HOUSE DOCKET, NO. 205 FILED ON: 1/12/2015

HOUSE . . . . . No. 371

The Commonwealth of Massachusetts

PRESENTED BY:

Sean Garballey

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 excellence.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Sean Garballey	*23rd Middlesex*	*1/12/2015*

HOUSE DOCKET, NO. 205 FILED ON: 1/12/2015

HOUSE . . . . . No. 371

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 371) of Sean Garballey for legislation to establish the teacher, principal and superintendent quality endowment fund. Education.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

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:

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

Section 35S. There shall be established and set up on the books of the commonwealth a separate fund, to be administered by the commissioner of education, which shall be known as the Teacher, Principal and Superintendent Quality Endowment Fund. Said fund shall be pursuant to Sections 2 and 3 of this act. The fund shall consist of all revenues from public and private sources as appropriations, gifts, grants and donations and from the federal government as reimbursements, grants-in-aid or other receipts to further the purposes of the fund in accordance with sections 19B, 19C and 19E of chapter 15A. All revenues credited to the fund under this section shall remain in the fund and shall be expended without further appropriation for applications pursuant to said sections 19B, 19C and 19E of said chapter 15A. The state treasurer

shall deposit and invest monies in said fund in accordance with sections 34, 34A and 38 of chapter 29 in such a manner as to secure the highest rate of return available consistent with the safety of the fund. The fund shall be expended only for the purposes stated in said sections 19B, 19C and 19E of said chapter 15A at the direction of the commissioner. On February 1 of each year, the state treasurer shall notify the commissioner of the projected investment earnings of the fund for the upcoming fiscal year. The treasurer shall authorize the annual expenditure of an amount not to exceed the interest earnings of the fund, plus an amount not to exceed $3,600,000 from the principal of the fund. Not more than 10 percent of the fund shall be used for the purposes stated in section 19B of said chapter 15A in each fiscal year, not more than 10 percent of expenditures from the fund shall be used for the purposes stated in said section 19C of said chapter 15A in each fiscal year, and not more than 30 percent shall be used for the purposes stated in said section 19E of said chapter 15A.

SECTION 2 . Chapter 15A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out section 19C and inserting in place thereof the following:—

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

(1) The department shall select master teachers who achieve master teacher status by meeting the following criteria: achieve certification through the National Board for Professional Teaching Standards (NBPTS); pass a challenging content test; and agree to serve as educational leaders within their schools, including, but not limited to, acting as mentors to new teachers. The department may develop and include alternatives to the NBPTS program provided such alternatives maintain equivalent or higher standards of excellence in teaching.

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

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

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

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

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

The superintendent, by means of comprehensive evaluation, shall cause the performance of all teachers, principals, and administrators within the school district to be evaluated using any principles of evaluation established by the board of education pursuant to section one B of chapter 69 and by such consistent, supplemental performance standards as the school committee may require, including the extent to which students assigned to such teachers and administrators satisfy student academic standards or, in the case of a special education student, the individual education plan, and the successful implementation of professional development plans required under section 38Q; provided, however, that such principles and standards be consistent with the anti-discrimination requirements of chapter 152B. The procedures and standards for such evaluations, but not the requirement for such evaluations, shall be subject to the collective bargaining provisions of chapter 150E .

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

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

All professional development plans shall be reviewed by administrators for clarity, rigor and substance. Clarity shall mean that in reading the plan administrators are able to identify what the teacher will do; substance shall mean that the plan includes work that will impact student learning. Rigor shall mean that the plan requires a teacher to undertake activities that result in challenging and significant professional growth.

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

At a minimum, performance standards for all teachers shall include broad categories, such as a) applying knowledge of students and their diverse learning needs, b) applying knowledge of cognitive science, c) applying knowledge of motivation, d) applying knowledge of content, content specific pedagogy, and state curriculum frameworks, e) applying knowledge of planning, instructional design, and assessment, f) applying knowledge of data analysis of student results and classroom practices, g) applying knowledge of managing the learning environment, h) applying knowledge of ongoing professional growth, i) applying knowledge of collaborating with colleagues, families, and the community. Performance standards for preliminary and initial educators shall be consistent with Interstate New Teacher Assessment and Support Consortium

(INTASC) and the National Board for Professional Teaching Standards (NBPTS), or its successor organization, standards for new teachers, and (3) performance standards for professional teachers shall be consistent with the National Board for Professional Teaching Standards, or its successor organization.

