

**HOUSE . . . . . No. 406**

By Mrs. Canavan of Brockton, petition of Christine E. Canavan and others relative to the membership of the advisory councils to the Board of Education and providing for certain changes in the public education programs in the Commonwealth. Education.

**The Commonwealth of Massachusetts**

PETITION OF:

Christine E. Canavan	Mark C. Montigny
Thomas J. Calter	Robert K. Coughlin
Tom Sannicandro	Michael F. Rush
Michael R. Knapik	Peter V. Kocot
Douglas W. Petersen	Matthew C. Patrick
John P. Fresolo	Robert L. Rice, Jr.
James E. Timilty	Lida E. Harkins
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Susan C. Tucker	Ruth B. Balser
Barbara A. L'Italien	Jennifer M. Callahan
Benjamin Swan	

In the Year Two Thousand and Seven.

AN ACT TO FULFILL THE PROMISE OF EDUCATION REFORM, TEACHER QUALITY AND SCHOOL IMPROVEMENT.

*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 1G of Chapter 15 of the General Laws, as  
2 appearing in the 2004 Official Edition, is hereby amended by  
3 inserting after the words “following areas:—” in line 2 the  
4 following:— “school and district improvement”.

1 SECTION 2. Said Section 1G is further amended by striking  
2 paragraphs 2 through 4 and inserting in place thereof the following 4  
3 paragraphs:—

4 The members of these councils shall serve without compensation  
5 but may be reimbursed subject to appropriation for expenses neces-  
6 sarily and reasonably incurred in the performance of their responsi-  
7 bilities. Each council shall be composed of members who shall be  
8 recommended by the commissioner and appointed by the board and

9 who shall not, by virtue of their membership, be deemed state  
10 employees under Chapter two hundred and sixty-eight A. Members  
11 shall be appointed for a term of three years. No member shall serve  
12 for more than two consecutive terms. Members of advisory councils  
13 shall include public school educators and administrators, education  
14 preparation and/or other higher education faculty. Members may  
15 include school committee members, parents, students and others rep-  
16 resenting civic, business, labor or appropriate professional groups.  
17 Members serving on such councils shall represent a reasonable bal-  
18 ance of interests and expertise and a reasonable geographic balance.

19 The members of the advisory council on school and district  
20 improvement shall consist of nine voting members:— one member  
21 appointed by the governor and one member appointed by each of the  
22 following organizations:— the Massachusetts Association of School  
23 Superintendents, the Massachusetts Association of School Business  
24 Officers, the Massachusetts Teachers Association, the American  
25 Federation of Teachers/Massachusetts, the Massachusetts Associa-  
26 tion of School Committees, the Massachusetts Parent Teachers  
27 Association, the Massachusetts Association of Secondary School  
28 Administrators and the Massachusetts Elementary School Principals  
29 Association. The council shall meet no less than 4 times annually to  
30 review and advise the department and board on the policies and  
31 practices of the office of school and district improvement established  
32 in Section 55A of this chapter or any successor office within the  
33 department. The council shall assist the office to coordinate and sup-  
34 port its mission and shall have the opportunity to review and com-  
35 ment on all regulations relative to school and district improvement  
36 prior to board approval.

37 The members of the council on education personnel shall be  
38 broadly representative of all areas of public education. The council  
39 shall advise the board on matters relating to recruitment, retention,  
40 preparation and licensure of educators.

41 The members of the council on technology education shall be  
42 broadly representative of all areas of technology education in the  
43 comprehensive school and shall advise the board on matters relating  
44 to technology/engineering education.

1 SECTION 3. Chapter 15 of the General Laws, as so appearing, is  
2 hereby further amended by striking Section 55A and inserting in  
3 place thereof the following:—

4 Section 55A. There shall be established an office of school and  
5 district improvement, hereinafter referred to as the office, within the  
6 department of education. The purpose of the office shall be to pro-  
7 vide a mechanism to verify the efforts of schools, charter schools  
8 and school districts to promote a higher level of academic achieve-  
9 ment by students.

10 The department shall employ a director who shall be appointed  
11 and have his salary established by the commissioner. The director  
12 hired by the department shall hold a doctorate in education and have  
13 a minimum of 15 years educational experience which must include  
14 public school classroom experience and school or district adminis-  
15 tration. Pursuant to the office's appropriation, the director shall  
16 employ such inspectors, auditors, professional assistants, attorneys,  
17 consultants and other staff as he deems necessary to fulfill the  
18 responsibilities of the office and shall determine their salaries and  
19 duties. The office shall act as an independent auditing body veri-  
20 fying educational measurements and tests conducted by or for the  
21 department of education in implementing the mandates and direc-  
22 tives of Chapter 71 of the acts of 1993. The office shall perform not  
23 less than 40 school district audits annually; provided, however, that  
24 no district where student performance exceeds state standards shall  
25 be selected for audit unless all districts where student performance  
26 does not meet state standards have been audited. Specifically, the  
27 office shall have the following duties:—

