

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Lida E. Harkins

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to educator excellence.

PETITION OF:

NAME:

Lida E. Harkins

DISTRICT/ADDRESS:

13th Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 451 OF 2007-2008.]

The Commonwealth of Massachusetts

—————
In the Year Two Thousand and Nine
—————

AN ACT RELATIVE TO 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 hereby amended by
2 striking out section 35S and inserting in place thereof the following section:—

3 Section 35S. There shall be established and set up on the books of the commonwealth a separate fund, to be
4 administered by the commissioner of education, which shall be known as the Teacher, Principal and Superintendent
5 Quality Endowment Fund. Said fund shall be pursuant to Sections 2 and 3 of this act. The fund shall consist of all
6 revenues from public and private sources as appropriations, gifts, grants and donations and from the federal
7 government as reimbursements, grants-in-aid or other receipts to further the purposes of the fund in accordance with
8 sections 19B, 19C and 19E of chapter 15A. All revenues credited to the fund under this section shall remain in the
9 fund and shall be expended without further appropriation for applications pursuant to said sections 19B, 19C and
10 19E of said chapter 15A. The state treasurer shall deposit and invest monies in said fund in accordance with sections
11 34, 34A and 38 of chapter 29 in such a manner as to secure the highest rate of return available consistent with the
12 safety of the fund. The fund shall be expended only for the purposes stated in said sections 19B, 19C and 19E of
13 said chapter 15A at the direction of the commissioner. On February 1 of each year, the state treasurer shall notify the
14 commissioner of the projected investment earnings of the fund for the upcoming fiscal year. The treasurer shall
15 authorize the annual expenditure of an amount not to exceed the interest earnings of the fund, plus an amount not to
16 exceed \$3,600,000 from the principal of the fund. Not more than 10 percent of the fund shall be used for the
17 purposes stated in section 19B of said chapter 15A in each fiscal year, not more than 10 percent of expenditures
18 from the fund shall be used for the purposes stated in said section 19C of said chapter 15A in each fiscal year, and
19 not more than 30 percent shall be used for the purposes stated in said section 19E of said chapter 15A.

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

22 Section 19C. There shall be a Massachusetts master teacher corps program for the purpose of building a
23 group of recognized teachers of high achievement in the profession who shall serve to further the goals of the
24 Massachusetts Education Reform Act of 1993. The department of education shall administer said program. Funding

25 for said program shall be subject to the provisions of section 35S of chapter 10. The board of education shall
26 promulgate regulations, where necessary, for the effective implementation of such program. Such regulations shall
27 include the following provisions:

28 (1) The department shall select master teachers who achieve master teacher status by meeting the following
29 criteria: achieve certification through the National Board for Professional Teaching Standards (NBPTS); pass a
30 challenging content test; and agree to serve as educational leaders within their schools, including, but not limited to,
31 acting as mentors to new teachers. The department may develop and include alternatives to the NBPTS program
32 provided such alternatives maintain equivalent or higher standards of excellence in teaching.

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

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

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

41 SECTION 3. Section 38 of chapter 71 of the General Laws, as appearing in the 2000 Official Edition, is hereby
42 amended by inserting after the second paragraph the following:—

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

46 The superintendent, by means of comprehensive evaluation, shall cause the performance of all teachers,
47 principals, and administrators within the school district to be evaluated using any principles of evaluation
48 established by the board of education pursuant to section one B of chapter 69 and by such consistent, supplemental
49 performance standards as the school committee may require, including the extent to which students assigned to such
50 teachers and administrators satisfy student academic standards or, in the case of a special education student, the
51 individual education plan, and the successful implementation of professional development plans required under
52 section 38Q; provided, however, that such principles and standards be consistent with the anti-discrimination
53 requirements of chapter 152B. The procedures and standards for such evaluations, but not the requirement for such
54 evaluations, shall be subject to the collective bargaining provisions of chapter 150E-

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

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

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

68 At a minimum, performance standards for principals shall include broad categories, such as (a) instructional
69 leadership, including state curriculum frameworks, student performance standards, and strategies for effective
70 inclusive schooling for children with disabilities, (b) strategic leadership, including student performance data

71 analysis and long and short term planning, (c) teacher evaluation skills and methods, including observation,
72 performance analysis and documentation, (d) professional community building, including implementation of teacher
73 instructional leadership, (e) communication skills, (f) promotion of equity and diversity, and (g) parent and
74 community relationships, and shall include multiple sources of data. Performance standards shall be consistent with
75 INTASC and MCREL.

