

SENATE NO. 284

AN ACT TO ENSURE EDUCATOR EXCELLENCE

*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. Chapter 10 of the General Laws, as appearing in the 2000 Official Edition, is
2 hereby amended by striking out section 35S and inserting in place thereof the following
3 section:—

4 Section 35S. There shall be established and set up on the books of the commonwealth a
5 separate fund, to be administered by the commissioner of education, which shall be known as
6 the Teacher, Principal and Superintendent Quality Endowment Fund. Said fund shall be
7 pursuant to Sections 2 and 3 of this act. The fund shall consist of all revenues from public and
8 private sources as appropriations, gifts, grants and donations and from the federal government
9 as reimbursements, grants-in-aid or other receipts to further the purposes of the fund in
10 accordance with sections 19B, 19C and 19E of chapter 15A. All revenues credited to the fund
11 under this section shall remain in the fund and shall be expended without further appropriation
12 for applications pursuant to said sections 19B, 19C and 19E of said chapter 15A. The state
13 treasurer shall deposit and invest monies in said fund in accordance with sections 34, 34A and
14 38 of chapter 29 in such a manner as to secure the highest rate of return available consistent
15 with the safety of the fund. The fund shall be expended only for the purposes stated in said
16 sections 19B, 19C and 19E of said chapter 15A at the direction of the commissioner. On
17 February 1 of each year, the state treasurer shall notify the commissioner of the projected

18 investment earnings of the fund for the upcoming fiscal year. The treasurer shall authorize the
19 annual expenditure of an amount not to exceed the interest earnings of the fund, plus an amount
20 not to exceed \$3,600,000 from the principal of the fund. Not more than 10 percent of the fund
21 shall be used for the purposes stated in section 19B of said chapter 15A in each fiscal year, not
22 more than 10 percent of expenditures from the fund shall be used for the purposes stated in said
23 section 19C of said chapter 15A in each fiscal year, and not more than 30 percent shall be used
24 for the purposes stated in said section 19E of said chapter 15A.

25 SECTION 2. Chapter 15A of the General Laws, as appearing in the 2000 Official Edition, is
26 hereby amended by striking out section 19B and inserting in place thereof the following
27 section:—

28 Section 19B. There shall be an intensive teacher-training program, known as the
29 Massachusetts Institute for New Teachers, to be administered by the department of education
30 for the purpose of recruiting and training aspiring educators with the expertise and commitment
31 to teach a high demand subject in a high need school district. The goal of such program shall be
32 to encourage high achieving candidates to enter the profession who would otherwise not
33 consider a career in teaching. Funding for such program shall be subject to the provisions of
34 section 35S of chapter 10. The board of education shall promulgate regulations, where
35 necessary, for the effective implementation of such program. Such regulations shall, at a
36 minimum, require that the program (1) provide knowledge-based instruction and training to
37 program participants, including but not limited to a) applying knowledge of students and their
38 diverse learning needs, b) applying knowledge of cognitive science, c) applying knowledge of
39 motivation, d) applying knowledge of content, content specific pedagogy, and state curriculum

40 frameworks, e) applying knowledge of planning, instructional design, and assessment, f)
41 applying knowledge of data analysis of student results and classroom practices, g) applying
42 knowledge of managing the learning environment, h) applying knowledge of ongoing
43 professional growth, i) applying knowledge of collaborating with colleagues, families, and the
44 community; and (2) shall require one year practical application and performance based
45 assessment of these areas through multiple sources of data. Said regulations shall also set forth
46 an outreach plan to attract underrepresented populations to the teaching profession. Said
47 program also shall provide ongoing support and assessment to participants during their first year
48 as a teacher of record.

49 SECTION 3. Chapter 15A of the General Laws, as appearing in the 2000 Official Edition, is
50 hereby amended by striking out section 19C and inserting in place thereof the following:—

51 Section 19C. There shall be a Massachusetts master teacher corps program for the
52 purpose of building a group of recognized teachers of high achievement in the profession who
53 shall serve to further the goals of the Massachusetts Education Reform Act of 1993. The
54 department of education shall administer said program. Funding for said program shall be
55 subject to the provisions of section 35S of chapter 10. The board of education shall promulgate
56 regulations, where necessary, for the effective implementation of such program. Such
57 regulations shall include the following provisions:

58 (1) The department shall select master teachers who achieve master teacher status by
59 meeting the following criteria: achieve certification through the National Board for Professional
60 Teaching Standards (NBPTS); pass a challenging content test; and agree to serve as educational
61 leaders within their schools, including, but not limited to, acting as mentors to new teachers.

62 The department may develop and include alternatives to the NBPTS program provided such
63 alternatives maintain equivalent or higher standards of excellence in teaching.

64 (2) The department may provide master teachers with partial or full reimbursement for
65 the assessment costs of said NBPTS licensure; provided that the department may only provide
66 reimbursement to teachers who successfully achieve master teacher status.

67 (3) Teachers with master teacher status shall have full parity in licensure and
68 compensation with teachers who earn a master's degrees from approved higher education
69 institutions, notwithstanding the provisions of section 38G of chapter 71, or chapter 150E.

70 (4) The program shall set forth an outreach plan to attract underrepresented populations
71 to the teaching profession.

72 SECTION 4. Section 38 of chapter 71 of the General Laws, as appearing in the 2000 Official
73 Edition, is hereby amended by inserting after the second paragraph the following:—

74 For purposes of said act, the term supervision shall mean support for professional
75 growth and learning through actions that may include but not be limited to mentoring, coaching,
76 and feedback; the term evaluation shall mean the maintenance of high, minimum standards of
77 performance.

78 The superintendent, by means of comprehensive evaluation, shall cause the
79 performance of all teachers, principals, and administrators within the school district to be
80 evaluated using any principles of evaluation established by the board of education pursuant to
81 section one B of chapter 69 and by such consistent, supplemental performance standards as the

82 school committee may require, including the extent to which students assigned to such teachers
83 and administrators satisfy student academic standards or, in the case of a special education
84 student, the individual education plan, and the successful implementation of professional
85 development plans required under section 38Q; provided, however, that such principles and
86 standards be consistent with the anti-discrimination requirements of chapter 152B. The
87 procedures and standards for such evaluations, but not the requirement for such evaluations,
88 shall be subject to the collective bargaining provisions of chapter 150E.

