprehensive program shall also be used for the purpose of
558 supporting teacher instructional leadership. Said funding shall be used for but not limited to
559 stipends for teacher leaders, training, substitute teachers, or other elements that support plan
560 implementation.

561 The principal of each school shall facilitate the development of a plan for teacher
562 instructional leadership. Said plan shall include supports that increase the frequency in which
563 teachers work together to analyze and improve their performance. Areas of support may include
564 but not be limited to curriculum and instruction, data analysis of student performance; school-
565 level professional development, the facilitation of study groups; and the acquisition of
566 appropriate professional development resources. The principal shall facilitate a review of the
567 structure of the school day and time available for ongoing instructional dialogue with and among
568 teachers. Any teacher leadership program shall not be construed as an alternative to the statutory
569 authority or responsibility of the principal.

570 Districts shall ensure that each school implements teacher instructional leadership in such
571 a way that teachers have time and access to other teachers and administrators for the purpose of
572 improving instruction.

573 To be eligible for said funds, districts shall submit a letter of agreement with teachers'
574 union in support of the implementation for a new teacher instructional leadership plan. Districts
575 must demonstrate that this funding will be used to build instructional expertise and teacher
576 leadership support for teachers who share students and/or content.

577 Section 94. Said comprehensive program shall also be used to recruit teachers in
578 subject areas of highest need, including but not limited to math, science, special education, and
579 the education of limited English proficient students.

580 Section 95. Said comprehensive program shall also be used for the purpose of
581 supporting professional development activities in schools across the Commonwealth, pursuant to
582 section 38Q.

583 SECTION 7. Chapter 71 of the General Laws as appearing in the 2000 Official Edition,
584 is hereby amended by striking out section 38Q and inserting in place thereof the following new
585 section:-

586 Section 38Q. Said comprehensive grant program pursuant to sections 90-94 shall support
587 the integration and implementation of high-quality ongoing district-wide and individualized
588 professional development plans (IPDPs) into all other personnel processes cited in said sections.

589 However, notwithstanding funding pursuant to said act, districts shall be required to
590 adhere to all elements cited in this section.

591 Every school district in the commonwealth shall adopt and implement a professional
592 development plan for all principals, teachers, other professional staff, paraprofessionals and
593 teacher assistants employed by the district, and annually shall evaluate and update such plans and
594 set forth a budget for professional development within the confines of the foundation budget.

595 District professional development plans for teachers shall be linked to the knowledge
596 base of professional practice and shall include a) applying knowledge of students and their
597 diverse learning needs, b) applying knowledge of cognitive science, c) applying knowledge of

598 motivation, d) applying knowledge of content, content specific pedagogy, and state curriculum
599 frameworks, e) applying knowledge of planning, instructional design, and assessment, f)
600 applying knowledge of data analysis of student results and classroom practices, g) applying
601 knowledge of managing the learning environment, h) applying knowledge of ongoing
602 professional growth, i) applying knowledge of collaborating with colleagues, families, and the
603 community. District professional development plans for teachers shall be aligned with school
604 improvement goals and shall be linked to student results.

605 District professional development plans for administrators shall be linked to the
606 knowledge base of professional practice and shall include (a) instructional leadership, including
607 state curriculum frameworks, student performance standards, and strategies for effective
608 inclusive schooling for children with disabilities, (b) strategic leadership, including
609 comprehensive school reform, managing change, student performance data analysis and long and
610 short term planning, (c) teacher evaluation skills and methods, including observation,
611 performance analysis and documentation, (d) professional community building, including
612 training in teacher instructional leadership, (e) communication skills, (f) promotion of equity and
613 diversity, and (g) parent and community relationships. District professional development plans
614 for administrators shall be aligned with school and district improvement goals and shall be linked
615 to student results.

616 The plan may also include training in the provision of pre-referral services within regular
617 education. Said plan shall also include training for members of school councils, pursuant to
618 section 59C. Said plan may include teacher training which addresses the effects of gender bias in
619 the classroom. In any school district with limited English proficient students, the plan shall
620 provide training for teachers and administrators in second language acquisition techniques.

621 District professional development plans required by this section shall be filed annually with the
622 commissioner of education in a report. Said report shall specify and delineate professional
623 development expenditures and shall be publicized annually to the committees on education, arts,
624 and humanities and ways and means of the general court, teacher preparation programs, school
625 districts, all educator associations, and to the public.