76 At a minimum, performance standards for all teachers shall include broad categories, such as a) applying
77 knowledge of students and their diverse learning needs, b) applying knowledge of cognitive science, c) applying
78 knowledge of motivation, d) applying knowledge of content, content specific pedagogy, and state curriculum
79 frameworks, e) applying knowledge of planning, instructional design, and assessment, f) applying knowledge of
80 data analysis of student results and classroom practices, g) applying knowledge of managing the learning
81 environment, h) applying knowledge of ongoing professional growth, i) applying knowledge of collaborating with
82 colleagues, families, and the community. Performance standards for preliminary and initial educators shall be
83 consistent with Interstate New Teacher Assessment and Support Consortium (INTASC) and the National Board for
84 Professional Teaching Standards (NBPTS), or its successor organization, standards for new teachers, and (3)
85 performance standards for professional teachers shall be consistent with the National Board for Professional
86 Teaching Standards, or its successor organization.

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

90 Teachers shall be evaluated based on their work and the learning progress of their students using multiple
91 sources of data. Evidence of the teacher's work may include, but not be limited to, classroom observations, teacher-
92 developed unit plans, the use of various assessment data to adjust and focus instruction, collaboration with other
93 teachers, knowledge-based practice in teaching, communications with parents/guardians, performance of routine
94 duties, and the successful implementation of professional development plans [603 CMR 35.04 (3), and M.G.L. c.69,
95 §1B and c.71, §38.] Evidence of students' learning progress may include, but not be limited to, student work
96 products, performance tasks, teacher-designed assessment, and evidence that students satisfy state academic
97 standards or individual education plans [603 CMR 35.04 (3), and M.G.L. c.69, §1B and c.71, §38.]

98 Specific standards of teacher performance consistent with the provisions for performance standards in this
99 section may be established by the school committee upon the recommendation of the superintendent, provided that
100 where teachers are represented for collective bargaining purposes, all teacher performance standards shall be
101 determined as follows: The school committee and the collective bargaining representative shall undertake for a
102 reasonable period of time to agree on teacher performance standards. Prior to said reasonable period of time, the
103 school district shall seek a public hearing to comment on such standards. In the absence of an agreement, after 90
104 days, teacher performance indicator shall be determined by binding interest arbitration. Either the school district or
105 the teachers' collective bargaining representative may file a petition seeking arbitration with the commissioner of
106 education. The commissioner shall forward to the parties a list of three arbitrators provided by the American
107 Arbitration Association. The school committee and the collective bargaining representative within three days of
108 receipt of the list from the commissioner of education shall have the right to strike one of the three arbitrators' names
109 if they are unable to agree upon a single arbitrator from among the three. The arbitration shall be conducted in
110 accordance with the rules of the arbitrators provided by the American Arbitration Association to be consistent with
111 the provisions of this section. In reaching a decision, the arbitrator shall consider the multiple sources of data as
112 established herein for teacher evaluation. The arbitrator shall also consider the particular socioeconomic conditions
113 of the student population of the school district. Both the parties and the arbitrator may adopt performance standards
114 established by state or national organizations. The performance standards shall be incorporated into the applicable
115 collective bargaining agreement; provided, however, that any subsequent modification of the performance standards
116 shall be made pursuant to the procedures set forth in this section.

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

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

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

128 SECTION 4. Chapter 71 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by
129 striking out section 38G and inserting in place thereof the following:—

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

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

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

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

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

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

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

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

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

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

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

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

166 To be eligible for a license as a preliminary educator, the candidate shall (1) hold a bachelor’s degree in
167 arts or sciences from an accredited college or university with a major course in the arts or sciences appropriate to the
168 instructional field; (2) pass a test established by the board which shall consist of two parts: (A) a writing section
169 which shall demonstrate the communication and literacy skills necessary for effective instruction and improved
170 communication between school and parents; and (B) the subject matter knowledge for the license; and (3) be of
171 sound moral character. Candidates who complete the requirements in this paragraph shall be issued preliminary

172 licenses, which shall permit them to seek employment in teaching positions requiring instructional licenses in
173 districts that have an approved program to train, support, and supervise preliminary educators.