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

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

Specific standards of teacher performance consistent with the provisions for performance standards in this section may be established by the school committee upon the recommendation of the superintendent, provided that where teachers are represented for collective bargaining purposes, all teacher performance standards shall be determined as follows: The school committee and the collective bargaining representative shall undertake for a reasonable period of

time to agree on teacher performance standards. Prior to said reasonable period of time, the school district shall seek a public hearing to comment on such standards. In the absence of an agreement, after 90 days, teacher performance indicator shall be determined by binding interest arbitration. Either the school district or the teachers' collective bargaining representative may file a petition seeking arbitration with the commissioner of education. The commissioner shall forward to the parties a list of three arbitrators provided by the American Arbitration Association. The school committee and the collective bargaining representative within three days of receipt of the list from the commissioner of education shall have the right to strike one of the three arbitrators' names if they are unable to agree upon a single arbitrator from among the three. The arbitration shall be conducted in accordance with the rules of the arbitrators provided by the American Arbitration Association to be consistent with the provisions of this section. In reaching a decision, the arbitrator shall consider the multiple sources of data as established herein for teacher evaluation. The arbitrator shall also consider the particular socioeconomic conditions of the student population of the school district. Both the parties and the arbitrator may adopt performance standards established by state or national organizations. The performance standards shall be incorporated into the applicable collective bargaining agreement; provided, however, that any subsequent modification of the performance standards shall be made pursuant to the procedures set forth in this section.

The results of teacher evaluations may be used in decisions to dismiss, demote, or remove a teacher pursuant to sections 42, 42A, and 63, provided that districts shall provide formal improvement plans and intensive support services to teachers rated as unsatisfactory, according to district policies. At the end of a one-year intensive remediation process, districts may dismiss teachers who continue to rate as unsatisfactory in accordance with the provisions of Section 42,

and provided further that districts that fail to provide said plans and services shall not be allowed to dismiss teachers rated as unsatisfactory and may assign them to non-teaching duties until such time that said plans and services are fully implemented.

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

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

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

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

"Board", the board of 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 as established herein for an initial license and completed a college program, graduate or undergraduate, or other program to receive a performance-based approval. Said license shall be valid for five years of employment as an educator in the schools of the commonwealth and may be renewed for an additional five years of employment in accordance with regulations adopted by the board.

"Preliminary educator", a person who holds a preliminary license.

"Preliminary license", a license to teach issued to a person who has successfully met the preparation and eligibility requirements as established herein for a preliminary license. The preliminary license shall be valid for five years of employment as an educator in the schools of the commonwealth and shall be non-renewable.

"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 as established herein. The professional license shall be active for renewable terms of five years. An inactive license becomes 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 748 of the acts of 1968, the Interstate Agreement on Licensure 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 licensure reciprocity system of the National Association of State Directors of Teacher Education and Licensure (NASDTEC); or a performance-based approval. Such license shall be equivalent to the initial license.

"Temporary license", a license to teach which the commissioner of education may, at his discretion, issue to a person who holds an active teaching license or certificate from another state and who has been employed under the license or certificate for a minimum of three years but has not satisfied the testing requirements for a license contained in this section. The temporary

license shall be active for one year and shall be nonrenewable. Service under a temporary license shall be counted as service in acquiring professional teacher status, contingent upon the teacher passing the applicable licensure tests.

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

To be eligible for a license as a preliminary 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) pass a test established by the board which shall consist of two parts: (A) a writing section which shall demonstrate the communication and literacy skills necessary for effective instruction and improved communication between school and parents; and (B) the subject matter knowledge for the license; and (3) be of sound moral character. Candidates who complete the requirements in this paragraph shall be issued preliminary licenses, which shall permit them to seek employment in teaching positions requiring instructional licenses in districts that have an approved program to train, support, and supervise preliminary educators.

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

Each public school district seeking to hire a preliminary educator must submit a district-based training program plan for preliminary educators to the department of education. No district shall be authorized to employ a preliminary educator unless it has submitted a plan for such a program and received approval of the commissioner. Each plan shall describe the key elements

of the proposed preliminary educator program in accordance with guidelines published by the department. Such guidelines shall require that district-based programs to receive a performance-based approval.