28 (1) verify the accuracy of reports of schools and districts by con-  
29 ducting or contracting for periodic program and fiscal audits as nec-  
30 essary;

31 (2) undertake inspections of schools, charter schools and school  
32 districts to evaluate efforts to improve and support the quality of  
33 instruction and administration, and make recommendations about  
34 the school and school district goals and plans to achieve those goals;

35 (3) review the district's MCAS success plan, if any, submitted to  
36 the department of education pursuant to Section 1I of Chapter 69  
37 and evaluate the implementation of said plan;

38 (4) evaluate the alignment of curriculum and professional devel-  
39 opment plans with the state curriculum and assessments;

40 (5) review the progress of student achievement;

41 (6) assist and support the department and board in carrying  
42 out the activities necessary to implement Sections 1J and 1K of  
43 Chapter 69; and,

44 (7) provide technical assistance to schools and districts for school  
45 improvement.

46 For the purposes of any inspection, or audit, the director shall  
47 have access to all necessary papers, vouchers, books, and records  
48 pertaining to a school, including a charter school, a school district,  
49 and regional school district. In establishing protocols for the conduct  
50 of school or district audits and in conducting such audits, the office  
51 shall utilize existing, recently compiled, or readily available papers,  
52 vouchers, books and records when the use of such papers, vouchers,  
53 books, and records will not compromise the accuracy or comprehen-  
54 siveness of the audits and significantly minimize the administrative  
55 burden imposed on the districts being audited. Schools, school dis-  
56 tricts and school personnel shall cooperate with the director for pur-  
57 poses of any inspection or audit pursuant to this section, including  
58 but not limited to, participating in interviews and producing books  
59 and documents.

60 The office shall provide advance notice of at least ninety calendar  
61 days to any district of a request for document review and at least one  
62 hundred and twenty calendar days notice of any site visit. Neither  
63 the document review nor the site visit shall be scheduled during the  
64 first two or last two weeks of the academic school year, the week  
65 prior to or after the December school vacation or during any MCAS  
66 testing period. The site visit shall take place no fewer than twenty  
67 days nor more than thirty days after the document review.

68 Districts audited under this section shall be reimbursed costs  
69 based on the number of students enrolled in the district. Districts  
70 with fewer than 2,000 students shall be paid \$75,000; districts with  
71 2,001 to 5,000 students shall be paid \$50,000, districts with 5,001 to  
72 10,000 students shall be paid \$25,000, and districts with more than  
73 10,001 students shall be paid \$5,000.

74 The office shall ensure that any instance of noncompliance with  
75 law, misfeasance or malfeasance law shall be referred to the attorney  
76 general of the Commonwealth and the commissioner of education  
77 for appropriate action.

78 The office shall transmit its findings, audit reports and any resul-  
79 tant recommendations to the governor, the board of education, the  
80 attorney general, the local public library in the districts that have  
81 been audited, the president of the senate, the speaker of the House of  
82 Representatives, the joint committee on education and the house and  
83 senate committees on ways and means.

1 SECTION 4. The regulations relating to school and district  
2 accountability adopted by the board of education in October, 2006  
3 are hereby repealed, effective upon the passage of this act.

1 SECTION 5. Chapter 15 of the General Laws, as so appearing, is  
2 hereby further amended by adding the following new sections:—

3 Section 66. The board shall establish a grant program for public  
4 school teachers in the commonwealth to pay the costs associated  
5 with the attainment of National Board Certification as developed by  
6 the National Board for Professional Teaching Standards. Public  
7 school teachers who seek national board certification shall receive  
8 the following: — the total cost of the certification fee paid in  
9 advance as provided in this section; all applicants who complete the  
10 national board certification process shall have his or her fees paid in  
11 advance; provided, that failure to receive national board certification  
12 shall not be grounds for the state to recoup the grant allowed under  
13 this section. Other costs associated with the application or attain-  
14 ment of national board certification that may be paid by the grant  
15 program as established by this section include, but are not limited  
16 to:— travel, materials, printing, copying, postage, audio or video  
17 recordings, workshops and forums. Public school districts shall also  
18 be eligible for grants under this section for the costs associated with  
19 support and assistance to the teacher applicants. Such district costs  
20 may include, but shall not be limited to: —hiring of substitutes to  
21 allow teacher candidates release time to prepare for national board  
22 assessment or to prepare portfolios or videos for the application.

