

SENATE No. 340

The Commonwealth of Massachusetts

PRESENTED BY:

Pavel Payano

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:

Pavel Payano

DISTRICT/ADDRESS:

First Essex

SENATE No. 340

By Mr. Payano, a petition (accompanied by bill, Senate, No. 340) of Pavel M. Payano for legislation to enable all students to thrive: protecting a high quality, diverse educator workforce. 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 42 of chapter 71 of the General Laws, as appearing in the 2020 Official Edition,
2 is hereby amended by striking the seventh paragraph, and inserting in the place thereof the
3 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 Except as herein provided, no teacher with professional teacher status shall be laid off
8 pursuant to a reduction in force or reorganization if there is a teacher without such status for
9 whose position the covered employee is currently certified or if there is a less qualified teacher
10 with professional teacher status holding the same or similar position for which the covered
11 employee is currently certified. No teacher with professional teacher status shall be displaced in
12 accordance with the terms of a collective bargaining agreement or otherwise by a more senior

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

24 In a layoff, a school district shall retain a teacher with linguistic proficiency in relation to
25 an in-district language or dialect who has less seniority and without regard to the professional
26 teacher status or lack thereof of such teacher if the release of the less senior teacher would result
27 in a lesser proportion of teachers with such linguistic proficiency compared to the proportion of
28 students for whom such language or dialect is their first language or dialect. For purposes of this
29 paragraph, linguistic proficiency in relation to an in-district language or dialect shall mean
30 proficiency in a language or dialect other than English that is spoken by the greater of (a) by five
31 percent or more of the students enrolled at the school where a teacher is assigned or, if the
32 teacher is not assigned to a school, of the students enrolled in the district or (b) at five percent or
33 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 A teacher meeting one of the following criteria shall be exempted from layoff based on
36 seniority or based on whether or not a teacher has professional teacher status: (a) a teacher who
37 is a member of a population underrepresented among certified teachers in the district, (b) a
38 teacher who graduated from a so-called grow your own teacher preparation program of the
39 district, (c) a teacher who works in a school defined by the district as hard to staff, (d) a teacher
40 certified in a subject area for which there is a shortage of teachers in the district, which may
41 include without limitation science, technology, engineering, mathematics, computer science,
42 special education, English as a second language, and a foreign language, (e) a teacher deemed by
43 the department as a Teacher of the Year, (f) a teacher certified by the National Board for
44 Professional Teaching Standards, or (g) a teacher who received the highest rating on a
45 performance evaluation delivered in either or both of the school years immediately prior to the
46 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.