

**HOUSE . . . . . No. 01927**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Patricia A. Haddad*

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*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 licensure.

\_\_\_\_\_  
PETITION OF:

NAME:

DISTRICT/ADDRESS:

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*Patricia A. Haddad*

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*5th Bristol*

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*Sean Garballey*

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*23rd Middlesex*

# HOUSE . . . . . No. 01927

By Ms. Haddad of Somerset, a petition (accompanied by bill, House, No. 1927) of Garballey and Haddad relative to the issuance of licenses to temporary educators Joint Committee on Education.

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to educator licensure.

*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 71 of the General Laws, as appearing in the 2008 Official Edition, is
- 2 hereby amended by striking out section 38G and inserting in place thereof the following section:-
- 3 Section 38G. As used in this section the following words shall have the following meanings:
- 4 “Board”, the board of elementary and secondary education established by chapter fifteen.
- 5 “Commissioner”, the commissioner of elementary and secondary education established by
- 6 chapter fifteen.
- 7 “Department”, the department of elementary and secondary education established by chapter
- 8 fifteen.
- 9 “Initial educator”, a person who holds an initial license.

10 “Initial license”, a license to teach issued to a person who has successfully met the preparation  
11 and eligibility requirements stipulated herein and as established by the board. Said license shall  
12 be valid for five years of employment as an educator in the schools of the commonwealth and  
13 may be extended for an additional five years of employment in accordance with regulations  
14 adopted by the board.

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

16 “Professional license”, a license to teach issued to a person who has successfully met the  
17 preparation and eligibility requirements stipulated herein and as established by the board. The  
18 professional license shall be valid for renewable terms of five years. An inactive license shall  
19 become invalid after five years.

20 “Regionally licensed or certified educator”, an applicant for a teacher’s license in Massachusetts  
21 who has been granted a regional license or certificate by another state jurisdiction under terms of  
22 a contract entered into pursuant to chapter seven hundred and forty-eight of the acts of nineteen  
23 hundred and sixty-eight, the Interstate Agreement on Certification of Educational Personnel.  
24 Such certificate shall be equivalent to the initial license.

25 “Reciprocity of certified educators”, the process and requirements established by the  
26 commissioner for candidates to obtain a license who have completed a college preparation  
27 program included in the alternative certification reciprocity system of the National Association  
28 of State Directors of Teacher Education and Certification (NASDTEC); or a performance-based  
29 approval. Such license shall be equivalent to the initial license.

30 “Temporary educator”, a person who holds a temporary license.

31 “Temporary license”, a license to teach issued to a person who has successfully met the  
32 preparation and eligibility requirements stipulated herein and as established by the board. Said  
33 license shall be valid for one year of employment and renewable for not more than two  
34 additional years of employment in accordance with regulations promulgated by the board. Said  
35 license shall thereafter be renewable for not more than two additional years at the discretion of  
36 the Commissioner

37 The commissioner of education shall have authority to grant, upon application, temporary, initial,  
38 and professional licenses to persons who have satisfied the requirements for such licenses as  
39 established herein and by the board. The board shall define the knowledge of subject matter and  
40 demonstration of competencies commensurate with attainment and renewal of such licenses.

41 To be eligible for a license as a temporary educator, the candidate shall (1) hold a bachelor’s  
42 degree in arts or sciences from an accredited college or university with a major course in the arts  
43 or sciences appropriate to the instructional field; (2) be of sound moral character; and (3) provide  
44 evidence of one of the following: (a) Has passed a test established by the board which shall  
45 consist of two parts: (i) a writing section which shall demonstrate the communication and  
46 literacy skills necessary for effective instruction and improved communication between school  
47 and parents; and (ii) the subject matter knowledge for the certificate; (b) Has completed all  
48 requirements of an educator preparation program approved by the department with the exception  
49 of passing the tests required for said license; or (c) Hold an active teaching license or certificate  
50 from another state and has been employed under said license or certificate for a minimum of  
51 three years. Candidates who complete the requirements in this paragraph shall be issued  
52 temporary licenses which shall permit them to seek employment in teaching positions requiring

53 instructional licenses in districts which have a program, approved by the department, to train,  
54 support and supervise temporary educators.

