

HOUSE No. 583

The Commonwealth of Massachusetts

PRESENTED BY:

Priscila S. Sousa

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 enabling all students to thrive: protecting a high quality, diverse educator workforce.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-----------------------------|----------------------|------------------|
| <i>Priscila S. Sousa</i> | <i>6th Middlesex</i> | <i>1/13/2023</i> |
| <i>Francisco E. Paulino</i> | <i>16th Essex</i> | <i>5/10/2023</i> |
| <i>Rita A. Mendes</i> | <i>11th Plymouth</i> | <i>6/28/2023</i> |
| <i>Estela A. Reyes</i> | <i>4th Essex</i> | <i>1/16/2024</i> |
| <i>Shirley B. Arriaga</i> | <i>8th Hampden</i> | <i>1/25/2024</i> |
| <i>Russell E. Holmes</i> | <i>6th Suffolk</i> | <i>1/31/2024</i> |

HOUSE No. 583

By Representative Sousa of Framingham, a petition (accompanied by bill, House, No. 583) of Priscila S. Sousa and Rodney M. Elliott relative to protecting certain teachers from layoffs. Education.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act enabling all students to thrive: protecting a high quality, diverse educator workforce.

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, as appearing in the 2020
2 Official Edition, is hereby amended by striking the seventh paragraph, and inserting in the place
3 thereof the following:

4 Nothing in this section or section 41 shall affect the right of a superintendent to lay off
5 teachers pursuant to reductions in force or reorganization resulting from declining enrollment or
6 other budgetary reasons.

7 SECTION 2. Except as herein provided, no teacher with professional teacher status shall
8 be laid off pursuant to a reduction in force or reorganization if there is a teacher without such
9 status for whose position the covered employee is currently certified or if there is a less qualified
10 teacher with professional teacher status holding the same or similar position for which the
11 covered employee is currently certified. No teacher with professional teacher status shall be
12 displaced in accordance with the terms of a collective bargaining agreement or otherwise by a

13 more senior teacher with such status unless the more senior teacher is currently certified pursuant
14 to section 38G and is at least as qualified for the position as the junior teacher holding the
15 position. The criteria for determining a qualified teacher under this paragraph shall be subject to
16 the collective bargaining provisions of chapter 150E; provided, however, that any such
17 collectively bargained for qualifications shall include, as the primary factors, indicators of job
18 performance, including overall ratings resulting from comprehensive evaluations conducted
19 consistent with section 38, and the best interests of the students in the school or district; and
20 provided further, that for the purposes of this paragraph, no distinction shall be made between
21 the overall performance ratings established by the board of elementary and secondary education
22 finding that the teacher has met or exceeded acceptable performance standards developed under
23 said section 38 and that are defined by the board as proficient and exemplary.

24 SECTION 3. In a layoff, a school district shall retain a teacher with linguistic proficiency
25 in relation to an in-district language or dialect who has less seniority and without regard to the
26 professional teacher status or lack thereof of such teacher if the release of the less senior teacher
27 would result in a lesser proportion of teachers with such linguistic proficiency compared to the
28 proportion of students for whom such language or dialect is their first language or dialect. For
29 purposes of this paragraph, linguistic proficiency in relation to an in-district language or dialect
30 shall mean proficiency in a language or dialect other than English that is spoken by the greater of
31 (a) by five percent or more of the students enrolled at the school where a teacher is assigned or, if
32 the teacher is not assigned to a school, of the students enrolled in the district or (b) at five percent
33 or more of the homes of the students enrolled at the school where a teacher is assigned or, if the
34 teacher is not assigned to a school, of the homes of the students enrolled in the district.

35 SECTION 4. A teacher meeting one of the following criteria shall be exempted from
36 layoff based on seniority or based on whether or not a teacher has professional teacher status: (a)
37 a teacher who is a member of a population underrepresented among certified teachers in the
38 district, (b) a teacher who graduated from a so-called grow your own teacher preparation
39 program of the district, (c) a teacher who works in a school defined by the district as hard to
40 staff, (d) a teacher certified in a subject area for which there is a shortage of teachers in the
41 district, which may include without limitation science, technology, engineering, mathematics,
42 computer science, special education, English as a second language, and a foreign language, (e) a
43 teacher deemed by the department as a Teacher of the Year, (f) a teacher certified by the
44 National Board for Professional Teaching Standards, or (g) a teacher who received the highest
45 rating on a performance evaluation delivered in either or both of the school years immediately
46 prior to the school year in which a layoff is announced.

47 The school committee and the collective bargaining representative may negotiate for
48 seniority or length of service only as a tiebreaker in layoffs among teachers whose qualifications
49 are no different using the qualifications collectively bargained for in accordance with this
50 section.