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

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

182 Three years after the effective date of this act, district-based training programs for holders of preliminary
183 licenses shall include but not be limited to (1) knowledge-based instruction in a) applying knowledge of students and
184 their diverse learning needs, b) applying knowledge of cognitive science, c) applying knowledge of motivation, d)
185 applying knowledge of content, content specific pedagogy, and state curriculum frameworks, e) applying knowledge
186 of planning, instructional design, and assessment, f) applying knowledge of data analysis of student results and
187 classroom practices, g) applying knowledge of managing the learning environment, h) applying knowledge of
188 ongoing professional growth, i) applying knowledge of collaborating with colleagues, families, and the community;

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

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

199 Districts shall show either evidence of joint sponsorship or collaboration of training programs with (1)
200 colleges or universities, or (2) other districts, or (3) other programs approved by the commissioner to provide such
201 programs for both teachers and administrators. The department shall issue sample district plans that districts may
202 implement in lieu of developing original plans. The department shall coordinate the training efforts of districts; shall
203 insure that district programs meet fair, substantive and comprehensive professional development standards; and shall
204 establish regional programs for preliminary teachers and administrators. The department of education shall devise
205 standardized criteria for a final comprehensive evaluation of each preliminary teacher and administrator, conducted
206 at the end of the preliminary educator period. All such evaluations shall be conducted according to nationally
207 recognized professional standards for personnel evaluation.

208 At the conclusion of each year of the approved district training program for preliminary teachers and
209 administrators, the district shall prepare a comprehensive evaluation report of the preliminary educator's
210 performance. Such report shall be submitted by the district directly to the department of education. The final
211 comprehensive evaluation report on each preliminary educator shall be made on forms provided by the department
212 of education. Said report shall include an assessment of the individual's on the job performance and one of the
213 following recommendations:

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

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

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

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

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

232 Each public school district seeking to hire an educator who is within his first three years of preliminary or
233 initial licensure must submit a plan to the department of education which details how the district will implement an
234 induction program to supervise and support such teacher or administrator in their first three years. The department of
235 education shall issue sample plans which districts may implement in lieu of developing an original plan. The
236 commissioner shall ensure that the following elements are included in all teacher and administrator induction
237 programs. mentoring; criteria-based selection and training for mentors; beginning teacher or administrator
238 development and training consistent with the standards set forth in this act; administrator training to build school-
239 wide support for beginning teachers; broad-based systemwide planning; and induction program evaluation.

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

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

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

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

255 Each professional license shall be active for five years and continued every five years thereafter upon the
256 successful completion of an individual professional development plan that meets the subject matter knowledge and
257 teaching skill requirements set by the board and that is in accordance with the provisions established under section
258 38Q of this chapter. Such plan shall be designed to increase the ability of the person to improve student learning.

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

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

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

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

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

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

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

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

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

295 For the purposes of licensing educators, the board shall establish policies and guidelines and the
296 commissioner may approve preparation programs devoted to the preparation of teachers and other educational
297 personnel. Three years after the effective date of this act, such policies and guidelines shall require any institution
298 offering an approved teacher training program to receive a performance-based approval. For the purposes of
299 licensing educators, the board shall establish policies and guidelines and the commissioner may approve preparation
300 programs devoted to the preparation of teachers and other educational personnel. Three years after the effective date
301 of this act, such policies and guidelines shall require any institution offering an approved teacher training program to
302 receive a performance-based approval.

303 Three years after the effective date of this act, to receive program approval, a college or university or
304 school or district or other institution offering an approved teacher training program (1) shall provide knowledge-
305 based instruction and training to program participants including, but not limited to, the following areas: a) applying
306 knowledge of students and their diverse learning needs, b) applying knowledge of cognitive science, c) applying
307 knowledge of motivation, d) applying knowledge of content, content specific pedagogy, and state curriculum

308 frameworks, e) applying knowledge of planning, instructional design, and assessment, f) applying knowledge of
309 data analysis of student results and classroom practices, g) applying knowledge of managing the learning
310 environment, h) applying knowledge of ongoing professional growth, i) applying knowledge of collaborating with
311 colleagues, families, and the community; and (2) shall require one year of practical application and a performance-
312 based assessment of these areas using multiple sources of data.