55 The board shall design a process for any licensure tests required in this section that provides all  
56 failing candidates a comprehensive summary of their test results, including areas of strengths and  
57 weaknesses, as well as a list of potential resources the candidate may consult in attempting to  
58 achieve a passing score on their tests. This process shall be annually referred by the board to the  
59 education personnel advisory council established in section 1G of Chapter 15 of the general laws  
60 and said council shall annually provide recommendations, if any, on changing this process in  
61 order to better assist candidates failing certification tests.

62 The commissioner shall establish standards for the training, support and supervision of  
63 temporary educators in accordance with the provisions of this section. During the period of  
64 employment, a person holding a temporary license pursuant to this section shall be under the  
65 direct supervision of the principal or other appropriate supervisor who shall regularly observe  
66 and evaluate the performance of assigned duties by such holder of a temporary license. Such  
67 evaluation shall be according to relevant to nationally recognized professional standards for  
68 personnel evaluation.

69 Each public school district seeking to hire a temporary educator must submit a district-based  
70 training program plan for temporary educators to the department. No district shall be authorized  
71 to employ a temporary educator unless it has submitted a plan for such a program and the plan is  
72 approved by the commissioner. Each plan shall describe the key elements of the proposed  
73 temporary educator program in accordance with guidelines established and published by the  
74 department. Such guidelines shall require that temporary educators in district-based programs

75 meet the equivalent standards that initial educators meet in approved college and university  
76 programs. Districts shall show either evidence of joint sponsorship or collaboration of training  
77 programs with (1) colleges or universities, or (2) other districts, or (3) other programs approved  
78 by the commissioner to provide such programs. The department shall issue standard district plans  
79 which districts may implement in lieu of developing original plans. The department shall  
80 coordinate the training efforts of districts, shall insure that district programs meet fair,  
81 substantive and comprehensive professional development standards and shall establish regional  
82 programs for provisional educators. The department shall also provide orientation programs for  
83 support team members. Temporary educators shall be observed by a professional support team.  
84 The department shall devise standardized criteria for a final comprehensive evaluation of each  
85 temporary educator, conducted at the end of the temporary educator period by the professional  
86 support team. All such evaluations shall be conducted according to nationally recognized  
87 professional standards for personnel evaluation.

88 At the conclusion of each year of the approved district training program for temporary educators,  
89 the chairperson of the support team shall prepare a comprehensive evaluation report of the  
90 temporary educator's performance. Such report shall be submitted by the chairperson directly to  
91 the department. The final comprehensive evaluation report on each temporary educator shall be  
92 made on forms provided by the department. Said report shall include an assessment of the  
93 individual's on the job performance and one of the following recommendations: (1) Approved:  
94 recommends that an initial license be granted upon completion of the other preparation and  
95 eligibility requirements as established by the board; (2) Insufficient: recommends that the  
96 candidate be allowed to seek entry in the future into a district training program; or a candidate  
97 found insufficient twice shall not be allowed to enter another district training program; or (3)

98 Disapproved: recommends that an initial license not be granted and that the candidate not be  
99 allowed to enter into a district training program.

100 The support team chairperson shall provide the temporary educator with a copy of the written  
101 evaluation report and licensure recommendation before submitting it to the commissioner of  
102 elementary and secondary education.

103 If the recommendation is to disapprove, the temporary educator may, within fifteen days, submit  
104 to the chairperson written materials documenting the reasons why the temporary educator  
105 believes his temporary license should continue to remain valid or a recommendation of  
106 insufficient granted. The chairperson shall forward all such documentation to the commissioner  
107 of elementary and secondary education along with the evaluation report and recommendation  
108 concerning licensure.

109 Candidates who receive a recommendation of “disapproved” or two or more recommendations of  
110 “insufficient” may appeal to the commissioner for approval of additional opportunities to seek  
111 temporary educator employment in districts other than those in which they received unfavorable  
112 recommendations. The candidate shall be responsible for demonstrating why he would be likely  
113 to succeed if granted the requested opportunity.

114 Licenses granted by the board prior to October 1, 2009 considered to be “preliminary licenses”  
115 so called, are hereby deemed temporary licenses which shall maintain the previously assigned  
116 expiration date, provided however that no license shall be valid for more than 3 years of  
117 employment.

