HOUSE DOCKET, NO. 2584 FILED ON: 1/17/2013

HOUSE . . . . . No. 392

The Commonwealth of Massachusetts

PRESENTED BY:

Sean Garballey

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:

An Act relative to educator excellence.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Sean Garballey	*23rd Middlesex*

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HOUSE . . . . . No. 392

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 392) of Sean Garballey for the establishment of a separate fund to be known as the teacher, principal and superintendent quality endowment fund. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *1054* OF 2011-2012.]

The Commonwealth of Massachusetts

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:

SECTION 1. Chapter 10 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out section 35S and inserting in place thereof the following section:—

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

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

25 SECTION 2 . Chapter 15A of the General Laws, as appearing in the 2010 Official
26 Edition, is hereby amended by striking out section 19C and inserting in place thereof the
27 following:—

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

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

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

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

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

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

51 For purposes of said act, the term supervision shall mean support for professional growth
52 and learning through actions that may include but not be limited to mentoring, coaching, and

53 feedback; the term evaluation shall mean the maintenance of high, minimum standards of
54 performance.

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

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

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

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

82 At a minimum, performance standards for principals shall include broad categories, such
83 as (a) instructional leadership, including state curriculum frameworks, student performance
84 standards, and strategies for effective inclusive schooling for children with disabilities, (b)
85 strategic leadership, including student performance data analysis and long and short term
86 planning, (c) teacher evaluation skills and methods, including observation, performance analysis
87 and documentation, (d) professional community building, including implementation of teacher
88 instructional leadership, (e) communication skills, (f) promotion of equity and diversity, and (g)

89 parent and community relationships, and shall include multiple sources of data. Performance
90 standards shall be consistent with INTASC and MCREL.

91 At a minimum, performance standards for all teachers shall include broad categories,
92 such as a) applying knowledge of students and their diverse learning needs, b) applying
93 knowledge of cognitive science, c) applying knowledge of motivation, d) applying knowledge of
94 content, content specific pedagogy, and state curriculum frameworks, e) applying knowledge of
95 planning, instructional design, and assessment, f) applying knowledge of data analysis of student
96 results and classroom practices, g) applying knowledge of managing the learning environment,
97 h) applying knowledge of ongoing professional growth, i) applying knowledge of collaborating
98 with colleagues, families, and the community. Performance standards for preliminary and initial
99 educators shall be consistent with Interstate New Teacher Assessment and Support Consortium
100 (INTASC) and the National Board for Professional Teaching Standards (NBPTS), or its
101 successor organization, standards for new teachers, and (3) performance standards for
102 professional teachers shall be consistent with the National Board for Professional Teaching
103 Standards, or its successor organization.

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

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

117 Specific standards of teacher performance consistent with the provisions for performance
118 standards in this section may be established by the school committee upon the recommendation
119 of the superintendent, provided that where teachers are represented for collective bargaining
120 purposes, all teacher performance standards shall be determined as follows: The school
121 committee and the collective bargaining representative shall undertake for a reasonable period of
122 time to agree on teacher performance standards. Prior to said reasonable period of time, the
123 school district shall seek a public hearing to comment on such standards. In the absence of an
124 agreement, after 90 days, teacher performance indicator shall be determined by binding interest
125 arbitration. Either the school district or the teachers' collective bargaining representative may file
126 a petition seeking arbitration with the commissioner of education. The commissioner shall

127 forward to the parties a list of three arbitrators provided by the American Arbitration
128 Association. The school committee and the collective bargaining representative within three days
129 of receipt of the list from the commissioner of education shall have the right to strike one of the
130 three arbitrators' names if they are unable to agree upon a single arbitrator from among the three.
131 The arbitration shall be conducted in accordance with the rules of the arbitrators provided by the
132 American Arbitration Association to be consistent with the provisions of this section. In reaching
133 a decision, the arbitrator shall consider the multiple sources of data as established herein for
134 teacher evaluation. The arbitrator shall also consider the particular socioeconomic conditions of
135 the student population of the school district. Both the parties and the arbitrator may adopt
136 performance standards established by state or national organizations. The performance standards
137 shall be incorporated into the applicable collective bargaining agreement; provided, however,
138 that any subsequent modification of the performance standards shall be made pursuant to the
139 procedures set forth in this section.

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

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

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

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

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

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

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

158 “Initial license”, a license to teach issued to a person who has successfully met the
159 preparation and eligibility requirements as established herein for an initial license and completed
160 a college program, graduate or undergraduate, or other program to receive a performance-based
161 approval. Said license shall be valid for five years of employment as an educator in the schools

162 of the commonwealth and may be renewed for an additional five years of employment in
163 accordance with regulations adopted by the board.