89 The superintendent shall require a formal performance-based evaluation of
90 administrators and of teachers each year for the first three years of employment in a district and
91 then at least once every four years in a professional growth cycle. A district may conduct a
92 formal written evaluation in any year where the evaluator has identified a concern with a teacher
93 or administrator.

94 In the years between formal evaluations, teachers shall engage in professional
95 development activities, pursuant to section 38Q of this chapter, which must be reviewed for
96 clarity, rigor and substance. Professional development activities may include, but not be limited
97 to, peer observation, action research, lesson study task groups, review and analysis of student
98 performance data and any other projects developed by districts. Said activities may focus on
99 areas of need as identified or informed through supervisory feedback.

100 All professional development plans shall be reviewed by administrators for clarity, rigor
101 and substance. Clarity shall mean that in reading the plan administrators are able to identify
102 what the teacher will do; substance shall mean that the plan includes work that will impact
103 student learning. Rigor shall mean that the plan requires a teacher to undertake activities that
104 result in challenging and significant professional growth.

105 At a minimum, performance standards for principals shall include broad categories, such
106 as (a) instructional leadership, including state curriculum frameworks, student performance
107 standards, and strategies for effective inclusive schooling for children with disabilities, (b)
108 strategic leadership, including student performance data analysis and long and short term
109 planning, (c) teacher evaluation skills and methods, including observation, performance analysis
110 and documentation, (d) professional community building, including implementation of teacher
111 instructional leadership, (e) communication skills, (f) promotion of equity and diversity, and (g)
112 parent and community relationships, and shall include multiple sources of data. Performance
113 standards shall be consistent with INTASC and MCREL.

114 At a minimum, performance standards for all teachers shall include broad categories,
115 such as a) applying knowledge of students and their diverse learning needs, b) applying
116 knowledge of cognitive science, c) applying knowledge of motivation, d) applying knowledge
117 of content, content specific pedagogy, and state curriculum frameworks, e) applying knowledge
118 of planning, instructional design, and assessment, f) applying knowledge of data analysis of
119 student results and classroom practices, g) applying knowledge of managing the learning
120 environment, h) applying knowledge of ongoing professional growth, i) applying knowledge of
121 collaborating with colleagues, families, and the community. Performance standards for
122 preliminary and initial educators shall be consistent with Interstate New Teacher Assessment
123 and Support Consortium (INTASC) and the National Board for Professional Teaching
124 Standards (NBPTS), or its successor organization, standards for new teachers, and (3)
125 performance standards for professional teachers shall be consistent with the National Board for
126 Professional Teaching Standards, or its successor organization.

127 During each school year, administrators and/or teacher instructional leaders shall visit
128 classrooms on a regular basis. Said supervisory interactions shall be for the purpose of
129 enhancing instructional skills and effectiveness and advancing professional growth.

130 Teachers shall be evaluated based on their work and the learning progress of their
131 students using multiple sources of data. Evidence of the teacher’s work may include, but not be
132 limited to, classroom observations, teacher-developed unit plans, the use of various assessment
133 data to adjust and focus instruction, collaboration with other teachers, knowledge-based practice
134 in teaching, communications with parents/guardians, performance of routine duties, and the
135 successful implementation of professional development plans [603 CMR 35.04 (3), and M.G.L.
136 c.69, §1B and c.71, §38.] Evidence of students’ learning progress may include, but not be
137 limited to, student work products, performance tasks, teacher-designed assessment, and
138 evidence that students satisfy state academic standards or individual education plans [603 CMR
139 35.04 (3), and M.G.L. c.69, §1B and c.71, §38.]

140 Specific standards of teacher performance consistent with the provisions for
141 performance standards in this section may be established by the school committee upon the
142 recommendation of the superintendent, provided that where teachers are represented for
143 collective bargaining purposes, all teacher performance standards shall be determined as
144 follows: The school committee and the collective bargaining representative shall undertake for a
145 reasonable period of time to agree on teacher performance standards. Prior to said reasonable
146 period of time, the school district shall seek a public hearing to comment on such standards. In
147 the absence of an agreement, after 90 days, teacher performance indicator shall be determined
148 by binding interest arbitration. Either the school district or the teachers' collective bargaining
149 representative may file a petition seeking arbitration with the commissioner of education. The

150 commissioner shall forward to the parties a list of three arbitrators provided by the American
151 Arbitration Association. The school committee and the collective bargaining representative
152 within three days of receipt of the list from the commissioner of education shall have the right to
153 strike one of the three arbitrators' names if they are unable to agree upon a single arbitrator from
154 among the three. The arbitration shall be conducted in accordance with the rules of the
155 arbitrators provided by the American Arbitration Association to be consistent with the
156 provisions of this section. In reaching a decision, the arbitrator shall consider the multiple
157 sources of data as established herein for teacher evaluation. The arbitrator shall also consider the
158 particular socioeconomic conditions of the student population of the school district. Both the
159 parties and the arbitrator may adopt performance standards established by state or national
160 organizations. The performance standards shall be incorporated into the applicable collective
161 bargaining agreement; provided, however, that any subsequent modification of the performance
162 standards shall be made pursuant to the procedures set forth in this section.

163 The results of teacher evaluations may be used in decisions to dismiss, demote, or
164 remove a teacher pursuant to sections 42, 42A, and 63, provided that districts shall provide
165 formal improvement plans and intensive support services to teachers rated as unsatisfactory,
166 according to district policies. At the end of a one-year intensive remediation process, districts
167 may dismiss teachers who continue to rate as unsatisfactory in accordance with the provisions
168 of Section 42, and provided further that districts that fail to provide said plans and services shall
169 not be allowed to dismiss teachers rated as unsatisfactory and may assign them to non-teaching
170 duties until such time that said plans and services are fully implemented.

171 The results of principal evaluations may be used to dismiss a principal rated as
172 unsatisfactory, according to district policies (See Section 9, Section 41).

173 Each school district shall conduct evaluations of teachers and administrators in
174 accordance with the regulations of the board.

175 SECTION 5. Chapter 71 of the General Laws, as appearing in the 2000 Official Edition, is
176 hereby amended by striking out section 38G and inserting in place thereof the following:—

177 Section 38G. As used in this section the following words shall, unless the context requires
178 otherwise, have the following meanings:—

179 “Board”, the board of education established by chapter fifteen.