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

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

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

328 A college or university or school or district or other institution offering such an approved program shall
329 certify to the commissioner that a student has demonstrated satisfactory competence in the skills and knowledge
330 expected of college graduates in the most advanced nations, and has completed the program approved.

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

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

343 A teacher who is to be employed in a position in an area of license in which he is not currently employed,
344 but for which he held a license which had been active within five years immediately preceding the starting date of
345 employment in this position, shall be given a reasonable period, as determined by the board, to fulfill a professional
346 development plan which demonstrates currency in the subject matter knowledge and re-qualify him for a license in
347 said area. In every instance, all evaluations and assessments shall follow nationally recognized professional
348 standards.

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

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

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

363 This section shall not apply to trade, vocational, temporary substitute teachers, exchange teachers,
364 regionally licensed or certified teachers or to teaching or administrative interns; provided, however, that approval for
365 the employment of such personnel shall be generated by the board under such rules and regulations as it may adopt.

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

369 SECTION 5. Chapter 71 of the General Laws as appearing in the 2000 Official Edition is hereby amended by
370 inserting after Section 38G the following new section:-

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

375 SECTION 6. Chapter 71 of the General Laws as appearing in the 2000 Official Edition is hereby amended by
376 inserting after Section 89 the following new sections:-

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

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

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

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

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

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

399 Said sums shall be in addition to any amounts previously appropriated and made available; provided
400 further, that all funds appropriated in this section shall not revert and shall be available for expenditure until June 30,
401 2007.

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

405 Said program shall require evidence of a 10% matching contribution by the districts towards improvement
406 of these processes.
407

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

412 One statewide panel appointed by the Commissioner of Education will approve plans of all districts
413 participating in the first three years of planning and implementation. The panel shall consist of 12 persons. The
414 Commissioner shall appoint 12 members selected from (a) nominees submitted by each of the following nine
415 organizations: The Massachusetts Association of College for Teacher Education, the Massachusetts Association of
416 School Superintendents, the Massachusetts Elementary School Principals Association, the Massachusetts
417 Association of School Committees, the Massachusetts Secondary School Administrators Association, the
418 Massachusetts Federation of Teachers, the Massachusetts Teachers Association, the Massachusetts Parent Teacher
419 Organization, the Massachusetts Association of Supervision and Curriculum Development; and (b) nominees
420 submitted by each of the following three organizations: the Massachusetts Business Roundtable, the Associated
421 Industries of Massachusetts, and the Massachusetts Biotechnology Council . These lists may be comprised of
422 members of said associations or other individuals identified by the associations. All nominees must be
423 knowledgeable in understanding of the change process pertaining to the seven processes of educator quality listed in
424 said act.

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

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

435 The department of education monitors progress in implementation of approved plans and holds all
436 relevant constituencies accountable for the effective utilization of allocated funding pursuant to
437 this act. The department of education shall determine whether districts have shown evidence of
438 results. If a district fails to show evidence of results, renewal funding shall be used for said district
439 to bring in an approved preferred provider, as identified by the department of education, to assist
440 them in re-designing their plans.

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

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

449 Section 91. Said comprehensive program shall also be used for the purpose of supporting teacher and administrator
450 induction programs. Said funding shall be used for but not limited to substitutes, training, stipends for part-time

451 coordinators or high-quality mentors, or for other elements that support plan implementation. Collaboratives shall
452 also be eligible for said funding for induction.

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

456 Districts that have fully implemented and locally maintained all components of their induction plans shall
457 be eligible to serve as induction laboratories and provide support to other districts on developing high quality
458 induction programs. Districts that wish to serve as induction laboratories shall apply to the Regional Teacher Quality
459 Panels for funding that may be used to compensate teachers who are involved in the work of the induction
460 laboratories. Districts that serve as induction laboratories may provide non-financial compensations to teachers,
461 including but not limited to release time, waived fees for license renewal, tuition reimbursement for courses for the
462 purpose of license renewal.

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

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

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

474 The principal of each school shall facilitate the development of a plan for teacher instructional leadership.
475 Said plan shall include supports that increase the frequency in which teachers work together to analyze and improve
476 their performance. Areas of support may include but not be limited to curriculum and instruction, data analysis of
477 student performance; school-level professional development, the facilitation of study groups; and the acquisition of
478 appropriate professional development resources. The principal shall facilitate a review of the structure of the school
479 day and time available for ongoing instructional dialogue with and among teachers. Any teacher leadership program
480 shall not be construed as an alternative to the statutory authority or responsibility of the principal.