164 "Preliminary educator", a person who holds a preliminary license.

165 "Preliminary license", a license to teach issued to a person who has successfully met the
166 preparation and eligibility requirements as established herein for a preliminary license. The
167 preliminary license shall be valid for five years of employment as an educator in the schools of
168 the commonwealth and shall be non-renewable.

169 "Professional educator", a person who holds a professional license.

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

173 "Regionally licensed or certified educator", an applicant for a teacher's
174 license in Massachusetts who has been granted a regional license or certificate by another state
175 jurisdiction under terms of a contract entered into pursuant to chapter 748 of the acts of 1968, the
176 Interstate Agreement on Licensure of Educational Personnel. Such certificate shall be equivalent
177 to the initial license.

178 "Reciprocity of certified educators", the process and requirements established by the
179 commissioner for candidates to obtain a license who have completed a college preparation
180 program included in the licensure reciprocity system of the National Association of State
181 Directors of Teacher Education and Licensure (NASDTEC); or a performance-based approval.
182 Such license shall be equivalent to the initial license.

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

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

193 To be eligible for a license as a preliminary educator, the candidate shall (1) hold a
194 bachelor's degree in arts or sciences from an accredited college or university with a major course
195 in the arts or sciences appropriate to the instructional field; (2) pass a test established by the
196 board which shall consist of two parts: (A) a writing section which shall demonstrate the

197 communication and literacy skills necessary for effective instruction and improved
198 communication between school and parents; and (B) the subject matter knowledge for the
199 license; and (3) be of sound moral character. Candidates who complete the requirements in this
200 paragraph shall be issued preliminary licenses, which shall permit them to seek employment in
201 teaching positions requiring instructional licenses in districts that have an approved program to
202 train, support, and supervise preliminary educators.

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

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

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

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

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

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

244 At the conclusion of each year of the approved district training program for preliminary
245 teachers and administrators, the district shall prepare a comprehensive evaluation report of the
246 preliminary educator's performance. Such report shall be submitted by the district directly to the
247 department of education. The final comprehensive evaluation report on each preliminary
248 educator shall be made on forms provided by the department of education. Said report shall
249 include an assessment of the individual's on the job performance and one of the following
250 recommendations:

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

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

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

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

263 To be eligible for a license as an initial teacher, the candidate shall provide evidence that
264 he or she (1) holds a bachelor’s degree in arts or sciences from an accredited college or
265 university with a major course in the arts or sciences appropriate to the instructional field or the
266 equivalent baccalaureate degree; (2) has passed a test established by the board which shall
267 consist of two parts: (A) a writing section which shall demonstrate the communication and
268 literacy skills necessary for effective instruction and improved communication between school
269 and parents; and (B) the subject matter knowledge for the license; (3) has satisfactorily

270 completed a teacher preparation program that has received performance-based approval; and (4)
271 is of sound moral character. A candidate who completes the requirements of this paragraph shall
272 be issued an initial license that will permit him to seek employment in a teaching position
273 requiring an instructional license.

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

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

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

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

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

303 Each professional license shall be active for five years and continued every five years
304 thereafter upon the successful completion of an individual professional development plan that
305 meets the subject matter knowledge and teaching skill requirements set by the board and that is

306 in accordance with the provisions established under section 38Q of this chapter. Such plan shall
307 be designed to increase the ability of the person to improve student learning.

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

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

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

315 The board shall have the authority to promulgate, amend and rescind such rules and
316 regulations as may be necessary to carry out the provisions of this section. Such regulations shall
317 be presented to the joint committee on education arts and humanities for informational purposes
318 90 days prior to implementation.

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

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

329 No person shall be eligible for employment as a teacher, guidance counselor, director,
330 school psychologist, school adjustment counselor, school social worker, school nurse, library
331 media specialist, school business administrator, principal, supervisor, director, assistant
332 superintendent of school, and superintendent of schools by a school district unless he has been
333 granted by the commissioner a preliminary, initial, or professional license with respect to the
334 type of position for which he seeks employment; provided, however, that nothing herein shall be
335 construed to prevent a school committee from prescribing additional qualifications; and provided
336 further, that a superintendent may upon request be exempt by the commissioner for any one
337 school year from the requirement in this section to employ licensed personnel when compliance
338 therewith would in the opinion of the commissioner constitute a great hardship in securing
339 teachers for that school district; provided that no school that has been placed on watch or
340 declared underperforming by the board of education shall be eligible for such waiver. During the
341 time that such a waiver is in effect, service of an employee of a school district to whom the

342 waiver applies shall not be counted as service in acquiring professional teacher status or other
343 rights under section 41.

