

HOUSE No.

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>1/15/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

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 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 professional
9 teacher status for whose position the covered employee is currently certified or if there is a less
10 qualified teacher with professional teacher status holding the same or similar position for which
11 the 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 A teacher meeting one of the following criteria and who has not received an
25 unsatisfactory performance evaluation in the school year immediately prior to the school year in
26 which a layoff is announced shall be exempted without regard to professional teacher status:

27 a. a teacher who graduated from an in-district secondary school or a so-called grow
28 your own teacher preparation program of the district if the district has higher than the state
29 percentage of high-needs students, as defined by the department,

30 b. a teacher who works in a school that is among the top 20 percent of schools with
31 the highest percentage of high-needs students in the district, as defined by the department,

32 c. a teacher who works in a school that is among the top 20 percent of schools with
33 the lowest staff retention in the district,

34 d. a teacher deemed by the department as a Teacher of the Year,

35 e. a teacher who received the highest rating on a performance evaluation delivered
36 in either or both of the school years immediately prior to the school year in which a layoff is
37 announced, or

38 f. a teacher with linguistic proficiency in relation to an in-district language or
39 dialect. For purposes of this paragraph, linguistic proficiency shall mean: (a) holding the state's
40 Bilingual Education Endorsement, (b) achieving a passing score on the Massachusetts Tests for
41 Educator Licensure foreign language subject matter test, (c) achieving at least an Advanced Low
42 score on the Oral Proficiency Interview or Writing Proficiency Test proficiency tests offered
43 through the American Council for the Teaching of Foreign Languages, or (d) another method of
44 verification or attestation of proficiency as determined by the district superintendent. In relation
45 to an in-district language or dialect shall mean proficiency specifically in a language or dialect
46 other than English that is spoken by the greater of (a) five percent or more of the students
47 enrolled at the school where a teacher is assigned or, if the teacher is not assigned to a school, of
48 the students enrolled in the district or (b) at five percent or more of the homes of the students
49 enrolled at the school where a teacher is assigned or, if the teacher is not assigned to a school, of
50 the homes of the students enrolled in the district.

51 Among the remaining teachers without professional teacher status, no teacher shall be
52 laid off pursuant to a reduction in force or reorganization if there is a less qualified teacher
53 without such status holding the same or similar position for which the covered employee is
54 currently certified.

55 The school committee and the collective bargaining representative may negotiate for
56 seniority or length of service only as a tie-breaker in personnel actions under this paragraph

57 among teachers whose qualifications are no different using the qualifications collectively
58 bargained for in accordance with this paragraph.

59 SECTION 2. The department of elementary and secondary education shall evaluate the
60 extent to which this act contributed to its goal of increasing the percentage of Massachusetts
61 public school teachers of color and shall report its findings along with any recommendations not
62 later than June 30, 2031. The department shall submit such report to the clerks of the senate and
63 the house of representatives, who shall forward the same to the chairs of the joint committee on
64 education.

65 SECTION 3. Section 1 shall take effect on April 30, 2026.

66 SECTION 4. Section 1 is hereby repealed.

67 SECTION 5. Section 4 shall take effect on December 31, 2032.