

HOUSE No. 4539

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 31, 2022.

The committee on Education to whom were referred the petition (accompanied by bill, House, No. 573) of Carol A. Doherty and others for an investigation by a special commission (including members of the General Court) relative to the diversification of the teaching workforce, the petition (accompanied by bill, House, No. 582) of Nika C. Elugardo and others for legislation to establish a permanent commission on American Indian and Alaska Native education, the petition (accompanied by bill, House, No. 583) of Nika C. Elugardo and others relative to diversity in public education, the petition (accompanied by bill, House, No. 584) of Nika C. Elugardo, Erika Uytterhoeven and others relative to anti-racism, equity and justice in education, the petition (accompanied by bill, House, No. 618) of Natalie M. Higgins, Jack Patrick Lewis and Adam J. Scanlon relative to LGBTQ+ inclusive curriculum in public schools, the petition (accompanied by bill, House, No. 651) of Jack Patrick Lewis and others for legislation to require the teaching of Native American culture and history in public schools, the petition (accompanied by bill, House, No. 671) of Tram T. Nguyen and others relative to racially and culturally inclusive curriculum frameworks designed by the Board of Education, the petition (accompanied by bill, House, No. 675) of Steven C. Owens and others relative to addressing racial and cultural bias training in educator professional development, the petition (accompanied by bill, House, No. 681) of Alice Hanlon Peisch and others relative to teacher preparation and certification, the petition (accompanied by bill, House, No. 682) of Alice Hanlon Peisch and others for legislation to develop an alternative process for granting educator licensure to achieve educator diversity, the petition (accompanied by bill, House, No. 689) of David M. Rogers, Frank A. Moran and others for legislation to establish an integrated cultural studies curriculum in schools, the petition (accompanied by bill, House, No. 707) of Michael J. Soter and others that the Department of Elementary and Secondary Education be authorized and assist in the implementation of standards and objectives on cultural studies, the petition (accompanied by

bill, House, No. 708) of Chynah Tyler and others relative to including the events of Black History instruction at schools and institutions of higher education and the petition (accompanied by bill, House, No. 3718) of Dylan A. Fernandes, Chynah Tyler and others for legislation to establish a permanent commission on anti-racist education to develop anti-racist curriculum for the public schools, reports recommending that the accompanying bill (House, No. 4539) ought to pass.

For the committee,

ALICE HANLON PEISCH.

HOUSE No. 4539

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**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to educator diversity.

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 38G of chapter 71 of the General Laws is hereby amended by
2 inserting after paragraph 13, ending with the words “approved provisional educator preparation
3 program”, the following paragraph:-

4 The department shall, in consultation with relevant stakeholders, develop an additional
5 process for granting educator certification that may be used as an alternative to the testing
6 requirements contained in this section. This process shall include consideration of factors such as
7 whether a candidate has: obtained certification in another state approved by the department;
8 completed a satisfactory portfolio of items that may include student feedback or competency-
9 based projects; or obtained a master’s degree or doctorate from an accredited institution. The
10 department may use the results of the alternative assessment pilot authorized by 603 CMR
11 7.04(e) to inform the development of the alternative licensure process required by this paragraph.
12 The department shall conduct an annual evaluation of the alternative licensure process to
13 determine its effects on candidates of diverse backgrounds. This section shall take effect no later
14 than June 1, 2024.

15 SECTION 2. Said chapter 71 of the General Laws is hereby amended by inserting after
16 section 38G ½ the following section:-

17 Section 38G ¾ (a) To promote a diverse educator workforce, the department shall:

18 (i) Establish guidelines for plans to increase racial and ethnic diversity among teaching,
19 administration and staff positions in public schools and districts. These guidelines shall include,
20 at a minimum, recommended policies designed to help schools or districts: (1) identify and
21 eliminate discriminatory barriers to hiring and learning in a school or district; (2) remedy the
22 effects of past discriminatory practices; (3) identify, recruit, and hire employees who are
23 members of under-represented groups; (4) develop, promote, and retain employees who are
24 members of under-represented groups; and (5) ensure equal opportunity in employment for
25 educators. In developing these guidelines, the department shall consult with experts and school
26 leaders from public schools or districts that have experienced significant increases in hiring and
27 retaining racially and ethnically diverse educators.

28 Each public school or district shall set a corresponding policy that conforms with the
29 department's guidelines. Such plans shall set forth specific goals and timetables for achievement,
30 shall comply with all applicable state and federal laws, and shall be updated, at a minimum,
31 every 3 years.

32 (ii) Establish a process for reviewing plans based on clearly defined criteria. A public
33 school or district shall amend any plan deemed not to conform with the requirements of this
34 section. A public school or district shall be deemed to have satisfied the requirements of this
35 section if it has prioritized diversity in its 3-year plan required by section 1S of chapter 69 of the

36 General Laws, as amended by chapter 132 of the acts of 2019, or in any other strategic plan
37 developed by the district.