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

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

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

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

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

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

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

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

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

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

To be eligible for a license as an initial teacher, the candidate shall provide evidence that he or she (1) holds 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 or the equivalent baccalaureate degree; (2) has passed a test established by the board which shall consist of two parts: (A) a writing section which shall demonstrate the communication and literacy skills necessary for effective instruction and improved communication between school and parents; and (B) the subject matter knowledge for the license; (3) has satisfactorily completed a teacher preparation program that has received performance-based approval; and (4) is of sound moral character. A candidate who completes the requirements of this paragraph shall be issued an initial license that will permit him to seek employment in a teaching position requiring an instructional license.

Each public school district seeking to hire an educator who is within his first three years of preliminary or initial licensure must submit a plan to the department of education which details how the district will implement an induction program to supervise and support such teacher or administrator in their first three years. The department of education shall issue sample plans which districts may implement in lieu of developing an original plan. The commissioner shall ensure that the following elements are included in all teacher and administrator induction programs. mentoring; criteria-based selection and training for mentors; beginning teacher or administrator development and training consistent with the standards set forth in this act; administrator training to build school-wide support for beginning teachers; broad-based systemwide planning; and induction program evaluation.

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

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

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

In not less than one year after the issuance of an initial license, the commissioner upon receipt of a proper application shall issue a professional license to such educator who has

provided the commissioner with evidence, in such manner and form as prescribed by the board, that he has met the preparation and eligibility requirements set by the board through a master's degree program that meets the requirements of licensure approved by the commissioner, or through an equivalent district program for a professional license approved by the commissioner, or other equivalent programs approved by the commissioner; and has met the requirements set by the commissioner and included in section 38 of this chapter, for demonstration of successful performance.

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

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

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

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

The board shall have the authority to promulgate, amend and rescind such rules and regulations as may be necessary to carry out the provisions of this section. Such regulations shall

be presented to the joint committee on education arts and humanities for informational purposes 90 days prior to implementation.

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

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

No person shall be eligible for employment as a teacher, guidance counselor, director, school psychologist, school adjustment counselor, school social worker, school nurse, library media specialist, school business administrator, principal, supervisor, director, assistant superintendent of school, and superintendent of schools by a school district unless he has been granted by the commissioner a preliminary, initial, or professional license with respect to the type of position for which he seeks employment; provided, however, that nothing herein shall be construed to prevent a school committee from prescribing additional qualifications; and provided further, that a superintendent may upon request be exempt by the commissioner for any one school year from the requirement in this section to employ licensed personnel when compliance therewith would in the opinion of the commissioner constitute a great hardship in securing

teachers for that school district; provided that no school that has been placed on watch or declared underperforming by the board of education shall be eligible for such waiver. During the time that such a waiver is in effect, service of an employee of a school district to whom the waiver applies shall not be counted as service in acquiring professional teacher status or other rights under section 41.

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

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

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

Three years after the effective date of this act, to receive program approval, a college or university or school or district or other institution offering an approved teacher training program

(1) shall provide knowledge-based instruction and training to program participants including, but not limited to, the following areas: a) applying knowledge of students and their diverse learning needs, b) applying knowledge of cognitive science, c) applying knowledge of motivation, d) applying knowledge of content, content specific pedagogy, and state curriculum frameworks, e) applying knowledge of planning, instructional design, and assessment, f) applying knowledge of data analysis of student results and classroom practices, g) applying knowledge of managing the learning environment, h) applying knowledge of ongoing professional growth, i) applying knowledge of collaborating with colleagues, families, and the community; and (2) shall require one year of practical application and a performance-based assessment of these areas using multiple sources of data.

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

Three years after the effective date of this act, policies and guidelines for approved administrator training programs shall require training in (1) knowledge-based instruction, including but not limited to the following areas, (a) instructional leadership, including state curriculum frameworks, student performance standards, and strategies for effective inclusive schooling for children with disabilities, (b) strategic leadership, including comprehensive school reform, managing change, student performance data analysis and long and short term planning, (c) teacher evaluation skills and methods, including observation, performance analysis and documentation, (d) professional community building, including training in teacher instructional leadership, (e) communication skills, (f) promotion of equity and diversity, (g) parent and

community relationships; and (2) shall require one year of practical application and performance based assessment of these areas using multiple sources of data.