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

181 “Initial license”, a license to teach issued to a person who has successfully met the
182 preparation and eligibility requirements as established herein for an initial license and
183 completed a college program, graduate or undergraduate, or other program to receive a
184 performance-based approval. Said license shall be valid for five years of employment as an
185 educator in the schools of the commonwealth and may be renewed for an additional five years
186 of employment in accordance with regulations adopted by the board.

187 “Preliminary educator”, a person who holds a preliminary license.

188 “Preliminary license”, a license to teach issued to a person who has successfully met the
189 preparation and eligibility requirements as established herein for a preliminary license. The
190 preliminary license shall be valid for five years of employment as an educator in the schools of
191 the commonwealth and shall be non-renewable.

192 “Professional educator”, a person who holds a professional license.

193 “Professional license”, a license to teach issued to a person who has successfully met the
194 preparation and eligibility requirements as established herein. The professional license shall be
195 active for renewable terms of five years. An inactive license becomes invalid after five years.

196 “Regionally licensed or certified educator”, an applicant for a teacher’s license in
197 Massachusetts who has been granted a regional license or certificate by another state
198 jurisdiction under terms of a contract entered into pursuant to chapter 748 of the acts of 1968,
199 the Interstate Agreement on Licensure of Educational Personnel. Such certificate shall be
200 equivalent to the initial license.

201 “Reciprocity of certified educators”, the process and requirements established by the
202 commissioner for candidates to obtain a license who have completed a college preparation
203 program included in the licensure reciprocity system of the National Association of State
204 Directors of Teacher Education and Licensure (NASDTEC); or a performance-based approval.
205 Such license shall be equivalent to the initial license.

206 “Temporary license”, a license to teach which the commissioner of education may, at his
207 discretion, issue to a person who holds an active teaching license or certificate from another
208 state and who has been employed under the license or certificate for a minimum of three years
209 but has not satisfied the testing requirements for a license contained in this section. The
210 temporary license shall be active for one year and shall be nonrenewable. Service under a
211 temporary license shall be counted as service in acquiring professional teacher status, contingent
212 upon the teacher passing the applicable licensure tests.

213 The commissioner of education shall have authority to grant, upon application,
214 preliminary, initial, temporary, and professional licenses to persons who have satisfied the
215 requirements for such licenses as established by the board.

216 To be eligible for a license as a preliminary educator, the candidate shall (1) hold a
217 bachelor's degree in arts or sciences from an accredited college or university with a major
218 course in the arts or sciences appropriate to the instructional field; (2) pass a test established by
219 the board which shall consist of two parts: (A) a writing section which shall demonstrate the
220 communication and literacy skills necessary for effective instruction and improved
221 communication between school and parents; and (B) the subject matter knowledge for the
222 license; and (3) be of sound moral character. Candidates who complete the requirements in this
223 paragraph shall be issued preliminary licenses, which shall permit them to seek employment in
224 teaching positions requiring instructional licenses in districts that have an approved program to
225 train, support, and supervise preliminary educators.

226 The commissioner shall establish standards for the training, support, and supervision of
227 preliminary educators in accordance with the provisions of this section.

228 Each public school district seeking to hire a preliminary educator must submit a district-
229 based training program plan for preliminary educators to the department of education. No
230 district shall be authorized to employ a preliminary educator unless it has submitted a plan for
231 such a program and received approval of the commissioner. Each plan shall describe the key
232 elements of the proposed preliminary educator program in accordance with guidelines published
233 by the department. Such guidelines shall require that district-based programs to receive a
234 performance-based approval.

235 Three years after the effective date of this act, district-based training programs for
236 holders of preliminary licenses shall include but not be limited to (1) knowledge-based
237 instruction in a) applying knowledge of students and their diverse learning needs, b) applying

238 knowledge of cognitive science, c) applying knowledge of motivation, d) applying knowledge
239 of content, content specific pedagogy, and state curriculum frameworks, e) applying knowledge
240 of planning, instructional design, and assessment, f) applying knowledge of data analysis of
241 student results and classroom practices, g) applying knowledge of managing the learning
242 environment, h) applying knowledge of ongoing professional growth, i) applying knowledge of
243 collaborating with colleagues, families, and the community;

244 (2) in-class instructional coaching; and (3) practical application and performance based
245 assessment of these strategies.

246 Three years after the effective date of this act, district based administrator training
247 programs shall include but not be limited to (1) knowledge-based instruction in (a) instructional
248 leadership, including state curriculum frameworks, student performance standards, and
249 strategies for effective inclusive schooling for children with disabilities, (b) strategic leadership,
250 including comprehensive school reform, managing change, student performance data analysis
251 and long and short term planning, (c) teacher or principal evaluation skills and methods,
252 including observation, performance analysis and documentation, (d) professional community
253 building, including teacher instructional leadership, (e) communication skills, (f) promotion of
254 equity and diversity, (g) parent and community relationships; and (2) practical application and
255 performance based assessment of these strategies.

256 Districts shall show either evidence of joint sponsorship or collaboration of training
257 programs with (1) colleges or universities, or (2) other districts, or (3) other programs approved
258 by the commissioner to provide such programs for both teachers and administrators. The
259 department shall issue sample district plans that districts may implement in lieu of developing

260 original plans. The department shall coordinate the training efforts of districts; shall insure that
261 district programs meet fair, substantive and comprehensive professional development standards;
262 and shall establish regional programs for preliminary teachers and administrators. The
263 department of education shall devise standardized criteria for a final comprehensive evaluation
264 of each preliminary teacher and administrator, conducted at the end of the preliminary educator
265 period. All such evaluations shall be conducted according to nationally recognized professional
266 standards for personnel evaluation.

267 At the conclusion of each year of the approved district training program for preliminary
268 teachers and administrators, the district shall prepare a comprehensive evaluation report of the
269 preliminary educator's performance. Such report shall be submitted by the district directly to the
270 department of education. The final comprehensive evaluation report on each preliminary
271 educator shall be made on forms provided by the department of education. Said report shall
272 include an assessment of the individual's on the job performance and one of the following
273 recommendations:

274 (1) Approved: recommends that initial licensure be granted upon completion of the other
275 preparation and eligibility requirements as established by the board;

276 (2) Insufficient: recommends that the candidate be required to seek entry in the future into the
277 same or another district's training program prior to being recommended to advance to initial
278 licensure; or a candidate found insufficient twice shall not be allowed to enter another district
279 training program; or

280 (3) Disapproved: recommends that initial licensure not be granted and that the candidate not be
281 allowed to enter into the same or another district's training program within the Commonwealth
282 within two years.

