HOUSE DOCKET, NO. 2655 FILED ON: 1/18/2013

HOUSE . . . . . No. 418

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia A. Haddad

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to educator licensure.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Patricia A. Haddad	*5th Bristol*	*1/18/2013*

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HOUSE . . . . . No. 418

By Mrs. Haddad of Somerset, a petition (accompanied by bill, House, No. 418) of Patricia A. Haddad relative to educator licensure. Education.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to educator licensure.

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. Chapter 71 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out section 38G and inserting in place thereof the following section:-

Section 38G. As used in this section the following words shall have the following meanings:

"Board", the board of elementary and secondary education established by chapter fifteen.

"Commissioner", the commissioner of elementary and secondary education established by chapter fifteen.

"Department", the department of elementary and secondary education established by chapter fifteen.

"Initial educator", a person who holds an initial license.

"Initial license", a license to teach issued to a person who has successfully met the preparation and eligibility requirements stipulated herein and as established by the board. Said license shall be valid for five years of employment as an educator in the schools of the commonwealth and may be extended for an additional five years of employment in accordance with regulations adopted by the board.

"Professional educator", a person who holds a professional license.

"Professional license", a license to teach issued to a person who has successfully met the preparation and eligibility requirements stipulated herein and as established by the board. The professional license shall be valid for renewable terms of five years. An inactive license shall become invalid after five years.

"Regionally licensed or certified educator", an applicant for a teacher's license in Massachusetts who has been granted a regional license or certificate by another state jurisdiction under terms of a contract entered into pursuant to chapter seven hundred and forty-eight of the acts of nineteen hundred and sixty-eight, the Interstate Agreement on Certification of Educational Personnel. Such certificate shall be equivalent to the initial license.

"Reciprocity of certified educators", the process and requirements established by the commissioner for candidates to obtain a license who have completed a college preparation program included in the alternative certification reciprocity system of the National Association of State Directors of Teacher Education and Certification (NASDTEC); or a performance-based approval. Such license shall be equivalent to the initial license.

"Temporary educator", a person who holds a temporary license.

"Temporary license", a license to teach issued to a person who has successfully met the preparation and eligibility requirements stipulated herein and as established by the board. Said license shall be valid f or one year of employment and renewable for not more than two additional years of employment in accordance with regulations promulgated by the board. Said license shall thereafter be renewable for not more than two additional years at the discretion of the Commissioner.

The commissioner of education shall have authority to grant, upon application, temporary, initial, and professional licenses to persons who have satisfied the requirements for such licenses as established herein and by the board. The board shall define the knowledge of subject matter and demonstration of competencies commensurate with attainment and renewal of such licenses.

To be eligible for a license as a temporary educator, the candidate shall (1) hold a bachelor's degree in arts or sciences from an accredited college or university with a major course in the arts or sciences appropriate to the instructional field; (2) be of sound moral character; and (3) provide evidence of one of the following: (a) Has passed a test established by the board which shall consist of two parts: (i) a writing section which shall demonstrate the communication and literacy skills necessary for effective instruction and improved communication between school and parents; and (ii) the subject matter knowledge for the certificate; (b) Has completed all requirements of an educator preparation program approved by the department with the exception of passing the tests required for said license; or (c) Hold an active teaching license or certificate from another state and has been employed under said license or certificate for a minimum of three years. Candidates who complete the requirements in this paragraph shall be

55 issued temporary licenses which shall permit them to seek employment in teaching positions
56 requiring instructional licenses in districts which have a program, approved by the department, to
57 train, support and supervise temporary educators.

58 The board shall design a process for any licensure tests required in this section that
59 provides all failing candidates a comprehensive summary of their test results, including areas of
60 strengths and weaknesses, as well as a list of potential resources the candidate may consult in
61 attempting to achieve a passing score on their tests. This process shall be annually referred by
62 the board to the education personnel advisory council established in section 1G of Chapter 15 of
63 the general laws and said council shall annually provide recommendations, if any, on changing
64 this process in order to better assist candidates failing certification tests.

65 The commissioner shall establish standards for the training, support and supervision of
66 temporary educators in accordance with the provisions of this section. During the period of
67 employment, a person holding a temporary license pursuant to this section shall be under the
68 direct supervision of the principal or other appropriate supervisor who shall regularly observe
69 and evaluate the performance of assigned duties by such holder of a temporary license. Such
70 evaluation shall be according to relevant to nationally recognized professional standards for
71 personnel evaluation.

72 Each public school district seeking to hire a temporary educator must submit a district-
73 based training program plan for temporary educators to the department. No district shall be
74 authorized to employ a temporary educator unless it has submitted a plan for such a program and
75 the plan is approved by the commissioner. Each plan shall describe the key elements of the
76 proposed temporary educator program in accordance with guidelines established and published
77 by the department. Such guidelines shall require that temporary educators in district-based
78 programs meet the equivalent standards that initial educators meet in approved college and
79 university programs. Districts shall show either evidence of joint sponsorship or collaboration of
80 training programs with (1) colleges or universities, or (2) other districts, or (3) other programs
81 approved by the commissioner to provide such programs. The department shall issue standard
82 district plans which districts may implement in lieu of developing original plans. The department
83 shall coordinate the training efforts of districts, shall insure that district programs meet fair,
84 substantive and comprehensive professional development standards and shall establish regional
85 programs for provisional educators. The department shall also provide orientation programs for
86 support team members. Temporary educators shall be observed by a professional support team.
87 The department shall devise standardized criteria for a final comprehensive evaluation of each
88 temporary educator, conducted at the end of the temporary educator period by the professional
89 support team. All such evaluations shall be conducted according to nationally recognized
90 professional standard s for personnel evaluation.