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

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

350 For the purposes of licensing educators, the board shall establish policies and guidelines
351 and the commissioner may approve preparation programs devoted to the preparation of teachers
352 and other educational personnel. Three years after the effective date of this act, such policies and
353 guidelines shall require any institution offering an approved teacher training program to receive a
354 performance-based approval. For the purposes of licensing educators, the board shall establish
355 policies and guidelines and the commissioner may approve preparation programs devoted to the
356 preparation of teachers and other educational personnel. Three years after the effective date of
357 this act, such policies and guidelines shall require any institution offering an approved teacher
358 training program to receive a performance-based approval.

359 Three years after the effective date of this act, to receive program approval, a college or
360 university or school or district or other institution offering an approved teacher training program
361 (1) shall provide knowledge-based instruction and training to program participants including, but
362 not limited to, the following areas: a) applying knowledge of students and their diverse learning
363 needs, b) applying knowledge of cognitive science, c) applying knowledge of motivation, d)
364 applying knowledge of content, content specific pedagogy, and state curriculum frameworks, e)
365 applying knowledge of planning, instructional design, and assessment, f) applying knowledge of
366 data analysis of student results and classroom practices, g) applying knowledge of managing the
367 learning environment, h) applying knowledge of ongoing professional growth, i) applying
368 knowledge of collaborating with colleagues, families, and the community; and (2) shall require
369 one year of practical application and a performance-based assessment of these areas using
370 multiple sources of data.

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

374 Three years after the effective date of this act, policies and guidelines for approved
375 administrator training programs shall require training in (1) knowledge-based instruction,
376 including but not limited to the following areas, (a) instructional leadership, including state
377 curriculum frameworks, student performance standards, and strategies for effective inclusive
378 schooling for children with disabilities, (b) strategic leadership, including comprehensive school

379 reform, managing change, student performance data analysis and long and short term planning,
380 (c) teacher evaluation skills and methods, including observation, performance analysis and
381 documentation, (d) professional community building, including training in teacher instructional
382 leadership, (e) communication skills, (f) promotion of equity and diversity, (g) parent and
383 community relationships; and (2) shall require one year of practical application and performance
384 based assessment of these areas using multiple sources of data.

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

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

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

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

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

414 In addition to any other requirements of this section, the board shall require, as a
415 provision of an administrator's or teacher's license renewal, that all teachers and administrators

416 shall complete training required by section 38Q of this section. Anyone granted either a
417 professional license under this section or currently holding such license shall be required to
418 maintain the development of professional skills and the knowledge of subject matter pertinent to
419 the areas of licensure, and in accordance with section 38Q of this chapter.

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

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

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

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

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

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

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

447 There is hereby established a comprehensive grant program pursuant to sections 90–94
448 and section 38Q of this act to support long-term planning, implementing, and evaluation to
449 upgrade a district's systemic approach to improving educator quality through the processes of

450 recruitment, induction, teacher leadership, supervision and evaluation, professional development,
451 school structure, and school culture.

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

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

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

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

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

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

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

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

482

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

488 One statewide panel appointed by the Commissioner of Education will approve plans of
489 all districts participating in the first three years of planning and implementation. The panel shall
490 consist of 12 persons. The Commissioner shall appoint 12 members selected from (a) nominees
491 submitted by each of the following nine organizations: The Massachusetts Association of
492 College for Teacher Education, the Massachusetts Association of School Superintendents, the
493 Massachusetts Elementary School Principals Association, the Massachusetts Association of
494 School Committees, the Massachusetts Secondary School Administrators Association, the
495 Massachusetts Federation of Teachers, the Massachusetts Teachers Association, the
496 Massachusetts Parent Teacher Organization, the Massachusetts Association of Supervision and
497 Curriculum Development; and (b) nominees submitted by each of the following three
498 organizations: the Massachusetts Business Roundtable, the Associated Industries of
499 Massachusetts, and the Massachusetts Biotechnology Council . These lists may be comprised of
500 members of said associations or other individuals identified by the associations. All nominees
501 must be knowledgeable in understanding of the change process pertaining to the seven processes
502 of educator quality listed in said act.

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

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

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

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

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

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

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

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

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

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

552 Said funding shall be used for but not limited to hiring implementation coaches to support
553 the strengthening of supervision and evaluation processes; supporting full and half time
554 positions, training, and substitutes; ensuring a process by which parent input may be used outside
555 formal evaluations. Included in comprehensive plans shall be a delineation of how districts will

556 increase the frequency and quality of interactions among teachers, between teachers and other
557 instructional personnel, and between teachers and administrators.