283 The district shall provide the preliminary educator with a copy of the written evaluation report
284 and licensure recommendation before submitting it to the commissioner of education.

285 To be eligible for a license as an initial teacher, the candidate shall provide evidence that
286 he or she (1) holds a bachelor's degree in arts or sciences from an accredited college or
287 university with a major course in the arts or sciences appropriate to the instructional field or the
288 equivalent baccalaureate degree; (2) has passed a test established by the board which shall
289 consist of two parts: (A) a writing section which shall demonstrate the communication and
290 literacy skills necessary for effective instruction and improved communication between school
291 and parents; and (B) the subject matter knowledge for the license; (3) has satisfactorily
292 completed a teacher preparation program that has received performance-based approval; and (4)
293 is of sound moral character. A candidate who completes the requirements of this paragraph shall
294 be issued an initial license that will permit him to seek employment in a teaching position
295 requiring an instructional license.

296 Each public school district seeking to hire an educator who is within his first three years
297 of preliminary or initial licensure must submit a plan to the department of education which
298 details how the district will implement an induction program to supervise and support such
299 teacher or administrator in their first three years. The department of education shall issue sample
300 plans which districts may implement in lieu of developing an original plan. The commissioner
301 shall ensure that the following elements are included in all teacher and administrator induction

302 programs. mentoring; criteria-based selection and training for mentors; beginning teacher or
303 administrator development and training consistent with the standards set forth in this act;
304 administrator training to build school-wide support for beginning teachers; broad-based
305 systemwide planning; and induction program evaluation.

306 Assessment of induction programs shall be incorporated into existing department
307 monitoring for regulatory compliance to account for the degree an induction program is being
308 implemented and the quality of said program.

309 Effective two years after the enactment of this bill, and provided that the department of
310 education receives funding pursuant to Section 12, said department shall establish a statewide
311 recognition program for the most promising induction practices established by districts.

312 No district being funded through this act shall be authorized to employ an administrator
313 or teacher who is within his first three years of preliminary or initial licensure unless it has
314 shown evidence of implementing an induction program that has been approved by the
315 commissioner.

316 In not less than one year after the issuance of an initial license, the commissioner upon
317 receipt of a proper application shall issue a professional license to such educator who has
318 provided the commissioner with evidence, in such manner and form as prescribed by the board,
319 that he has met the preparation and eligibility requirements set by the board through a master's
320 degree program that meets the requirements of licensure approved by the commissioner, or
321 through an equivalent district program for a professional license approved by the commissioner,
322 or other equivalent programs approved by the commissioner; and has met the requirements set
323 by the commissioner and included in section 38 of this chapter, for demonstration of successful
324 performance.

325 Each professional license shall be active for five years and continued every five years
326 thereafter upon the successful completion of an individual professional development plan that
327 meets the subject matter knowledge and teaching skill requirements set by the board and that is
328 in accordance with the provisions established under section 38Q of this chapter. Such plan shall
329 be designed to increase the ability of the person to improve student learning.

330 Certificates granted by the board prior to October first, 1994, are hereby deemed
331 professional licenses which shall be renewed every five years.

332 The commissioner shall develop alternative paths for administrators to obtain an initial
333 license which shall facilitate a process whereby persons with significant managerial experience
334 can obtain such licensure, in accordance with the provisions of this section.

335 Any license issued by the commissioner may be revoked for cause, pursuant to standards
336 and procedures established by the board.

337 The board shall have the authority to promulgate, amend and rescind such rules and
338 regulations as may be necessary to carry out the provisions of this section. Such regulations
339 shall be presented to the joint committee on education arts and humanities for informational
340 purposes 90 days prior to implementation.

341 All applications for licenses granted under this section shall be accompanied by a fee to
342 be determined annually by the commissioner of administration under the provisions of section
343 three B of chapter seven. Said fees shall be established and limited to allow the department to
344 carry out the licensure and license renewal responsibilities but in no case shall said applications
345 exceed \$100 with an increase no greater than the consumer price index.

346 Notwithstanding the foregoing, the board shall establish for each license area alternate
347 methods for fulfilling the professional development requirement, at least one of which shall be
348 provided at no cost to persons employed by a school district, including paraprofessionals or
349 assistant teachers, who are engaging in such activity for the purpose of satisfying the
350 professional development requirement of this section.

351 No person shall be eligible for employment as a teacher, guidance counselor, director,
352 school psychologist, school adjustment counselor, school social worker, school nurse, library
353 media specialist, school business administrator, principal, supervisor, director, assistant
354 superintendent of school, and superintendent of schools by a school district unless he has been
355 granted by the commissioner a preliminary, initial, or professional license with respect to the
356 type of position for which he seeks employment; provided, however, that nothing herein shall
357 be construed to prevent a school committee from prescribing additional qualifications; and
358 provided further, that a superintendent may upon request be exempt by the commissioner for
359 any one school year from the requirement in this section to employ licensed personnel when
360 compliance therewith would in the opinion of the commissioner constitute a great hardship in
361 securing teachers for that school district; provided that no school that has been placed on watch
362 or declared underperforming by the board of education shall be eligible for such waiver. During
363 the time that such a waiver is in effect, service of an employee of a school district to whom the
364 waiver applies shall not be counted as service in acquiring professional teacher status or other
365 rights under section 41.

366 Competence in Braille instruction shall be a requirement for an initial license as a
367 teacher of students with vision impairments. Such competence shall be verified through a

368 testing program which meets the standards of the Library of Congress National Library Service
369 for the Blind or its successor.

370 Competence in the use of technology as an instructional and management tool shall be a
371 requirement for all initial licenses.

372 For the purposes of licensing educators, the board shall establish policies and guidelines
373 and the commissioner may approve preparation programs devoted to the preparation of teachers
374 and other educational personnel. Three years after the effective date of this act, such policies
375 and guidelines shall require any institution offering an approved teacher training program to
376 receive a performance-based approval. For the purposes of licensing educators, the board shall
377 establish policies and guidelines and the commissioner may approve preparation programs
378 devoted to the preparation of teachers and other educational personnel. Three years after the
379 effective date of this act, such policies and guidelines shall require any institution offering an
380 approved teacher training program to receive a performance-based approval.