23 Section 67. The board shall establish a grant program for public  
24 school teachers in the Commonwealth to pay the costs associated  
25 with the attainment of advanced academic degrees. Costs that may  
26 be paid by this section shall include, but not be limited to: — tuition  
27 and fees for courses at public higher education institutions in the  
28 Commonwealth; room, board and living stipend while attending a  
29 public higher education institution in the Commonwealth; books and  
30 materials as needed for courses taken while attending a public higher  
31 education institution in the Commonwealth.

1 SECTION 6. Section 1I of Chapter 69 of the General Laws, as so  
2 appearing, is hereby amended in paragraph 1 by striking the second  
3 sentence, and is further amended by striking lines 13 through 33,

4 inclusive, and is further amended in paragraph 7 by striking the  
5 second sentence.

1 SECTION 7. Section II of Chapter 69 of the General Laws, as so  
2 appearing, is hereby amended by striking paragraph 8 and inserting  
3 in place thereof the following paragraph:—

4 The Department of Education, in consultation with Massachusetts  
5 Partners for Public Schools, shall adopt one uniform format for Dis-  
6 trict Improvement/Professional Development Plans which shall  
7 include:—

8 improvement objectives; connections to school improvement  
9 plans; connections to licensure information of professional staff  
10 including recertification, acquisition of professional licenses  
11 including initial licenses, for new teachers, mentoring and induction  
12 programs; connections to requirements of the Elementary and Sec-  
13 ondary Education Act; student performance data, of which MCAS  
14 may be only one of multiple measures used; specific actions,  
15 training, curriculum that will be used to address the objectives; dis-  
16 trict professional development schedule; a timeline for implementa-  
17 tion; resources in the form of time, money, and expertise to ensure  
18 implementation; and program evaluation methods.

1 SECTION 8. Section II of Chapter 69 of the General Laws, as so  
2 appearing, is hereby amended by striking paragraph 11 and inserting  
3 in place thereof the following paragraph:—

4 The Department of Education, in consultation with Massachu-  
5 setts Partners for Public Schools, shall adopt one uniform format for  
6 School Improvement Plans which shall include the following:—

7 improvement objectives; supporting data from multiple sources  
8 about student performance; specific actions, training, curriculum that  
9 will be used to address the objectives; a timeline for implementation;  
10 resources in the form of time, funding and expertise to ensure imple-  
11 mentation; and, program evaluation methods.

1 SECTION 9. Section 1J of Chapter 69, as so appearing, is hereby  
2 amended by striking paragraph two and inserting in place thereof the  
3 following paragraph:—

4 Schools that have consistently failed to improve the academic  
5 performance of their students shall conduct an New England Associ-

6 ation of Schools and Colleges (NEASC) Self-Study which shall be  
7 used by the Board to determine if the school should be deemed  
8 under-performing, in accordance with the board's regulations. Upon  
9 determination that a school is under-performing, the commissioner  
10 shall immediately appoint an independent fact-finding team which  
11 shall forthwith assess the reasons for the under-performance and the  
12 prospects for improvement and report its findings to the commis-  
13 sioner and the district in which the school is located no later than  
14 ninety days from the date of its appointment. No more than six  
15 months after the determination that a school is under-performing, the  
16 district in which the school is located shall present to the board a  
17 remedial plan that shall set forth specific goals for improvement,  
18 specific means for attaining such goals, and a timetable, not to  
19 exceed twenty-four months, for carrying out the plan. The district  
20 shall implement said remedial plan, with such changes or amend-  
21 ments as the board shall direct. During the period of implementation,  
22 the commissioner shall provide to the school technical assistance for  
23 the improvement of the educational program provided to the stu-  
24 dents served therein and funding to pay all teachers a per diem con-  
25 tractual salary rate for professional development directly related to  
26 the remedial plan to improve performance for at least a period of  
27 time equivalent to ten (10) additional days beyond the required work  
28 year.

1 SECTION 10. Section 1J of Chapter 69 is hereby further  
2 amended by adding at the end thereof the following new para-  
3 graph:—

4 Should any under-performing issue be addressed through the  
5 Department of Education's Performance Improvement Mapping  
6 Process (PIM), at least fifty percent of the individuals on the school  
7 improvement team must be currently employed as classroom  
8 teachers in the school or district, all work related to PIM must be  
9 done outside of the regularly scheduled work day and school year,  
10 and participants shall be paid for such additional work at their con-  
11 tractual per diem rate.

1 SECTION 11. Chapter 71 of the General Laws, as appearing in  
2 the 2004 Official Edition, is amended by striking Section 38G its  
3 entirety and inserting in place thereof the following new section:—

4 Section 38G. As used in this section the following words shall  
5 have the following meanings:—

6 “Board”, the board of education established by Chapter fifteen.

7 “Conditional educator”, a person who holds a conditional edu-  
8 cator license.