91 At the conclusion of each year of the approved district training program for temporary
92 educators, the chairperson of the support team shall prepare a comprehensive evaluation report of

93 the temporary educator's performance. Such report shall be submitted by the chairperson directly
94 to the department. The final comprehensive evaluation report on each temporary educator shall
95 be made on forms provided by the department. Said report shall include an assessment of the
96 individual's on the job performance and one of the following recommendations: (1) Approved:
97 recommends that an initial license be granted upon completion of the other preparation and
98 eligibility requirements as established by the board; (2) Insufficient: recommends that the
99 candidate be allowed to seek entry in the future into a district training program; or a candidate
100 found insufficient twice shall not be allowed to enter another district training program; or (3)
101 Disapproved: recommends that an initial license not be granted and that the candidate not be
102 allowed to enter into a district training program.

103 The support team chairperson shall provide the temporary educator with a copy of the
104 written evaluation report and licensure recommendation before submitting it to the commissioner
105 of elementary and secondary education.

106 If the recommendation is to disapprove, the temporary educator may, within fifteen days,
107 submit to the chairperson written materials documenting the reasons why the temporary educator
108 believes his temporary license should continue to remain valid or a recommendation of
109 insufficient granted. The chairperson shall forward all such documentation to the commissioner
110 of elementary and secondary education along with the evaluation report and recommendation
111 concerning licensure.

112 Candidates who receive a recommendation of "disapproved" or two or more
113 recommendations of "insufficient" may appeal to the commissioner for approval of additional
114 opportunities to seek temporary educator employment in districts other than those in which they
115 received unfavorable recommendations. The candidate shall be responsible for demonstrating
116 why he would be likely to succeed if granted the requested opportunity.

117 Licenses granted by the board prior to October 1, 2009 considered to be "preliminary
118 licenses" so called, are hereby deemed temporary licenses which shall maintain the previously
119 assigned expiration date, provided however that no license shall be valid for more than 3 years of
120 employment.

121 To be eligible for licensure as an initial educator, the candidate shall provide evidence
122 that he (1) holds a bachelor's degree in arts or sciences from an accredited college or university
123 with a major course in the arts or sciences appropriate to the instructional field or the equivalent
124 baccalaureate degree; (2) has passed a test established by the board which shall consist of two
125 parts: (A) a writing section which shall demonstrate the communication and literacy skills
126 necessary for effective instruction and improved communication between school and parents;
127 and (B) the subject matter knowledge for the certificate; (3) has satisfactorily completed a board
128 of elementary and secondary education approved teacher preparation program; and (4) is of
129 sound moral character. A candidate who completes the requirements of this paragraph shall be

130 issued an initial license which will permit him to seek employment in a teaching position
131 requiring instructional licensure.

132 Each public school district seeking to hire an initial educator must submit a plan to the
133 department which details how the district will supervise and support such initial educators. No
134 district shall be authorized to employ an initial educator with unless it has submitted a plan for
135 the support and evaluation of such educator to the commissioner and received the approval of the
136 commissioner. The department shall issue standard plans for initial educators which districts may
137 implement in lieu of developing an original plan.

138 In not less than one year after the issuance of an initial license, the commissioner upon
139 receipt of a proper application shall issue a professional license to such initial license holder who
140 has provided the commissioner with evidence, in such manner and form as prescribed by the
141 board, that he has met the preparation and eligibility requirements set by the board through a
142 master's degree program approved by the commissioner, or through an equivalent district
143 program for professional license approved by the commissioner, or other equivalent programs
144 approved by the commissioner; and has met the requirements set by the commissioner for
145 demonstration of successful performance.

146

147 Each professional license shall be valid for five years and continued ever y five years
148 thereafter upon the successful completion of an individual professional development plan that
149 meets the subject matter knowledge and teaching skill requirements set by the board. Such plan
150 shall be designed to increase the ability of the person to improve student learning.

151 Certificates granted by the board prior to October first, nineteen hundred and ninety-four
152 are hereby deemed professional licenses which shall be renewed every 5 years.

153

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

156 The board shall have the authority to promulgate, amend and rescind such rules and
157 regulations as may be necessary to carry out the provisions of this section. Such regulations shall
158 be presented to the joint committee for informational purposes ninety days before
159 implementation.

160

161 All applications for any licenses granted under this section shall be accompanied by a fee
162 to be determined annually by the secretary of administration under the provisions of section three
163 B of chapter seven. Said fees shall be established and limited to allow the department to carry out

164 licensing and relicensing responsibilities but in no case shall said applications exceed one
165 hundred dollars per year with an annual increase no greater than the consumer price index.