381 Three years after the effective date of this act, to receive program approval, a college or
382 university or school or district or other institution offering an approved teacher training program
383 (1) shall provide knowledge-based instruction and training to program participants including,
384 but not limited to, the following areas: a) applying knowledge of students and their diverse
385 learning needs, b) applying knowledge of cognitive science, c) applying knowledge of
386 motivation, d) applying knowledge of content, content specific pedagogy, and state curriculum
387 frameworks, e) applying knowledge of planning, instructional design, and assessment, f)
388 applying knowledge of data analysis of student results and classroom practices, g) applying
389 knowledge of managing the learning environment, h) applying knowledge of ongoing
390 professional growth, i) applying knowledge of collaborating with colleagues, families, and the

391 community; and (2) shall require one year of practical application and a performance-based
392 assessment of these areas using multiple sources of data.

393 Three years after the effective date of this act, program approval shall demonstrate that
394 technology tools for teachers are incorporated into all preparation. This provision shall also
395 apply to Massachusetts Institute for New Teachers and district-based programs.

396 Three years after the effective date of this act, policies and guidelines for approved
397 administrator training programs shall require training in (1) knowledge-based instruction,
398 including but not limited to the following areas, (a) instructional leadership, including state
399 curriculum frameworks, student performance standards, and strategies for effective inclusive
400 schooling for children with disabilities, (b) strategic leadership, including comprehensive school
401 reform, managing change, student performance data analysis and long and short term planning,
402 (c) teacher evaluation skills and methods, including observation, performance analysis and
403 documentation, (d) professional community building, including training in teacher instructional
404 leadership, (e) communication skills, (f) promotion of equity and diversity, (g) parent and
405 community relationships; and (2) shall require one year of practical application and
406 performance based assessment of these areas using multiple sources of data.

407 In addition to any other requirements in this section, in order to receive a preliminary or
408 initial license, persons applying for such licensure shall have completed such courses or training
409 sessions as the board shall require in supporting English language learners.

410 A college or university or school or district or other institution offering such an
411 approved program shall certify to the commissioner that a student has demonstrated satisfactory

412 competence in the skills and knowledge expected of college graduates in the most advanced
413 nations, and has completed the program approved.

414 A panel of teachers, principals, superintendents, and teacher preparation faculty, shall
415 develop an assessment to be used as a formative assessment of teacher training programs.
416 Three years after the effective date of this act, principals will use the assessment to rate the
417 preparedness of beginning teachers who have completed a particular Massachusetts-approved
418 teacher-training program; this shall include college, district-based, and alternative preparation
419 programs. Such assessment shall be concerned with whether teachers trained in such programs
420 possess the content knowledge and pedagogical skills appropriate for a novice practitioner.
421 Superintendents shall aggregate individual teacher assessment results and prepare reports
422 organized by teacher preparation program. Such reports shall be filed with the DOE and made
423 available.

424 At the end of each five-year period each professional educator shall attest to and provide
425 appropriate supporting evidence and documentation to the state department of education, in
426 such form and at such time as the commissioner shall prescribe, that the professional educator
427 has successfully completed a professional development plan which meets the standards set by
428 the board.

429 A teacher who is to be employed in a position in an area of license in which he is not
430 currently employed, but for which he held a license which had been active within five years
431 immediately preceding the starting date of employment in this position, shall be given a
432 reasonable period, as determined by the board, to fulfill a professional development plan which
433 demonstrates currency in the subject matter knowledge and re-qualify him for a license in said

434 area. In every instance, all evaluations and assessments shall follow nationally recognized
435 professional standards.

436 In addition to any other requirements of this section, the board shall require, as a
437 provision of an administrator's or teacher's license renewal, that all teachers and administrators
438 shall complete training required by section 38Q of this section. Anyone granted either a
439 professional license under this section or currently holding such license shall be required to
440 maintain the development of professional skills and the knowledge of subject matter pertinent to
441 the areas of licensure, and in accordance with section 38Q of this chapter.

442 Anyone granted a preliminary or initial license under this section or currently holding
443 such license shall maintain the development of professional skills and the knowledge of subject
444 matter pertinent to the areas of licensure by participating in a district induction/mentoring
445 program, and by fulfilling the requirements established by the board to advance to an initial or a
446 professional license. Any such educator who is not engaged in one of these options in the fourth
447 or fifth year of employment must complete a professional development plan that addresses
448 professional skills and subject matter knowledge and which meets the standards set by the board
449 for plans used for the purpose of license renewal.

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

453 This section shall not apply to trade, vocational, temporary substitute teachers, exchange
454 teachers, regionally licensed or certified teachers or to teaching or administrative interns;

455 provided, however, that approval for the employment of such personnel shall be generated by
456 the board under such rules and regulations as it may adopt.

457 The requirements of this section shall not apply to the license of teachers of adult
458 education. Nothing in this section or section 1H of chapter 69 shall be construed to prohibit a
459 school committee from employing a teacher certified under this section to teach adult education.

460 SECTION 6. Chapter 71 of the General Laws as appearing in the 2000 Official Edition is
461 hereby amended by inserting after Section 38G the following new section:-

462 Section 38G.5 Three years after the effective date of this act, to receive program approval, any
463 college or university offering an approved educator training program shall join with a local
464 school district to create an ongoing district advisory board. Said advisory board shall provide
465 colleges and universities an opportunity to be informed by practitioners about the needs of the
466 field and the knowledge and skills that are necessary for beginning teachers.

467 SECTION 7. Chapter 71 of the General Laws as appearing in the 2000 Official Edition is
468 hereby amended by inserting after Section 89 the following new sections:-

469 There is hereby established a comprehensive grant program pursuant to sections 90–94
470 and section 38Q of this act to support long-term planning, implementing, and evaluation to
471 upgrade a district’s systemic approach to improving educator quality through the processes of
472 recruitment, induction, teacher leadership, supervision and evaluation, professional
473 development, school structure, and school culture.

474 Said program shall support district capacity to consolidate human and financial
475 resources that influence the quality of the teacher and administrator workforce; and to advance
476 improvement in the aforementioned processes.

477 All districts across the Commonwealth shall have one year to plan and three years to
478 implement a comprehensive approach that integrates recruitment, induction, teacher leadership,
479 supervision and evaluation, professional development, school structure, and school culture to
480 build excellence in the teacher and administrator workforce.

