

SENATE No. 350**The Commonwealth of Massachusetts**

PRESENTED BY:

Daniel A. Wolf

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 related to just cause terminations.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|-------------------------------|------------------------------------|
| <i>Daniel A. Wolf</i> | <i>Cape and Islands</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> |
| <i>Michael O. Moore</i> | <i>Second Worcester</i> |
| <i>Colleen M. Garry</i> | <i>36th Middlesex</i> |
| <i>Sarah K. Peake</i> | <i>4th Barnstable</i> |
| <i>Ruth B. Balser</i> | <i>12th Middlesex</i> |
| <i>Angelo J. Puppolo, Jr.</i> | <i>12th Hampden</i> |
| <i>Jose F. Tosado</i> | <i>9th Hampden</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> |
| <i>James J. O'Day</i> | <i>14th Worcester</i> |
| <i>John C. Velis</i> | <i>4th Hampden</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> |
| <i>Michael D. Brady</i> | <i>Second Plymouth and Bristol</i> |
| <i>Barbara A. L'Italien</i> | <i>Second Essex and Middlesex</i> |
| <i>Michelle M. DuBois</i> | <i>10th Plymouth</i> |
| <i>Thomas M. McGee</i> | <i>Third Essex</i> |

| | |
|---------------------------|-----------------------------------|
| <i>James T. Welch</i> | <i>Hampden</i> |
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> |
| <i>James R. Miceli</i> | <i>19th Middlesex</i> |
| <i>Claire D. Cronin</i> | <i>11th Plymouth</i> |
| <i>Patricia D. Jehlen</i> | <i>Second Middlesex</i> |
| <i>Frank I. Smizik</i> | <i>15th Norfolk</i> |
| <i>Marc R. Pacheco</i> | <i>First Plymouth and Bristol</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> |
| <i>Paul W. Mark</i> | <i>2nd Berkshire</i> |

SENATE No. 350

By Mr. Wolf, a petition (accompanied by bill, Senate, No. 350) of Daniel A. Wolf, Denise Provost, Jason M. Lewis, Michael O. Moore and other members of the General Court for legislation relative to just cause terminations. Education.

The Commonwealth of Massachusetts

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

An Act related to just cause terminations.

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 Section 42 of Chapter 71 of the General Laws is hereby amended by striking
2 out the third paragraph in place thereof the following paragraph:-

3 A teacher with professional teacher status, pursuant to section forty-one, shall not be
4 dismissed except for just cause, including inefficiency, incompetency, incapacity, conduct
5 unbecoming a teacher, insubordination or failure on the part of the teacher to satisfy teacher
6 performance standards developed pursuant to section thirty-eight of this chapter.

7 SECTION 2 Section 42 of Chapter 71 of the general laws is hereby further amended in
8 the fifth paragraph by striking the second sentence and inserting the following:-

9 In determining whether just cause exists for dismissal, the arbitrator shall have the
10 authority to consider whether the grounds, if proven, warrant dismissal or a lesser measure of
11 discipline based on such factors including, but not limited to, whether the proven misconduct or
12 shortcoming justifies dismissal and whether the decision to dismiss is consistent with

13 fundamental fairness as expressed in a collective bargaining agreement or through established
14 disciplinary practices in the district.

15 SECTION 3 Section 42 of Chapter 71 of the general laws is hereby further amended in
16 the sixth paragraph by striking the sixth sentence and inserting the following:-

17 With the exception of other remedies provided by statute, an arbitrator hearing a
18 dismissal pursuant to this section shall be limited to awarding the aforementioned remedies.