626 The board shall establish policies and guidelines for approval for any continuing
627 education units, in-service seminars, projects, courses and other activities that would be deemed
628 sufficient to maintain the development of professional skills and the knowledge of subject matter
629 and pedagogy pertinent to particular licenses in accordance with the same procedures used for
630 initial approval of collegiate preparation programs.

631 Each educator shall attest to and provide appropriate supporting evidence and
632 documentation to the district that the educator has successfully completed a professional
633 development plan that is in accordance with the provisions established under this section.

634 The commissioner of education for the commonwealth shall annually prepare a plan for
635 providing statewide assistance in the preparation, implementation and evaluation of professional
636 development plans in conjunction with a broad-based coalition of teachers, principals,
637 superintendents, and higher education representatives. Such plan shall provide opportunities for
638 district collaboration and shall evaluate the feasibility of obtaining assistance from institutions of
639 higher education and private service providers. The plan shall include data that demonstrates,
640 statewide and by school district, the types of professional development provided for educators
641 who work with limited English proficient students. The plan shall be submitted to the board of
642 education for approval. A copy of said plan shall be submitted to the joint committee on

643 education, arts, and humanities of the great and general court. To support the development of
644 said statewide plan, the department of education shall document district professional
645 development practices, and shall create a network of schools and districts that demonstrate high-
646 quality professional development practices that show evidence of improving student
647 achievement. Said network shall support low-performing schools and districts in the
648 development of professional development plans that improve student achievement.

649 Each local and regional school district shall attest to the department of education, in such
650 form and at such time as the commissioner shall prescribe, that professional development
651 activities for which credit toward a license renewal is granted meet the requirements set by the
652 board, and are documented in accordance with procedures established by the board.

653 The board shall, in establishing said policies and criteria for professional development,
654 give special consideration to the best interests of the students in the commonwealth, including
655 the need for high quality teachers of English language learners programs established under
656 chapter 71A for limited English proficient students, and the need to maintain the highest
657 performance standards of teachers while taking into proper consideration the financial or time
658 constraints these policies may require. In developing such policies, guidelines and assessment
659 methods, the board shall obtain the input of teachers, administrators, educational experts,
660 parents, business leaders and others interested in the improvement of the professional status of
661 teachers.

662 SECTION 8. Chapter 71 of the General Laws as appearing in the 2000 Official Edition,
663 is hereby amended by striking out section 41 and inserting in place thereof the following new
664 section:-

665 Section 41. For the purposes of this section, a teacher, school librarian, school adjustment
666 counselor, school social worker, school nurse, or school psychologist who has served in the
667 public schools of a school district for the three previous consecutive school years shall be
668 considered a teacher, and shall be entitled to professional teacher status as provided in section
669 42. The superintendent of said district, upon the recommendation of the principal, may award
670 such status to any teacher who has served in the principal's school for not less than one year or to
671 a teacher who has obtained such status in any other public school district in the commonwealth.
672 A teacher without professional teacher status shall be notified in writing on or before June
673 fifteenth whenever such person is not to be employed for the following school year. Unless such
674 notice is given as herein provided, a teacher without such status shall be deemed to be appointed
675 for the following school year.

676 School principals, by whatever title their position may be known, shall not be represented
677 in collective bargaining, but every principal shall have the opportunity to meet and discuss
678 individually the terms and conditions of his employment in his school district with such district's
679 superintendent and may be represented by an attorney or other representative, and shall be
680 employed under a written contract of employment. School principals shall enter into individual
681 employment contracts with the districts that employ them concerning the terms and conditions of
682 their employment. The initial contract with each individual school district shall be for a
683 minimum of one year and shall not exceed three years. These conditions, as set forth in this
684 section, shall apply in full to the initial contract of each school principal regardless of past
685 employment history in the Commonwealth. Subsequent contracts shall be for a minimum of
686 three years. Principals entering into subsequent contracts with a school district that employed
687 them on the third Wednesday of November shall be treated as school principals entering into

688 their second contract period and subject to all further terms and conditions. Failure of the
689 superintendent to notify a principal of the proposed non-renewal of his contract at least 90 days,
690 which shall exclude July and August, prior to the expiration date of such contract shall
691 automatically renew the contract for an additional one-year period.