481 Each district shall create a comprehensive plan that connects the seven processes; shall
482 elect the sequence in which each process is addressed over the one year of planning and three
483 years of implementation. The implementation design of district plans shall allow flexibility in
484 developing and strengthening each process into an integrated system for developing workforce
485 expertise.

486 In the first year after passage of this act, a grant program will be established to support
487 a)comprehensive planning by 15 pilot districts selected by a Statewide Panel described in
488 Section 7, b) establishment and training of the statewide panel, and c) staffing support for the
489 department of education.

490 Said funding shall be used by the department of education to provide staffing support to
491 the statewide panel, and in later years to regional panels; and build technical capacity for
492 supporting complex district change efforts to upgrade the processes specified in this bill. The
493 department of education shall submit a quarterly report to the house and senate committees on
494 ways and means and the joint committee on education, arts and humanities detailing said
495 department's expenditures

496 Said sums shall be in addition to any amounts previously appropriated and made
497 available; provided further, that all funds appropriated in this section shall not revert and shall
498 be available for expenditure until June 30, 2007.

499 Said program shall support district capacity to consolidate human and financial
500 resources that influence the quality of the teacher and administrator workforce; and to advance
501 improvement in the aforementioned seven processes.

502 Said program shall require evidence of a 10% matching contribution by the districts
503 towards improvement of these processes.

504 Three years after the effective date of this act, said funding shall be factored into the
505 chapter 70 formula and identified for educator quality to provide adequate, predictable, and
506 sustainable funding to districts to implement the provisions of this act. Districts shall not be held
507 accountable for implementing the provisions of this act for which the legislature has not
508 appropriated sufficient funds.

509 One statewide panel appointed by the Commissioner of Education will approve plans of
510 all districts participating in the first three years of planning and implementation. The panel shall
511 consist of 12 persons. The Commissioner shall appoint 12 members selected from (a) nominees
512 submitted by each of the following nine organizations: The Massachusetts Association of
513 College for Teacher Education, the Massachusetts Association of School Superintendents, the
514 Massachusetts Elementary School Principals Association, the Massachusetts Association of
515 School Committees, the Massachusetts Secondary School Administrators Association, the
516 Massachusetts Federation of Teachers, the Massachusetts Teachers Association, the
517 Massachusetts Parent Teacher Organization, the Massachusetts Association of Supervision and

518 Curriculum Development; and (b) nominees submitted by each of the following three
519 organizations: the Massachusetts Business Roundtable, the Associated Industries of
520 Massachusetts, and the Massachusetts Biotechnology Council . These lists may be comprised
521 of members of said associations or other individuals identified by the associations. All nominees
522 must be knowledgeable in understanding of the change process pertaining to the seven
523 processes of educator quality listed in said act.

524 The department of education shall be responsible for providing support staffing, training,
525 and general management of the panels, including but not limited to, creating an internal
526 organization for the panel, and creating assignments so as to ensure no panel member reviews
527 plans emanating from his or her district or which he or she has an otherwise specific
528 professional or personal interest or which otherwise could present a conflict of interest. The
529 Commissioner shall have the authority to create one or more positions specifically for the
530 management of staffing and logistical support for these panels through the annual funding
531 provided to the department of education in this act. Members shall be appointed for three-year
532 terms. Terms of initially appointed members shall be staggered so that no more than 4 members
533 per panel are replaced in a given year.

534 Said panel shall create criteria and guidelines to support the development and
535 implementation of plans for districts and professional development schools; approve and
536 disapprove grant applications.

537 The department of education monitors progress in implementation of approved plans and
538 holds all relevant constituencies accountable for the effective utilization of allocated funding
539 pursuant to this act. The department of education shall determine whether districts have shown
540 evidence of results. If a district fails to show evidence of results, renewal funding shall be used

541 for said district to bring in an approved preferred provider, as identified by the department of
542 education, to assist them in re-designing their plans.

543 Said panel shall hold the department of education accountable for effective utilization of
544 funds allocated. The panel shall administer a survey to all districts and colleges and universities
545 with approved educator preparation programs regarding department performance. If survey
546 results indicate that the department is not utilizing said funding effectively, a re-assessment of
547 the department's plan shall be undertaken by the appointed panel.

548 Section 90. Said comprehensive program shall support professional development schools
549 formed through partnerships consisting of an approved educator preparation program, a
550 teachers' association, and a P-12 school district to develop and sustain the links, structures, and
551 opportunities that result in a seamless continuum of professional development for teachers and
552 administrators at all stages of the career span.

553 Section 91. Said comprehensive program shall also be used for the purpose of supporting
554 teacher and administrator induction programs. Said funding shall be used for but not limited to
555 substitutes, training, stipends for part-time coordinators or high-quality mentors, or for other
556 elements that support plan implementation. Collaboratives shall also be eligible for said funding
557 for induction.

558 Districts shall account for systematic, differentiated induction for preliminary and initial
559 educators. Districts shall address the development of professional skills and the knowledge of
560 subject matter appropriate to the type, field, and level of educators' licenses. The commissioner
561 shall establish standards for such induction programs.

562 Districts that have fully implemented and locally maintained all components of their
563 induction plans shall be eligible to serve as induction laboratories and provide support to other

564 districts on developing high quality induction programs. Districts that wish to serve as induction
565 laboratories shall apply to the Regional Teacher Quality Panels for funding that may be used to
566 compensate teachers who are involved in the work of the induction laboratories. Districts that
567 serve as induction laboratories may provide non-financial compensations to teachers, including
568 but not limited to release time, waived fees for license renewal, tuition reimbursement for
569 courses for the purpose of license renewal.

570 Section 92. Said comprehensive program shall also be used for the purpose of improving the
571 quality of teacher and administrator performance evaluations. Collaboratives shall also be
572 eligible for said funding for teacher and administrator performance evaluations.

573 Said funding shall be used for but not limited to hiring implementation coaches to
574 support the strengthening of supervision and evaluation processes; supporting full and half time
575 positions, training, and substitutes; ensuring a process by which parent input may be used
576 outside formal evaluations. Included in comprehensive plans shall be a delineation of how
577 districts will increase the frequency and quality of interactions among teachers, between
578 teachers and other instructional personnel, and between teachers and administrators.