9 “Conditional educator license”, a license to teach issued to a  
10 person who (1) has successfully met the subject matter knowledge  
11 preparation and eligibility requirements as established in regulation  
12 by the board, or (2) holds a valid teaching license or certificate from  
13 another state and who has been employed under the license or cer-  
14 tificate for a minimum of three years but has not satisfied the licen-  
15 sure testing requirements contained in this section. The conditional  
16 license shall be valid for two years of employment in the role of the  
17 license in the schools of the Commonwealth and is nonrenewable.  
18 Service under a conditional license shall be counted as service in  
19 acquiring professional teacher status.

20 “Initial educator”, a person who holds an initial educator license.

21 “Initial educator license”, a license issued to a person who has  
22 successfully met the subject matter knowledge, pedagogical/profes-  
23 sional knowledge and skills, and clinical preparation and eligibility  
24 requirements as established in regulation by the board; and com-  
25 pleted (1) a college program, graduate or undergraduate, approved  
26 by the board of education for the preparation of teachers; or (2) a  
27 college preparation program included in the National Association of  
28 State Directors of Teacher Education and Certification (NASDTEC);  
29 or (3) an out of state teacher education program approved by the  
30 National Council for the Accreditation of Teacher Education  
31 (NCATE); or (4) other program approved by the board which meets  
32 equivalent standards. Said license shall be valid for five years of  
33 employment in the role of the license in the schools of the Common-  
34 wealth and may be extended for an additional five years of employ-  
35 ment in accordance with regulations adopted by the board.

36 “Professional educator”, a person who holds a professional edu-  
37 cator license.

38 “Professional educator license”, a license issued to a person who  
39 has successfully met the preparation and eligibility requirements as  
40 established in regulation by the Board. The professional educator  
41 license shall have a term of five years and shall be renewable pur-  
42 suant to provisions in this Chapter.

43 “Reciprocity of licensed or certified educators”, the process and  
44 requirements established by the commissioner for candidates to  
45 obtain an educator license who have completed (1) a state-approved  
46 educator preparation program in a state with which Massachusetts  
47 has signed the National Association of State Directors of Teacher  
48 Education and Certification (NASDTEC) Interstate Contract, or (2)  
49 out-of-state programs approved by the National Council for the  
50 Accreditation of Teacher Education (NCATE), or (3) other programs  
51 approved by the board; or who hold a valid license in a state with  
52 which Massachusetts has signed the NASDTEC Interstate Contract.  
53 Such candidates shall be issued an initial or professional license,  
54 whichever is equivalent to the stage/type license held by the candi-  
55 date in another state. “Regionally licensed or certified educator”, an  
56 applicant for an educator’s license in Massachusetts who has been  
57 granted a regional license or certificate by another state jurisdiction  
58 under terms of a contract entered into pursuant to Chapter seven  
59 hundred and forty-eight of the acts of nineteen hundred and sixty-  
60 eight, the Interstate Agreement on Certification of Educational Per-  
61 sonnel. Such license or certificate shall be equivalent to the initial  
62 educator license.

63 “Valid educator license”, any conditional, initial, or professional,  
64 license, which has not exceeded the period of validity established  
65 herein.

66 “Year”, a twelve month period of time.

67 “Year of employment”, employment under a valid license for a  
68 period of time equivalent to a school year; periods of full-time  
69 employment for portions of a school year shall be aggregated, and  
70 periods of part-time employment shall be prorated in determining a  
71 year of employment.

72 The board shall define the knowledge of subject matter and  
73 demonstration of competencies commensurate with attainment of  
74 conditional, initial and professional educator licenses and renewal of  
75 professional educator licenses.

76 The commissioner of education shall have authority to grant,  
77 upon application, conditional educator, initial educator and profes-  
78 sional educator licenses to persons who have satisfied the require-  
79 ments for such licenses as established by the board. It is the  
80 obligation of the commissioner to issue said educator licenses in a  
81 timely manner. The commissioner shall take appropriate action on

82 applications within thirty days of receipt by either issuing the license  
83 or notifying the candidate that the application is denied and stating  
84 the grounds therefore. If a license is denied due to unfulfilled  
85 requirements or incomplete documentation, the commissioner shall  
86 then issue the license within 30 days of receiving documentation of  
87 fulfilled requirements. In the event that the commissioner does not  
88 take action within the thirty day period, the application fee shall be  
89 waived and no candidate's employment rights shall be adversely  
90 affected. Whenever the Commissioner issues, extends or renews an  
91 educator license, he shall also fully inform the educator in writing of  
92 the requirements to advance or maintain said license. Any amend-  
93 ments to licensing requirements that the Board may promulgate shall  
94 not apply to those so-informed educators for the duration of the  
95 licensure application process or renewal cycle of the license issued.