38 (iii) Establish periodic reporting requirements for schools and districts concerning the
39 implementation of their plans and all actions taken to ensure compliance with this section and
40 applicable state and federal laws. These reporting requirements shall be incorporated into
41 existing reporting mechanisms and schedules where feasible.

42 (iv) Assist schools and districts in complying with their plans and applicable federal and
43 state laws.

44 (v) Require approved educator preparation programs to implement plans to increase the
45 racial and ethnic diversity of program completers. These plans shall be required as part of the
46 educator preparation program approval process and the department shall make each program's
47 plan publicly available. The department shall establish guidelines for educator preparation
48 program diversity plans.

49 (b) The board of elementary and secondary education shall review compliance with these
50 plans and policies on a regular basis and may provide further recommendations regarding
51 educator diversity.

52 SECTION 3. Section 18 of Chapter 74, as appearing in the 2018 Official Edition, is
53 hereby amended by striking the first paragraph and inserting in place thereof the following
54 paragraph:-

55 The state board shall establish basic competency-based vocational-technical teacher
56 training standards which shall serve as the fundamental, pedagogical requirements for beginning

57 vocational-technical instructors. The board shall further require that all persons seeking to meet
58 the board's requirements shall have successfully passed performance and written tests in areas as
59 determined by the board or shall have satisfied alternative measures of proficiency established by
60 the board and shall have successfully completed an approved seminar on teaching skills and
61 methods.

62 SECTION 4: (a) Notwithstanding any general or special law to the contrary, the
63 department shall set measurable educator diversity goals for the state and collect and report
64 publicly statewide educator diversity data. The data shall be reported in an online dashboard
65 created in consultation with the board of elementary and secondary education. The data shall
66 include but not be limited to the hiring and retention of diverse educators, the racial
67 demographics of educators who complete Massachusetts state educator preparation programs,
68 and teacher qualification data from school and district report cards. The department shall report
69 annually to the board of elementary and secondary education on state educator diversity data and
70 goals. The department shall also submit a report on the state of educator diversity to the clerks of
71 the senate and house of representatives no later than June 30th on an annual basis.

72 (b) Each public school or district shall collect and report educator diversity data publicly
73 in a manner prescribed by the department; provided that the department shall utilize existing
74 reporting mechanisms and schedules to collect educator diversity data and outcomes and shall
75 annually present both to the school committee. The data reported pursuant to this paragraph shall
76 include information regarding the achievement of goals set pursuant to subsection (a)(i) of
77 section 38G $\frac{3}{4}$ of chapter 71 of the General Laws.

78 SECTION 5: (a) Each public school or district shall appoint or hire a diversity, equity,
79 and inclusion officer(s) or establish a diversity team, referred to in this section as a diversity
80 officer or team. The role and responsibilities of a diversity officer or team may be assigned to an
81 existing school employee or existing school entity. A diversity officer or team shall report
82 directly to the superintendent. Diversity officers or teams shall coordinate their school district's
83 compliance with the requirements of this section and applicable federal and state laws. Should a
84 district have a diversity officer or team already in place, that shall satisfy the requirement of this
85 section.

86 (c) Each public school or district shall establish a process for advising the school
87 committee or board of trustees on matters of diversity, equity, and inclusion in the school district.
88 This process may include establishing an educator diversity council consisting of educators,
89 administrators, and students, which shall meet regularly with the superintendent or the diversity
90 officer or teams and the school committee or board of trustees. The school committee or board of
91 trustees may appoint a member of the committee to serve as an ex-officio member of the
92 educator diversity council.

93 (d) Pursuant to guidelines established by the department, all superintendents, school
94 committee members, district leaders, principals and school district employees shall attend annual
95 diversity and implicit bias training.

96 SECTION 6. The board of elementary and secondary education shall promulgate rules
97 and regulations to implement the requirements of this act. Such regulations shall include a
98 schedule for public schools and districts to meet the planning and reporting requirements of this
99 act, provided that such schedule shall prioritize implementation for schools and districts that

100 have significant disparities between educator and student demographics, according to race and
101 ethnicity.

102 SECTION 7. The department of elementary and secondary education shall establish an
103 educator diversity grant program, subject to appropriation, which shall provide grants to assist
104 public schools and districts with the establishment of programs to increase educator diversity.
105 Grant funds may be used for purposes including but not limited to the development, in
106 collaboration with institutions of higher education, of in-house teacher residency programs or
107 pathways focused on recruiting, developing, and supporting educators who are members of
108 under-represented groups. This grant program will also support other promising practices to
109 increase the recruitment and retention of diverse educators. The department shall periodically
110 report to the joint committee on education and the house and senate committees on ways and
111 means on the impact of the grant program, including the expenditure of funds by schools and an
112 analysis of the types of programs or initiatives created by said funds.