579 Section 93: Said comprehensive program shall also be used for the purpose of
580 supporting teacher instructional leadership. Said funding shall be used for but not limited to
581 stipends for teacher leaders, training, substitute teachers, or other elements that support plan
582 implementation.

583 The principal of each school shall facilitate the development of a plan for teacher
584 instructional leadership. Said plan shall include supports that increase the frequency in which
585 teachers work together to analyze and improve their performance. Areas of support may include

586 but not be limited to curriculum and instruction, data analysis of student performance; school-
587 level professional development, the facilitation of study groups; and the acquisition of
588 appropriate professional development resources. The principal shall facilitate a review of the
589 structure of the school day and time available for ongoing instructional dialogue with and
590 among teachers. Any teacher leadership program shall not be construed as an alternative to the
591 statutory authority or responsibility of the principal.

592 Districts shall ensure that each school implements teacher instructional leadership in
593 such a way that teachers have time and access to other teachers and administrators for the
594 purpose of improving instruction.

595 To be eligible for said funds, districts shall submit a letter of agreement with teachers' union in
596 support of the implementation for a new teacher instructional leadership plan. Districts must
597 demonstrate that this funding will be used to build instructional expertise and teacher leadership
598 support for teachers who share students and/or content.

599 Section 94. Said comprehensive program shall also be used to recruit teachers in subject
600 areas of highest need, including but not limited to math, science, special education, and the
601 education of limited English proficient students.

602 Section 95. Said comprehensive program shall also be used for the purpose of supporting
603 professional development activities in schools across the Commonwealth, pursuant to section
604 38Q.

605 SECTION 8. Chapter 71 of the General Laws as appearing in the 2000 Official Edition, is
606 hereby amended by striking out section 38Q and inserting in place thereof the following new
607 section:-

608 Section 38Q. Said comprehensive grant program pursuant to sections 90-94 shall
609 support the integration and implementation of high-quality ongoing district-wide and
610 individualized professional development plans (IPDPs) into all other personnel processes cited
611 in said sections.

612 However, notwithstanding funding pursuant to said act, districts shall be required to
613 adhere to all elements cited in this section.

614 Every school district in the commonwealth shall adopt and implement a professional
615 development plan for all principals, teachers, other professional staff, paraprofessionals and
616 teacher assistants employed by the district, and annually shall evaluate and update such plans
617 and set forth a budget for professional development within the confines of the foundation
618 budget.

619 District professional development plans for teachers shall be linked to the knowledge
620 base of professional practice and shall include a) applying knowledge of students and their
621 diverse learning needs, b) applying knowledge of cognitive science, c) applying knowledge of
622 motivation, d) applying knowledge of content, content specific pedagogy, and state curriculum
623 frameworks, e) applying knowledge of planning, instructional design, and assessment, f)
624 applying knowledge of data analysis of student results and classroom practices, g) applying
625 knowledge of managing the learning environment, h) applying knowledge of ongoing

626 professional growth, i) applying knowledge of collaborating with colleagues, families, and the
627 community. District professional development plans for teachers shall be aligned with school
628 improvement goals and shall be linked to student results.

629 District professional development plans for administrators shall be linked to the
630 knowledge base of professional practice and shall include (a) instructional leadership, including
631 state curriculum frameworks, student performance standards, and strategies for effective
632 inclusive schooling for children with disabilities, (b) strategic leadership, including
633 comprehensive school reform, managing change, student performance data analysis and long
634 and short term planning, (c) teacher evaluation skills and methods, including observation,
635 performance analysis and documentation, (d) professional community building, including
636 training in teacher instructional leadership, (e) communication skills, (f) promotion of equity
637 and diversity, and (g) parent and community relationships. District professional development
638 plans for administrators shall be aligned with school and district improvement goals and shall be
639 linked to student results.

640 The plan may also include training in the provision of pre-referral services within
641 regular education. Said plan shall also include training for members of school councils, pursuant
642 to section 59C. Said plan may include teacher training which addresses the effects of gender
643 bias in the classroom. In any school district with limited English proficient students, the plan
644 shall provide training for teachers and administrators in second language acquisition techniques.
645 District professional development plans required by this section shall be filed annually with the
646 commissioner of education in a report. Said report shall specify and delineate professional
647 development expenditures and shall be publicized annually to the committees on education, arts,

648 and humanities and ways and means of the general court, teacher preparation programs, school
649 districts, all educator associations, and to the public.

650 The board shall establish policies and guidelines for approval for any continuing
651 education units, in-service seminars, projects, courses and other activities that would be deemed
652 sufficient to maintain the development of professional skills and the knowledge of subject
653 matter and pedagogy pertinent to particular licenses in accordance with the same procedures
654 used for initial approval of collegiate preparation programs.

655 Each educator shall attest to and provide appropriate supporting evidence and
656 documentation to the district that the educator has successfully completed a professional
657 development plan that is in accordance with the provisions established under this section.

658 The commissioner of education for the commonwealth shall annually prepare a plan for
659 providing statewide assistance in the preparation, implementation and evaluation of professional
660 development plans in conjunction with a broad-based coalition of teachers, principals,
661 superintendents, and higher education representatives. Such plan shall provide opportunities for
662 district collaboration and shall evaluate the feasibility of obtaining assistance from institutions
663 of higher education and private service providers. The plan shall include data that demonstrates,
664 statewide and by school district, the types of professional development provided for educators
665 who work with limited English proficient students. The plan shall be submitted to the board of
666 education for approval. A copy of said plan shall be submitted to the joint committee on
667 education, arts, and humanities of the great and general court. To support the development of
668 said statewide plan, the department of education shall document district professional
669 development practices, and shall create a network of schools and districts that demonstrate high-

670 quality professional development practices that show evidence of improving student
671 achievement. Said network shall support low-performing schools and districts in the
672 development of professional development plans that improve student achievement.

673 Each local and regional school district shall attest to the department of education, in such
674 form and at such time as the commissioner shall prescribe, that professional development
675 activities for which credit toward a license renewal is granted meet the requirements set by the
676 board, and are documented in accordance with procedures established by the board.

677 The board shall, in establishing said policies and criteria for professional development,
678 give special consideration to the best interests of the students in the commonwealth, including
679 the need for high quality teachers of English language learners programs established under
680 chapter 71A for limited English proficient students, and the need to maintain the highest
681 performance standards of teachers while taking into proper consideration the financial or time
682 constraints these policies may require. In developing such policies, guidelines and assessment
683 methods, the board shall obtain the input of teachers, administrators, educational experts,
684 parents, business leaders and others interested in the improvement of the professional status of
685 teachers.