96 To be eligible for a license as a conditional educator, the candi-  
97 date shall:—

98 (1) hold a bachelor's degree in arts or sciences from an accredited  
99 college or university with a major appropriate to the instructional  
100 field or hold a valid teaching license or certificate from another  
101 state; and

102 (2) achieve a level of performance determined by the board on the  
103 "PRAXIS II" published by the Educational Testing Service unless  
104 the candidate has satisfied the PRAXIS II requirement in another  
105 state, and

106 (3) be of sound moral character. Candidates who complete the  
107 requirements in this paragraph shall be issued conditional educator  
108 licenses which will permit them to seek employment in teaching  
109 positions requiring licenses in only those districts which have an  
110 approved conditional educator support and supervision program.

111 The commissioner shall establish standards for the support and  
112 supervision of conditional educators. During the period of employ-  
113 ment, a person holding a conditional educator license pursuant to  
114 this section shall be under the direct supervision of the principal or  
115 other appropriate supervisor who shall regularly observe and eval-  
116 uate the performance of assigned duties by such holder of a condi-  
117 tional educator license. Such evaluation shall be relevant to  
118 nationally recognized professional standards for personnel evalua-  
119 tion.

120 Each public school district seeking to hire a conditional educator  
121 must submit a plan to the department of education which details how

122 the district will supervise and support such conditional educators.  
123 Failure of a district to submit or the department to approve shall not  
124 adversely impact the employment rights of the educator. No district  
125 shall be authorized to employ a conditional educator unless it has  
126 submitted said plan to and received the approval of the commis-  
127 sioner. Each plan shall describe the key elements of the proposed  
128 conditional educator program in accordance with regulations pro-  
129 mulgated by the board. District conditional educator support and  
130 supervision program plans shall include:— Collaboration with a col-  
131 lege, university or professional association which provides approved  
132 educator preparation, a district induction program with a trained  
133 mentor as required by Section 38S for the first year of employment;  
134 continued mentoring with a trained mentor for the second year of  
135 employment; a professional support team including a trained mentor,  
136 a supervisor and one other educator holding a professional license in  
137 the instructional field of the conditional educator for the first three  
138 years of employment. Conditional educators who have yet to meet  
139 pedagogical and professional knowledge and skills and clinical  
140 preparation shall be provided seminars or courses on classroom  
141 organization and management, relevant curriculum frameworks and  
142 standards, and instructional strategies.

143 The department of education shall issue standard plans for condi-  
144 tional educators which districts may implement in lieu of developing  
145 an original plan.

146 To be eligible for licensure as an initial educator the candidate  
147 shall provide evidence that he

148 (1) holds a bachelor's degree in arts or sciences from an accred-  
149 ited college or university with a major appropriate to the instruc-  
150 tional field;

151 (2) has achieved a level of performance determined by the board  
152 or acceptable for licensure in another state on the "PRAXIS II" pub-  
153 lished by the Educational Testing Service;

154 (3) has satisfactorily completed a board of education approved  
155 educator preparation program; and

156 (4) is of sound moral character. A candidate who completes the  
157 requirements of this paragraph shall be issued an initial educator  
158 license which will permit him to seek employment in a teaching  
159 position requiring an educator license.

160 Each public school district seeking to hire an initial educator must  
161 submit a plan to the department of education which details how the

162 district will supervise and support such initial educators. Failure of a  
163 district to submit or the department to approve shall not adversely  
164 impact the employment rights of the educator. Failure of a district to  
165 fulfill obligations established by the board to assist and support ini-  
166 tial educators shall not adversely affect the educators' advancement  
167 to the next stage license. No district shall be authorized to employ an  
168 initial educator unless it has submitted said plan to and received the  
169 approval of the commissioner.

170 The department of education shall issue standard plans for initial  
171 educators which districts may implement in lieu of developing an  
172 original plan.

173 In not less than two years of employment in the role an initial  
174 educator license, the commissioner upon receipt of a proper applica-  
175 tion shall issue a professional educator license to such initial license  
176 holder who has provided the commissioner with evidence, in such  
177 manner and form as prescribed by the board, that he has met the  
178 preparation and eligibility requirements set by the board through a  
179 master's degree program approved by the commissioner, or through  
180 an equivalent district-based program for professional licensure  
181 approved by the commissioner; and has met the requirements set by  
182 the commissioner for demonstration of successful performance. Dis-  
183 trict-based programs must be in partnership with higher education.

184 If an approved teacher preparation program for the initial license  
185 was part of a master's degree, the master's degree shall satisfy the  
186 pedagogical requirements for the professional license.

187 If subject matter knowledge requirements for the initial license  
188 were met through a graduate level program, that program shall sat-  
189 isfy the subject matter knowledge requirements for the professional  
190 license.