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

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

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

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

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

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

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

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

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

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

596 District professional development plans for teachers shall be linked to the knowledge
597 base of professional practice and shall include a) applying knowledge of students and their
598 diverse learning needs, b) applying knowledge of cognitive science, c) applying knowledge of
599 motivation, d) applying knowledge of content, content specific pedagogy, and state curriculum
600 frameworks, e) applying knowledge of planning, instructional design, and assessment, f)
601 applying knowledge of data analysis of student results and classroom practices, g) applying
602 knowledge of managing the learning environment, h) applying knowledge of ongoing
603 professional growth, i) applying knowledge of collaborating with colleagues, families, and the
604 community. District professional development plans for teachers shall be aligned with school
605 improvement goals and shall be linked to student results.

606 District professional development plans for administrators shall be linked to the
607 knowledge base of professional practice and shall include (a) instructional leadership, including
608 state curriculum frameworks, student performance standards, and strategies for effective
609 inclusive schooling for children with disabilities, (b) strategic leadership, including
610 comprehensive school reform, managing change, student performance data analysis and long and
611 short term planning, (c) teacher evaluation skills and methods, including observation,
612 performance analysis and documentation, (d) professional community building, including
613 training in teacher instructional leadership, (e) communication skills, (f) promotion of equity and
614 diversity, and (g) parent and community relationships. District professional development plans
615 for administrators shall be aligned with school and district improvement goals and shall be linked
616 to student results.

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

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

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

635 The commissioner of education for the commonwealth shall annually prepare a plan for
636 providing statewide assistance in the preparation, implementation and evaluation of professional
637 development plans in conjunction with a broad-based coalition of teachers, principals,
638 superintendents, and higher education representatives. Such plan shall provide opportunities for
639 district collaboration and shall evaluate the feasibility of obtaining assistance from institutions of
640 higher education and private service providers. The plan shall include data that demonstrates,
641 statewide and by school district, the types of professional development provided for educators
642 who work with limited English proficient students. The plan shall be submitted to the board of
643 education for approval. A copy of said plan shall be submitted to the joint committee on
644 education, arts, and humanities of the great and general court. To support the development of
645 said statewide plan, the department of education shall document district professional
646 development practices, and shall create a network of schools and districts that demonstrate high-
647 quality professional development practices that show evidence of improving student
648 achievement. Said network shall support low-performing schools and districts in the
649 development of professional development plans that improve student achievement.

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

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

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

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

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

693 Except as provided herein, section 42 shall not apply to school principals, assistant
694 principals or department heads, although nothing in this section shall deny to any principal,
695 assistant principal or department head any professional teacher status to which he shall otherwise
696 be entitled. A principal, assistant principal, department head or other supervisor who has served
697 in that position in the public schools of the district for three consecutive years shall not be
698 dismissed or demoted except for failure on the part of the principal to satisfy the administrator
699 performance standards developed pursuant to section 38 of this chapter or other good cause.
700 Only a superintendent may dismiss a principal. A principal, assistant principal, department head
701 or other supervisor shall not be dismissed unless he has been furnished with a written notice of

702 intent to dismiss with an explanation of the grounds for the dismissal, and, if he so requests, has
703 been given a reasonable opportunity within 15 days after receiving such notice to review the
704 decision with the superintendent at which meeting such employee may be represented by an
705 attorney or other representative to present information pertaining to the bases for the decision
706 and to such employee's status. A principal, assistant principal, department head or other
707 supervisor may seek review of a dismissal or demotion decision by filing a petition with the
708 commissioner for arbitration. Except as provided herein, the procedures for arbitration, and the
709 time allowed for the arbitrator to issue a decision, shall be the same as that in section 42. The
710 commissioner shall provide the parties with the names of three arbitrators who are members of
711 the American Arbitration Association. The arbitrators shall be different from those developed
712 pursuant to section 42. The parties each shall have the right to strike one of the three arbitrator's
713 names if they are unable to agree upon a single arbitrator from amongst the three.

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

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

725 Section 59B. The superintendent of a school district shall appoint principals for each
726 public school within the district at levels of compensation determined in accordance with
727 policies established by the school committee. Principals employed under this section shall be the
728 educational administrators and managers of their schools and shall supervise the operation and
729 management of their schools and school property, subject to the supervision and direction of the
730 superintendent. Principals employed under this section shall be responsible, consistent with
731 district personnel policies and budgetary restrictions and subject to the approval of the
732 superintendent, for hiring all teachers, athletic coaches, instructional or administrative aides, and
733 other personnel assigned to the school, and for terminating all such personnel, subject to review
734 and prior approval by the superintendent and subject to the provisions of this chapter.

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

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

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

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