686 SECTION 9. Chapter 71 of the General Laws as appearing in the 2000 Official Edition, is
687 hereby amended by striking out section 41 and inserting in place thereof the following new
688 section:-

689 Section 41. For the purposes of this section, a teacher, school librarian, school
690 adjustment counselor, school social worker, school nurse, or school psychologist who has

691 served in the public schools of a school district for the three previous consecutive school years
692 shall be considered a teacher, and shall be entitled to professional teacher status as provided in
693 section 42. The superintendent of said district, upon the recommendation of the principal, may
694 award such status to any teacher who has served in the principal's school for not less than one
695 year or to a teacher who has obtained such status in any other public school district in the
696 commonwealth. A teacher without professional teacher status shall be notified in writing on or
697 before June fifteenth whenever such person is not to be employed for the following school year.
698 Unless such notice is given as herein provided, a teacher without such status shall be deemed to
699 be appointed for the following school year.

700 School principals, by whatever title their position may be known, shall not be
701 represented in collective bargaining, but every principal shall have the opportunity to meet and
702 discuss individually the terms and conditions of his employment in his school district with such
703 district's superintendent and may be represented by an attorney or other representative, and
704 shall be employed under a written contract of employment. School principals shall enter into
705 individual employment contracts with the districts that employ them concerning the terms and
706 conditions of their employment. The initial contract with each individual school district shall be
707 for a minimum of one year and shall not exceed three years. These conditions, as set forth in
708 this section, shall apply in full to the initial contract of each school principal regardless of past
709 employment history in the Commonwealth. Subsequent contracts shall be for a minimum of
710 three years. Principals entering into subsequent contracts with a school district that employed
711 them on the third Wednesday of November shall be treated as school principals entering into
712 their second contract period and subject to all further terms and conditions. Failure of the
713 superintendent to notify a principal of the proposed non-renewal of his contract at least 90 days,

714 which shall exclude July and August, prior to the expiration date of such contract shall
715 automatically renew the contract for an additional one-year period.

716 Except as provided herein, section 42 shall not apply to school principals, assistant
717 principals or department heads, although nothing in this section shall deny to any principal,
718 assistant principal or department head any professional teacher status to which he shall
719 otherwise be entitled. A principal, assistant principal, department head or other supervisor who
720 has served in that position in the public schools of the district for three consecutive years shall
721 not be dismissed or demoted except for failure on the part of the principal to satisfy the
722 administrator performance standards developed pursuant to section 38 of this chapter or other
723 good cause. Only a superintendent may dismiss a principal. A principal, assistant principal,
724 department head or other supervisor shall not be dismissed unless he has been furnished with a
725 written notice of intent to dismiss with an explanation of the grounds for the dismissal, and, if
726 he so requests, has been given a reasonable opportunity within 15 days after receiving such
727 notice to review the decision with the superintendent at which meeting such employee may be
728 represented by an attorney or other representative to present information pertaining to the bases
729 for the decision and to such employee's status. A principal, assistant principal, department head
730 or other supervisor may seek review of a dismissal or demotion decision by filing a petition
731 with the commissioner for arbitration. Except as provided herein, the procedures for arbitration,
732 and the time allowed for the arbitrator to issue a decision, shall be the same as that in section 42.
733 The commissioner shall provide the parties with the names of three arbitrators who are members
734 of the American Arbitration Association. The arbitrators shall be different from those developed
735 pursuant to section 42. The parties each shall have the right to strike one of the three arbitrator's
736 names if they are unable to agree upon a single arbitrator from amongst the three.

737 A school committee may award a contract to a superintendent of schools or a school
738 business administrator for a period not exceeding six years which may provide for the salary,
739 fringe benefits, and other conditions of employment, including but not limited to, severance pay,
740 relocation expenses, reimbursement for expenses incurred in the performance of duties or
741 office, liability insurance, and leave for said superintendent or school business administrator.
742 Nothing in this section shall be construed to prevent a school committee from voting to employ
743 a superintendent of schools who has completed three or more years' service to serve at its
744 discretion.

745 SECTION 10. Chapter 71 of the General Laws, as appearing in the 2000 Official Edition, is
746 hereby amended by striking out section 59B and inserting in place thereof the following new
747 section:-

748 Section 59B. The superintendent of a school district shall appoint principals for each
749 public school within the district at levels of compensation determined in accordance with
750 policies established by the school committee. Principals employed under this section shall be
751 the educational administrators and managers of their schools and shall supervise the operation
752 and management of their schools and school property, subject to the supervision and direction
753 of the superintendent. Principals employed under this section shall be responsible, consistent
754 with district personnel policies and budgetary restrictions and subject to the approval of the
755 superintendent, for hiring all teachers, athletic coaches, instructional or administrative aides, and
756 other personnel assigned to the school, and for terminating all such personnel, subject to review
757 and prior approval by the superintendent and subject to the provisions of this chapter.

758 The school superintendent of a city or town or regional school district including
759 vocational-technical schools, may also appoint administrators and other personnel not assigned
760 to particular schools, at levels of compensation determined in accordance with policies
761 established by the school committee.

762 SECTION 11. The department of education shall provide staffing support to the regional
763 panels; build staffing and technology to process licensure and re-licensure with a 48-hour
764 response rate; utilize its central position and legal authority to promote an educator quality
765 agenda for the state; set standards by which educators will be trained and update the standards
766 to reflect advancements in the field; serve as coordinator of high-quality external providers to
767 schools and districts; build leadership capacity by disseminating innovative educator quality and
768 professional development models; collect and analyze demographic and test data; communicate
769 the data to districts; help districts conduct further analyses; and provide technical assistance.

770 SECTION 12. Notwithstanding any general or special law to the contrary, aspects of the bill
771 that require funding for implementation shall apply only to public school districts that receive
772 said funds from the state in addition to Chapter 70 funds. Districts shall engage in all aspects of
773 the bill that are not contingent on said funding.

774 SECTION 13. Notwithstanding any general or special law to the contrary, all provisions of this
775 act that apply to public school districts shall apply to Commonwealth and Horace Mann Charter
776 Schools, as established in Chapter 71 section 89 of the General Laws of Massachusetts.