191 Applicants for a school guidance counselor, school nurse, school  
192 psychologist or school social worker/school adjustment counselor  
193 professional educator license will have multiple options to satisfy  
194 the requirements for the professional license. Such options shall  
195 include, but not necessarily be limited to:—

196 1) maintenance of a related license issued by the state in instances  
197 where the related license is a pre-requisite to the educator license; or

198 2) an additional program of advanced graduate study, (CAGS,  
199 masters, doctoral), related to the license; or

200 3) additional graduate study which, in combination with a rele-  
201 vant master's degree, results in 60 graduate credits; or

202 4) achievement and maintenance of a nationally recognized cer-  
203 tificate or license the standards of which are generally aligned with  
204 the professional responsibilities of the educator.

205 Each professional educator license shall have a term of five years  
206 and shall be continued every five years thereafter upon the suc-  
207 cessful completion of an individual professional development plan  
208 that meets the regulatory subject matter knowledge and teaching  
209 skill requirements as promulgated by the board. Such plan shall be  
210 designed to increase the ability of the person to improve student  
211 learning. A professional license which is not renewed at the end of a  
212 five year term shall continue to be valid but inactive for an addi-  
213 tional five years or such prior time as returned to active status by sat-  
214 isfying professional development requirements established in  
215 regulation by the board.

216 Certificates granted by the board prior to October first, nineteen  
217 hundred and ninety-four are hereby deemed professional licenses  
218 that shall be renewed every five years.

219 The commissioner shall develop alternative paths for licensing  
220 school management and educational leadership personnel which  
221 shall facilitate a process whereby persons with significant manage-  
222 rial experience can obtain such license.

223 Any license issued by the commissioner may be revoked for  
224 cause, pursuant to standards and procedures established in regulation  
225 by the board. Such standards and procedures shall be published and  
226 provided in written form to educators upon issuance of a license.

227 The board shall have the authority to promulgate, amend and  
228 rescind such rules and regulations as may be necessary to carry out  
229 the provisions of this section. Such regulations shall be presented to  
230 the joint committee for informational purposes ninety days before  
231 implementation.

232 All applications for any licenses granted under this section shall  
233 be accompanied by a fee to be determined annually by the commis-  
234 sioner of administration under the provisions of Section three B of  
235 Chapter seven. Said fees shall be established and limited to allow the  
236 department to carry out the licensure and license renewal responsi-  
237 bilities but in no case shall said applications exceed one hundred

238 dollars per year with an annual increase no greater than the con-  
239 sumer price index.

240 Notwithstanding the foregoing, the board shall establish for each  
241 license area alternate methods for fulfilling the professional develop-  
242 ment requirement for renewal of a professional license, at least one  
243 of which shall be provided at no cost to persons employed by a  
244 school district, including paraprofessionals or assistant teachers, who  
245 are engaging in such activity for the purpose of satisfying the profes-  
246 sional development requirement of this section.

247 No person shall be eligible for employment as a teacher, guidance  
248 counselor, director, school psychologist, school adjustment coun-  
249 selor, school social worker, school nurse, library media specialist,  
250 school business administrator, principal, supervisor, assistant super-  
251 intendent of schools, and superintendent of schools by a school dis-  
252 trict unless he has been granted by the commissioner a conditional,  
253 initial or professional license which is specific for one or more of the  
254 following grade level combinations:—

255 pre K-three, one-six, five-nine, eight-twelve; or pre K-nine, five  
256 -twelve; or pre K-twelve with respect to the type of position for  
257 which he seeks employment; provided, however, that nothing herein  
258 shall be construed to prevent a school committee from prescribing  
259 additional qualifications.

260 A superintendent who seeks to hire an individual who does not  
261 hold the appropriate educator license must seek a waiver. Said super-  
262 intendent may be exempted by the commissioner for any one school  
263 year from the requirement in this section to employ licensed per-  
264 sonnel when compliance therewith would in the opinion of the com-  
265 missioner constitute a great hardship in securing teachers for that  
266 school district.

267 In addition to any other requirements of this section, the board  
268 shall require, as a provision of an administrator's or educator's initial  
269 license, that all educators and administrators shall have training in  
270 strategies for effective inclusive schooling for children with disabili-  
271 ties, instruction of students with diverse learning styles and class-  
272 room organization and management. Such training shall include, at a  
273 minimum, practical experience in the application of these strategies.

274 In addition to any other requirements in this section, in order to  
275 receive an initial or professional educator license, persons applying  
276 for such license shall have completed such courses or training ses-  
277 sions as the board shall require in second language acquisition.