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

171 No person shall be eligible for employment as a teacher, guidance counselor, director,
172 school psychologist, school adjustment counselor, school social worker, school nurse, library
173 media specialist, school business administrator, principal, supervisor, director, assistant
174 superintendent of school, and superintendent of schools by a school district unless he has been
175 granted by the commissioner a temporary, initial, or professional license with respect to the type
176 of position for which he seeks employment; provided, however, that nothing herein shall be
177 construed to prevent a school committee from prescribing additional qualifications; and provided
178 further, that a superintendent may upon request b e exempt by the commissioner for any one
179 school year from the requirement in this section to employ licensed personnel when compliance
180 therewith would in the opinion of the commissioner constitute a great hardship in securing
181 teachers for that school district. During the time that such a waiver is in effect, service of an
182 employee of a school district to whom the waiver applies shall not be counted as service in
183 acquiring professional teacher status or other rights under section forty-one.

184

185 In addition to any other requirements of this section, the board shall require, as a
186 provision of an administrator's or educator's license, that all educators and administrators shall
187 have training in strategies for effective inclusive schooling for children with disabilities,
188 instruction of students with diverse learning styles and classroom organization and management.
189 Such training shall include, at a minimum, practical experience in the application of these
190 strategies.

191 In addition to any other requirements in this section, in order to receive an initial or
192 professional license, persons applying for such certification shall have completed such courses or
193 training sessions as the board shall require in second language acquisition.

194 Competence in Braille instruction shall be a requirement for an initial and professional
195 license as a teacher of students with vision impairments. Such competence shall be verified
196 through a testing program which meets the standards of the Library of Congress National Library
197 Service for the Blind or its successor.

198 For the purposes of licensing educators, the board shall establish policies and guidelines
199 and the commissioner may approve preparation programs devoted to the preparation of teachers

200 and other educational personnel. A college or university or school or district or other institution
201 offering such an approved program shall certify to the commissioner that a student has
202 demonstrated satisfactory competence in the skills and knowledge expected of college graduates
203 in the most advanced nations, and has completed the program approved. The college or
204 university or school district or other institution shall also provide the commissioner with a
205 transcript of the student's record.

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

210 In addition to any other requirements of this section, the board shall require, as a
211 provision of an administrator's or educator's relicensure, that all educators and administrators
212 shall have training in strategies for effective inclusive schooling for children with disabilities,
213 instruction of students with diverse learning styles and classroom organization and management.
214 Such training shall include, at a minimum, practical experience in the application of these
215 strategies.

216 It shall be one of the objectives of all school districts' professional development plans to
217 satisfy the individual professional development plans required by this section; provided,
218 however, t hat this requirement shall not be construed to require that a school district or the
219 commonwealth provide funding for the fulfillment of the professional development requirements
220 of this section and section thirty-eight Q beyond the foundation budget.

221 The board shall establish policies and guidelines for approval for any continuing
222 education units, inservice seminars, projects, courses and other activities which would be
223 deemed sufficient to maintain the development of professional skills and the knowledge of
224 subject matter pertinent to particular certificates in accordance with the same procedures used for
225 initial approval of collegiate preparation programs. The commissioner shall establish for each
226 license alternate methods for fulfilling the professional development requirement, at least one of
227 which must be at no cost to persons employed by a school district who are engaging in such an
228 activity for the purpose of satisfying the professional development requirements for relicensure
229 of this section.

230

231 Such policies shall provide that a teacher who is to be employed in a position in an area
232 of licensure in which he is not currently employed, but for which he held a license which had
233 been valid within five years immediately preceding the starting date of employment in this
234 position, shall be given a reasonable period, as determined by the board, to fulfill a professional
235 development plan which demonstrates currency in the subject matter knowledge and requalify

236 him for licensure in said area. In every instance, all evaluations and assessments shall follow
237 nationally recognized professional standards.

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

242

243 The board shall, in establishing said policies and criteria for profession al development,
244 give special consideration to the best interests of the students in the commonwealth, including
245 the need for high quality teachers of English language learners programs established under
246 chapter 71A for limited English proficient students and the need to maintain the highest
247 performance standards of teachers while taking into proper consideration the financial or time
248 constraints these policies may require. In developing such policies, guidelines and assessment
249 methods, the board shall obtain the input of teachers, administrators, educational experts,
250 parents, business leaders and others interested in the improvement of the professional status of
251 teachers.

252

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

256 Anyone granted either a temporary, initial, or professional license under this section or
257 currently holding such a license shall be required to maintain the development of professional
258 skills and the knowledge of subject matter pertinent to the areas of licensure.

259 Teachers who were authorized, permitted or approved to teach in a subject or area for
260 which there was no license before September first , nineteen hundred and eighty-two, shall
261 acquire and maintain the development of the skills and training required of persons licensed to
262 teach in said subject or areas after that date.

263

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

268

269 The requirements of this section shall not apply to the licensure of teachers of adult
270 education. Nothing in this section or section 1H of chapter 69 shall be construed to prohibit a
271 school committee from employing a teacher licensed under this section to teach adult education.