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

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

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

At the end of each five-year period each professional educator shall attest to and provide appropriate supporting evidence and documentation to the state department of education, in such form and at such time as the commissioner shall prescribe, that the professional educator has

successfully completed a professional development plan which meets the standards set by the board.

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

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

Anyone granted a preliminary or initial license under this section or currently holding such license shall maintain the development of professional skills and the knowledge of subject matter pertinent to the areas of licensure by participating in a district induction/mentoring program, and by fulfilling the requirements established by the board to advance to an initial or a professional license. Any such educator who is not engaged in one of these options in the fourth or fifth year of employment must complete a professional development plan that addresses

professional skills and subject matter knowledge and which meets the standards set by the board for plans used for the purpose of license renewal.

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

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

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

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

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

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

There is hereby established a comprehensive grant program pursuant to sections 90–94 and section 38Q of this act to support long-term planning, implementing, and evaluation to upgrade a district's systemic approach to improving educator quality through the processes of recruitment, induction, teacher leadership, supervision and evaluation, professional development, school structure, and school culture.

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

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

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

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

Said funding shall be used by the department of education to provide staffing support to the statewide panel, and in later years to regional panels; and build technical capacity for supporting complex district change efforts to upgrade the processes specified in this bill. The department of education shall submit a quarterly report to the house and senate committees on ways and means and the joint committee on education, arts and humanities detailing said department's expenditures

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

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

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

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

One statewide panel appointed by the Commissioner of Education will approve plans of all districts participating in the first three years of planning and implementation. The panel shall consist of 12 persons. The Commissioner shall appoint 12 members selected from (a) nominees submitted by each of the following nine organizations: The Massachusetts Association of College for Teacher Education, the Massachusetts Association of School Superintendents, the Massachusetts Elementary School Principals Association, the Massachusetts Association of School Committees, the Massachusetts Secondary School Administrators Association, the Massachusetts Federation of Teachers, the Massachusetts Teachers Association, the Massachusetts Parent Teacher Organization, the Massachusetts Association of Supervision and Curriculum Development; and (b) nominees submitted by each of the following three organizations: the Massachusetts Business Roundtable, the Associated Industries of Massachusetts, and the Massachusetts Biotechnology Council . These lists may be comprised of members of said associations or other individuals identified by the associations. All nominees must be knowledgeable in understanding of the change process pertaining to the seven processes of educator quality listed in said act.

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

initially appointed members shall be staggered so that no more than 4 members per panel are replaced in a given year.

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

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

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

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

Section 91. Said comprehensive program shall also be used for the purpose of supporting teacher and administrator induction programs. Said funding shall be used for but not limited to substitutes, training, stipends for part-time coordinators or high-quality mentors, or for other elements that support plan implementation. Collaboratives shall also be eligible for said funding for induction.

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

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

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

Said funding shall be used for but not limited to hiring implementation coaches to support the strengthening of supervision and evaluation processes; supporting full and half time

positions, training, and substitutes; ensuring a process by which parent input may be used outside formal evaluations. Included in comprehensive plans shall be a delineation of how districts will increase the frequency and quality of interactions among teachers, between teachers and other instructional personnel, and between teachers and administrators.

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

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

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

To be eligible for said funds, districts shall submit a letter of agreement with teachers' union in support of the implementation for a new teacher instructional leadership plan. Districts

must demonstrate that this funding will be used to build instructional expertise and teacher leadership support for teachers who share students and/or content.

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

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

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

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

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

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

District professional development plans for teachers shall be linked to the knowledge base of professional practice and shall include a) applying knowledge of students and their diverse learning needs, b) applying knowledge of cognitive science, c) applying knowledge of motivation, d) applying knowledge of content, content specific pedagogy, and state curriculum frameworks, e) applying knowledge of planning, instructional design, and assessment, f) applying knowledge of data analysis of student results and classroom practices, g) applying knowledge of managing the learning environment, h) applying knowledge of ongoing professional growth, i) applying knowledge of collaborating with colleagues, families, and the community. District professional development plans for teachers shall be aligned with school improvement goals and shall be linked to student results.