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

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

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

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

491 SECTION 7. Chapter 71 of the General Laws as appearing in the 2000 Official Edition, is hereby amended by
492 striking out section 38Q and inserting in place thereof the following new section:-

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

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

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

502 District professional development plans for teachers shall be linked to the knowledge base of professional
503 practice and shall include a) applying knowledge of students and their diverse learning needs, b) applying
504 knowledge of cognitive science, c) applying knowledge of motivation, d) applying knowledge of content, content
505 specific pedagogy, and state curriculum frameworks, e) applying knowledge of planning, instructional design, and
506 assessment, f) applying knowledge of data analysis of student results and classroom practices, g) applying
507 knowledge of managing the learning environment, h) applying knowledge of ongoing professional growth, i)
508 applying knowledge of collaborating with colleagues, families, and the community. District professional
509 development plans for teachers shall be aligned with school improvement goals and shall be linked to student
510 results.

511 District professional development plans for administrators shall be linked to the knowledge base of
512 professional practice and shall include (a) instructional leadership, including state curriculum frameworks, student
513 performance standards, and strategies for effective inclusive schooling for children with disabilities, (b) strategic
514 leadership, including comprehensive school reform, managing change, student performance data analysis and long
515 and short term planning, (c) teacher evaluation skills and methods, including observation, performance analysis and
516 documentation, (d) professional community building, including training in teacher instructional leadership, (e)
517 communication skills, (f) promotion of equity and diversity, and (g) parent and community relationships. District
518 professional development plans for administrators shall be aligned with school and district improvement goals and
519 shall be linked to student results.

520 The plan may also include training in the provision of pre-referral services within regular education. Said
521 plan shall also include training for members of school councils, pursuant to section 59C. Said plan may include
522 teacher training which addresses the effects of gender bias in the classroom. In any school district with limited
523 English proficient students, the plan shall provide training for teachers and administrators in second language
524 acquisition techniques. District professional development plans required by this section shall be filed annually with
525 the commissioner of education in a report. Said report shall specify and delineate professional development
526 expenditures and shall be publicized annually to the committees on education, arts, and humanities and ways and
527 means of the general court, teacher preparation programs, school districts, all educator associations, and to the
528 public.

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

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

536 The commissioner of education for the commonwealth shall annually prepare a plan for providing
537 statewide assistance in the preparation, implementation and evaluation of professional development plans in
538 conjunction with a broad-based coalition of teachers, principals, superintendents, and higher education

539 representatives. Such plan shall provide opportunities for district collaboration and shall evaluate the feasibility of
540 obtaining assistance from institutions of higher education and private service providers. The plan shall include data
541 that demonstrates, statewide and by school district, the types of professional development provided for educators
542 who work with limited English proficient students. The plan shall be submitted to the board of education for
543 approval. A copy of said plan shall be submitted to the joint committee on education, arts, and humanities of the
544 great and general court. To support the development of said statewide plan, the department of education shall
545 document district professional development practices, and shall create a network of schools and districts that
546 demonstrate high-quality professional development practices that show evidence of improving student achievement.
547 Said network shall support low-performing schools and districts in the development of professional development
548 plans that improve student achievement.

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

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

560 SECTION 8. Chapter 71 of the General Laws as appearing in the 2000 Official Edition, is hereby
561 amended by striking out section 41 and inserting in place thereof the following new section:-

562 Section 41. For the purposes of this section, a teacher, school librarian, school adjustment counselor, school
563 social worker, school nurse, or school psychologist who has served in the public schools of a school district for the
564 three previous consecutive school years shall be considered a teacher, and shall be entitled to professional teacher
565 status as provided in section 42. The superintendent of said district, upon the recommendation of the principal, may
566 award such status to any teacher who has served in the principal's school for not less than one year or to a teacher
567 who has obtained such status in any other public school district in the commonwealth. A teacher without
568 professional teacher status shall be notified in writing on or before June fifteenth whenever such person is not to be
569 employed for the following school year. Unless such notice is given as herein provided, a teacher without such
570 status shall be deemed to be appointed for the following school year.