278 Competence in Braille instruction shall be a requirement for an  
279 initial license as a teacher of students with vision impairments. Such  
280 competence shall be verified through a testing program which meets  
281 the standards of the Library of Congress National Library Service  
282 for the Blind or its successor.

283 For the purposes of licensing educators, the board shall establish  
284 policies and guidelines and the commissioner may approve prepara-  
285 tion programs devoted to the preparation of teachers and other edu-  
286 cational personnel. A college or university or school or district or  
287 other institution offering such an approved program shall certify to  
288 the commissioner that a student has demonstrated satisfactory com-  
289 petence in the skills and knowledge expected of college graduates in  
290 the most advanced nations, and has completed the program  
291 approved. The college or university or school district or other insti-  
292 tution shall also provide the commissioner with a transcript of the  
293 student's record.

294 At the end of each five-year period each professional educator  
295 shall attest to and provide appropriate supporting evidence and docu-  
296 mentation to the state department of education, in such form and at  
297 such time as the commissioner shall prescribe, that the professional  
298 educator has successfully completed a professional development  
299 plan which meets the standards set by the board.

300 In addition to any other requirements of this section, the board  
301 shall require, as a provision of a professional administrator's or edu-  
302 cator's license renewal, that all educators and administrators shall  
303 have training in strategies for effective inclusive schooling for  
304 children with disabilities, instruction of students with diverse  
305 learning styles and classroom organization and management. Such  
306 training shall include, at a minimum, practical experience in the  
307 application of these strategies.

308 It shall be one of the objectives of all school districts' profes-  
309 sional development plans to satisfy the individual professional  
310 development plans required by this section; provided, however, that  
311 this requirement shall not be construed to require that a school dis-  
312 trict or the Commonwealth provide funding for the fulfillment of the  
313 professional development requirements of this section and Section  
314 thirty-eight Q beyond the foundation budget.

315 The board shall establish policies and guidelines for approval for  
316 any continuing education units, inservice seminars, projects, courses  
317 and other activities which would be deemed sufficient to maintain

318 the development of professional skills and the knowledge of subject  
319 matter pertinent to particular licenses in accordance with the same  
320 procedures used for initial approval of collegiate preparation pro-  
321 grams. The commissioner shall establish for each license alternate  
322 methods for fulfilling the professional development requirement, at  
323 least one of which must be at no cost to persons employed by a  
324 school district who are engaging in such an activity for the purpose  
325 of satisfying the professional development requirements for license  
326 renewal of this section.

327 A teacher who is to be hired or assigned in a position in an area of  
328 license in which he is not currently employed, but for which he held  
329 a license which had been active and valid within five years immedi-  
330 ately preceding the starting date of employment in this position,  
331 shall be given a reasonable period, as determined by the board, to  
332 fulfill a professional development plan which demonstrates currency  
333 in the subject matter knowledge of said license. In every instance, all  
334 evaluations and assessments shall follow nationally recognized pro-  
335 fessional standards.

336 Each local and regional school district shall attest to the depart-  
337 ment of education, in such form and at such time as the commis-  
338 sioner shall prescribe, that professional development activities  
339 provided by the district for which credit toward license renewal is  
340 granted meet the requirements set by the board and are documented  
341 in accordance with procedures established by the board.

342 The board shall, in establishing said policies and criteria for pro-  
343 fessional development, give special consideration to the best inter-  
344 ests of the students in the Commonwealth including the need for  
345 high quality teachers of English language learners programs estab-  
346 lished under Chapter 71A for limited English proficient students and  
347 the need to maintain the highest performance standards of educators  
348 while taking into proper consideration the financial or time con-  
349 straints these policies may require. In developing such policies,  
350 guidelines and assessment methods, the board shall obtain the input  
351 of teachers, administrators, educational experts, parents, business  
352 leaders and others interested in the improvement of the professional  
353 status of educators.

354 Except as otherwise specifically provided in this section, no rights  
355 of any employees of a school district under the provision of this  
356 chapter shall be impaired by the provisions of this section.

357 Anyone granted an initial license under this section or currently  
358 holding such license shall maintain the development of professional  
359 skills and the knowledge of subject matter pertinent to the areas of  
360 licensure by fulfilling the requirements established by the board to  
361 advance to a professional license.

362 Anyone granted a professional license under this section or cur-  
363 rently holding such license shall be required to maintain the develop-  
364 ment of professional skills and the knowledge of subject matter  
365 pertinent to the areas of licensure by completing the professional  
366 development requirements established by the board.

367 This section shall not apply to trade, vocational, temporary substi-  
368 tute teachers, exchange teachers, regionally licensed or certified  
369 teachers or to teaching or administrative interns; provided, however,  
370 that approval for the employment of such personnel shall be gener-  
371 ated by the board under such rules and regulations as it may adopt.