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

The plan may also include training in the provision of pre-referral services within regular education. Said plan shall also include training for members of school councils, pursuant to

section 59C. Said plan may include teacher training which addresses the effects of gender bias in the classroom. In any school district with limited English proficient students, the plan shall provide training for teachers and administrators in second language acquisition techniques. District professional development plans required by this section shall be filed annually with the commissioner of education in a report. Said report shall specify and delineate professional development expenditures and shall be publicized annually to the committees on education, arts, and humanities and ways and means of the general court, teacher preparation programs, school districts, all educator associations, and to the public.

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

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

The commissioner of education for the commonwealth shall annually prepare a plan for providing statewide assistance in the preparation, implementation and evaluation of professional development plans in conjunction with a broad-based coalition of teachers, principals, superintendents, and higher education representatives. Such plan shall provide opportunities for district collaboration and shall evaluate the feasibility of obtaining assistance from institutions of higher education and private service providers. The plan shall include data that demonstrates,

statewide and by school district, the types of professional development provided for educators who work with limited English proficient students. The plan shall be submitted to the board of education for approval. A copy of said plan shall be submitted to the joint committee on education, arts, and humanities of the great and general court. To support the development of said statewide plan, the department of education shall document district professional development practices, and shall create a network of schools and districts that demonstrate high-quality professional development practices that show evidence of improving student achievement. Said network shall support low-performing schools and districts in the development of professional development plans that improve student achievement.

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

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

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

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

School principals, by whatever title their position may be known, shall not be represented in collective bargaining, but every principal shall have the opportunity to meet and discuss individually the terms and conditions of his employment in his school district with such district's superintendent and may be represented by an attorney or other representative, and shall be employed under a written contract of employment. School principals shall enter into individual employment contracts with the districts that employ them concerning the terms and conditions of their employment. The initial contract with each individual school district shall be for a minimum of one year and shall not exceed three years. These conditions, as set forth in this section, shall apply in full to the initial contract of each school principal regardless of past

employment history in the Commonwealth. Subsequent contracts shall be for a minimum of three years. Principals entering into subsequent contracts with a school district that employed them on the third Wednesday of November shall be treated as school principals entering into their second contract period and subject to all further terms and conditions. Failure of the superintendent to notify a principal of the proposed non-renewal of his contract at least 90 days, which shall exclude July and August, prior to the expiration date of such contract shall automatically renew the contract for an additional one-year period.

Except as provided herein, section 42 shall not apply to school principals, assistant principals or department heads, although nothing in this section shall deny to any principal, assistant principal or department head any professional teacher status to which he shall otherwise be entitled. A principal, assistant principal, department head or other supervisor who has served in that position in the public schools of the district for three consecutive years shall not be dismissed or demoted except for failure on the part of the principal to satisfy the administrator performance standards developed pursuant to section 38 of this chapter or other good cause. Only a superintendent may dismiss a principal. A principal, assistant principal, department head or other supervisor shall not be dismissed unless he has been furnished with a written notice of intent to dismiss with an explanation of the grounds for the dismissal, and, if he so requests, has been given a reasonable opportunity within 15 days after receiving such notice to review the decision with the superintendent at which meeting such employee may be represented by an attorney or other representative to present information pertaining to the bases for the decision and to such employee's status. A principal, assistant principal, department head or other supervisor may seek review of a dismissal or demotion decision by filing a petition with the commissioner for arbitration. Except as provided herein, the procedures for arbitration, and the

time allowed for the arbitrator to issue a decision, shall be the same as that in section 42. The commissioner shall provide the parties with the names of three arbitrators who are members of the American Arbitration Association. The arbitrators shall be different from those developed pursuant to section 42. The parties each shall have the right to strike one of the three arbitrator's names if they are unable to agree upon a single arbitrator from amongst the three.

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

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

Section 59B. The superintendent of a school district shall appoint principals for each public school within the district at levels of compensation determined in accordance with policies established by the school committee. Principals employed under this section shall be the educational administrators and managers of their schools and shall supervise the operation and management of their schools and school property, subject to the supervision and direction of the superintendent. Principals employed under this section shall be responsible, consistent with

district personnel policies and budgetary restrictions and subject to the approval of the superintendent, for hiring all teachers, athletic coaches, instructional or administrative aides, and other personnel assigned to the school, and for terminating all such personnel, subject to review and prior approval by the superintendent and subject to the provisions of this chapter.

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

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

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

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