692 Except as provided herein, section 42 shall not apply to school principals, assistant
693 principals or department heads, although nothing in this section shall deny to any principal,
694 assistant principal or department head any professional teacher status to which he shall otherwise
695 be entitled. A principal, assistant principal, department head or other supervisor who has served
696 in that position in the public schools of the district for three consecutive years shall not be
697 dismissed or demoted except for failure on the part of the principal to satisfy the administrator
698 performance standards developed pursuant to section 38 of this chapter or other good cause.
699 Only a superintendent may dismiss a principal. A principal, assistant principal, department head
700 or other supervisor shall not be dismissed unless he has been furnished with a written notice of
701 intent to dismiss with an explanation of the grounds for the dismissal, and, if he so requests, has
702 been given a reasonable opportunity within 15 days after receiving such notice to review the
703 decision with the superintendent at which meeting such employee may be represented by an
704 attorney or other representative to present information pertaining to the bases for the decision
705 and to such employee's status. A principal, assistant principal, department head or other
706 supervisor may seek review of a dismissal or demotion decision by filing a petition with the
707 commissioner for arbitration. Except as provided herein, the procedures for arbitration, and the
708 time allowed for the arbitrator to issue a decision, shall be the same as that in section 42. The
709 commissioner shall provide the parties with the names of three arbitrators who are members of
710 the American Arbitration Association. The arbitrators shall be different from those developed

711 pursuant to section 42. The parties each shall have the right to strike one of the three arbitrator's
712 names if they are unable to agree upon a single arbitrator from amongst the three.

713 A school committee may award a contract to a superintendent of schools or a school
714 business administrator for a period not exceeding six years which may provide for the salary,
715 fringe benefits, and other conditions of employment, including but not limited to, severance pay,
716 relocation expenses, reimbursement for expenses incurred in the performance of duties or office,
717 liability insurance, and leave for said superintendent or school business administrator. Nothing in
718 this section shall be construed to prevent a school committee from voting to employ a
719 superintendent of schools who has completed three or more years' service to serve at its
720 discretion.

721 SECTION 9. Chapter 71 of the General Laws, as appearing in the 2000 Official Edition,
722 is hereby amended by striking out section 59B and inserting in place thereof the following new
723 section:-

724 Section 59B. The superintendent of a school district shall appoint principals for each
725 public school within the district at levels of compensation determined in accordance with
726 policies established by the school committee. Principals employed under this section shall be the
727 educational administrators and managers of their schools and shall supervise the operation and
728 management of their schools and school property, subject to the supervision and direction of the
729 superintendent. Principals employed under this section shall be responsible, consistent with
730 district personnel policies and budgetary restrictions and subject to the approval of the
731 superintendent, for hiring all teachers, athletic coaches, instructional or administrative aides, and

732 other personnel assigned to the school, and for terminating all such personnel, subject to review
733 and prior approval by the superintendent and subject to the provisions of this chapter.

734 The school superintendent of a city or town or regional school district including
735 vocational-technical schools, may also appoint administrators and other personnel not assigned
736 to particular schools, at levels of compensation determined in accordance with policies
737 established by the school committee.

738 SECTION 10. The department of education shall provide staffing support to the regional
739 panels; build staffing and technology to process licensure and re-licensure with a 48-hour
740 response rate; utilize its central position and legal authority to promote an educator quality
741 agenda for the state; set standards by which educators will be trained and update the standards to
742 reflect advancements in the field; serve as coordinator of high-quality external providers to
743 schools and districts; build leadership capacity by disseminating innovative educator quality and
744 professional development models; collect and analyze demographic and test data; communicate
745 the data to districts; help districts conduct further analyses; and provide technical assistance.

746 SECTION 11. . Notwithstanding any general or special law to the contrary, aspects of
747 the bill that require funding for implementation shall apply only to public school districts that
748 receive said funds from the state in addition to Chapter 70 funds. Districts shall engage in all
749 aspects of the bill that are not contingent on said funding.

750 SECTION 12 Notwithstanding any general or special law to the contrary, all provisions
751 of this act that apply to public school districts shall apply to Commonwealth and Horace Mann
752 Charter Schools, as established in Chapter 71 section 89 of the General Laws of Massachusetts