372 The requirements of this section shall not apply to the licensure of  
373 teachers of adult education. Nothing in this section or Section 1H of  
374 Chapter 69 shall be construed to prohibit a school committee from  
375 employing an educator licensed under this section to teach adult edu-  
376 cation.

1 SECTION 12. Chapter 71, as so appearing, is hereby amended by  
2 adding the following new section after Section 38R:—

3 Section 38S. Each public school district seeking to hire a begin-  
4 ning teacher must submit a mentor teacher program plan to the  
5 department of education. Said plan shall include: —

6 the process for selecting mentor teachers; the process for  
7 matching mentor teachers with beginning teachers; the training that  
8 will be required for mentor teachers; the proposed agreements  
9 between mentor and beginning teachers; proposed release time and  
10 other compensation for mentor teachers; proposed release time for  
11 beginning teachers; and, such other additional information as estab-  
12 lished by the department. Each mentor teacher program shall be at  
13 least two school years in duration. Such plan shall be submitted no  
14 later than June 1, 2007 for any school district that plans to hire a  
15 beginning teacher for the school year 2007-2008. Thereafter, any  
16 school district that plans to hire a beginning teacher for any school  
17 year must submit its mentor teacher program plan no later than  
18 March 1 of the previous school year. The department shall ensure

19 that all school districts file their plans in a timely manner and shall  
20 ensure that school districts implement their mentor teacher plans as  
21 approved. For the purposes of this section, a beginning teacher shall  
22 mean either an educator who holds a professional, an initial or a con-  
23 ditional license who is serving as a teacher in the district for the first  
24 time. In the case of an educator who holds a conditional or initial  
25 license, the mentor plan must meet the requirements of the district  
26 plans to supervise and support conditional and initial educators as  
27 required by Section 38G. Districts are not required to provide a  
28 mentor teacher program for professional teachers with recent  
29 teaching experience in the Commonwealth.

30 The department shall set guidelines and standards for approval of  
31 mentor teacher programs, shall provide training and technical assis-  
32 tance to districts in planning and implementing such programs, shall  
33 provide training for mentor teacher candidates, and shall administer  
34 the mentor teacher grant program. The mentor teacher grant program  
35 shall provide a financial grant annually to every public school dis-  
36 trict of \$10,000 for each first year beginning teacher who is provided  
37 with a mentor and \$5000 for each second year beginning teacher  
38 who is provided with a mentor. The grant monies shall be used to  
39 compensate the district for release time for the mentor or beginning  
40 teacher, for a stipend to the mentor teacher, or for other costs associ-  
41 ated with the program.

42 Every mentor teacher program shall provide that:—

43 every beginning teacher shall be assigned a mentor teacher; to the  
44 extent feasible, the mentor teacher assigned to the beginning teacher  
45 shall be a teacher of the same grade, subject or specialty whose  
46 assignment is in close proximity to the beginning teacher; the  
47 mentor teacher shall be selected through a process designated by the  
48 district, which process shall involve teachers and shall be approved  
49 by the recognized bargaining agent of the teachers in the district; the  
50 mentor teacher shall complete state-approved mentor training; the  
51 district, beginning teacher, mentor and other program staff shall  
52 reach agreement on their roles and responsibilities and this agree-  
53 ment must:— allot the beginning teacher and the mentor a reason-  
54 able amount of release time for the mentor program and for other  
55 professional development activities; provide for regular observation  
56 of the beginning teacher by the mentor and the mentor by the begin-

57 ning teacher; and be put in writing and signed by all relevant parties;  
58 and, the district must compensate the mentor for his or her services.

59 Mentor teachers shall be selected through a process designated by  
60 the district as described above. At a minimum, mentor teachers must  
61 hold a professional license and have teaching experience in the dis-  
62 trict. The specific form and amount of compensation for mentor  
63 teachers shall be determined through the collective bargaining  
64 process; provided, however, that stipends for mentor teachers shall  
65 not be less than \$2000 per school year. The mentor teacher shall not  
66 be the evaluator of the beginning teacher.

1 SECTION 13. Section 42 of said Chapter 71, as so appearing, is  
2 hereby amended by deleting the last sentence of the second para-  
3 graph.

1 SECTION 14. Section 41 of Chapter 71 of the General Laws, as  
2 appearing in the 2004 Official Edition, is hereby amended by  
3 striking the first sentence and inserting in place thereof the  
4 following:—

5 For purposes of this section, a teacher holding any certificate  
6 issued under Section 38G who has served in the public schools of a  
7 school district for three previous consecutive school years shall be  
8 considered a teacher, and shall be entitled to professional teacher  
9 status as provided in Section forty-two.

1 SECTION 15. Section 13 of this act shall take effect as of the  
2 effective date of Chapter 71 of the acts of 1993.