571 School principals, by whatever title their position may be known, shall not be represented in collective
572 bargaining, but every principal shall have the opportunity to meet and discuss individually the terms and conditions
573 of his employment in his school district with such district's superintendent and may be represented by an attorney or
574 other representative, and shall be employed under a written contract of employment. School principals shall enter
575 into individual employment contracts with the districts that employ them concerning the terms and conditions of
576 their employment. The initial contract with each individual school district shall be for a minimum of one year and
577 shall not exceed three years. These conditions, as set forth in this section, shall apply in full to the initial contract of
578 each school principal regardless of past employment history in the Commonwealth. Subsequent contracts shall be
579 for a minimum of three years. Principals entering into subsequent contracts with a school district that employed
580 them on the third Wednesday of November shall be treated as school principals entering into their second contract
581 period and subject to all further terms and conditions. Failure of the superintendent to notify a principal of the
582 proposed non-renewal of his contract at least 90 days, which shall exclude July and August, prior to the expiration
583 date of such contract shall automatically renew the contract for an additional one-year period.

584 Except as provided herein, section 42 shall not apply to school principals, assistant principals or department
585 heads, although nothing in this section shall deny to any principal, assistant principal or department head any
586 professional teacher status to which he shall otherwise be entitled. A principal, assistant principal, department head
587 or other supervisor who has served in that position in the public schools of the district for three consecutive years

588 shall not be dismissed or demoted except for failure on the part of the principal to satisfy the administrator
589 performance standards developed pursuant to section 38 of this chapter or other good cause. Only a superintendent
590 may dismiss a principal. A principal, assistant principal, department head or other supervisor shall not be dismissed
591 unless he has been furnished with a written notice of intent to dismiss with an explanation of the grounds for the
592 dismissal, and, if he so requests, has been given a reasonable opportunity within 15 days after receiving such notice
593 to review the decision with the superintendent at which meeting such employee may be represented by an attorney
594 or other representative to present information pertaining to the bases for the decision and to such employee's status.
595 A principal, assistant principal, department head or other supervisor may seek review of a dismissal or demotion
596 decision by filing a petition with the commissioner for arbitration. Except as provided herein, the procedures for
597 arbitration, and the time allowed for the arbitrator to issue a decision, shall be the same as that in section 42. The
598 commissioner shall provide the parties with the names of three arbitrators who are members of the American
599 Arbitration Association. The arbitrators shall be different from those developed pursuant to section 42. The parties
600 each shall have the right to strike one of the three arbitrator's names if they are unable to agree upon a single
601 arbitrator from amongst the three.

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

608 SECTION 9. Chapter 71 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by
609 striking out section 59B and inserting in place thereof the following new section:-

610 Section 59B. The superintendent of a school district shall appoint principals for each public school within
611 the district at levels of compensation determined in accordance with policies established by the school committee.
612 Principals employed under this section shall be the educational administrators and managers of their schools and
613 shall supervise the operation and management of their schools and school property, subject to the supervision and
614 direction of the superintendent. Principals employed under this section shall be responsible, consistent with district
615 personnel policies and budgetary restrictions and subject to the approval of the superintendent, for hiring all
616 teachers, athletic coaches, instructional or administrative aides, and other personnel assigned to the school, and for
617 terminating all such personnel, subject to review and prior approval by the superintendent and subject to the
618 provisions of this chapter.

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

622 SECTION 10. The department of education shall provide staffing support to the regional panels; build staffing and
623 technology to process licensure and re-licensure with a 48-hour response rate; utilize its central position and legal
624 authority to promote an educator quality agenda for the state; set standards by which educators will be trained and
625 update the standards to reflect advancements in the field; serve as coordinator of high-quality external providers to
626 schools and districts; build leadership capacity by disseminating innovative educator quality and professional
627 development models; collect and analyze demographic and test data; communicate the data to districts; help districts
628 conduct further analyses; and provide technical assistance.

629 SECTION 11. . Notwithstanding any general or special law to the contrary, aspects of the bill that require funding
630 for implementation shall apply only to public school districts that receive said funds from the state in addition to
631 Chapter 70 funds. Districts shall engage in all aspects of the bill that are not contingent on said funding.

632 SECTION 12 Notwithstanding any general or special law to the contrary, all provisions of this act that apply to
633 public school districts shall apply to Commonwealth and Horace Mann Charter Schools, as established in Chapter
634 71 section 89 of the General Laws of Massachusetts