118 To be eligible for licensure as an initial educator, the candidate shall provide evidence that he (1)  
119 holds a bachelor’s degree in arts or sciences from an accredited college or university with a

120 major course in the arts or sciences appropriate to the instructional field or the equivalent  
121 baccalaureate degree; (2) has passed a test established by the board which shall consist of two  
122 parts: (A) a writing section which shall demonstrate the communication and literacy skills  
123 necessary for effective instruction and improved communication between school and parents;  
124 and (B) the subject matter knowledge for the certificate; (3) has satisfactorily completed a board  
125 of elementary and secondary education approved teacher preparation program; and (4) is of  
126 sound moral character. A candidate who completes the requirements of this paragraph shall be  
127 issued an initial license which will permit him to seek employment in a teaching position  
128 requiring instructional licensure.

129 Each public school district seeking to hire an initial educator must submit a plan to the  
130 department which details how the district will supervise and support such initial educators. No  
131 district shall be authorized to employ an initial educator with unless it has submitted a plan for  
132 the support and evaluation of such educator to the commissioner and received the approval of the  
133 commissioner. The department shall issue standard plans for initial educators which districts may  
134 implement in lieu of developing an original plan.

135 In not less than one year after the issuance of an initial license, the commissioner upon receipt of  
136 a proper application shall issue a professional license to such initial license holder who has  
137 provided the commissioner with evidence, in such manner and form as prescribed by the board,  
138 that he has met the preparation and eligibility requirements set by the board through a master's  
139 degree program approved by the commissioner, or through an equivalent district program for  
140 professional license approved by the commissioner, or other equivalent programs approved by  
141 the commissioner; and has met the requirements set by the commissioner for demonstration of  
142 successful performance.



143 Each professional license shall be valid for five years and continued every five years thereafter  
144 upon the successful completion of an individual professional development plan that meets the  
145 subject matter knowledge and teaching skill requirements set by the board. Such plan shall be  
146 designed to increase the ability of the person to improve student learning.

147 Certificates granted by the board prior to October first, nineteen hundred and ninety-four are  
148 hereby deemed professional licenses which shall be renewed every 5 years.

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

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

154 All applications for any licenses granted under this section shall be accompanied by a fee to be  
155 determined annually by the secretary of administration under the provisions of section three B of  
156 chapter seven. Said fees shall be established and limited to allow the department to carry out  
157 licensing and relicensing responsibilities but in no case shall said applications exceed one  
158 hundred dollars per year with an annual increase no greater than the consumer price index.

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

164 No person shall be eligible for employment as a teacher, guidance counselor, director, school  
165 psychologist, school adjustment counselor, school social worker, school nurse, library media  
166 specialist, school business administrator, principal, supervisor, director, assistant superintendent  
167 of school, and superintendent of schools by a school district unless he has been granted by the  
168 commissioner a temporary, initial, or professional license with respect to the type of position for  
169 which he seeks employment; provided, however, that nothing herein shall be construed to  
170 prevent a school committee from prescribing additional qualifications; and provided further, that  
171 a superintendent may upon request be exempt by the commissioner for any one school year from  
172 the requirement in this section to employ licensed personnel when compliance therewith would  
173 in the opinion of the commissioner constitute a great hardship in securing teachers for that school  
174 district. During the time that such a waiver is in effect, service of an employee of a school district  
175 to whom the waiver applies shall not be counted as service in acquiring professional teacher  
176 status or other rights under section forty-one.

177 In addition to any other requirements of this section, the board shall require, as a provision of an  
178 administrator's or educator's license, that all educators and administrators shall have training in  
179 strategies for effective inclusive schooling for children with disabilities, instruction of students  
180 with diverse learning styles and classroom organization and management. Such training shall  
181 include, at a minimum, practical experience in the application of these strategies.

182 In addition to any other requirements in this section, in order to receive an initial or professional  
183 license, persons applying for such certification shall have completed such courses or training  
184 sessions as the board shall require in second language acquisition.

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

189 For the purposes of licensing educators, the board shall establish policies and guidelines and the  
190 commissioner may approve preparation programs devoted to the preparation of teachers and  
191 other educational personnel. A college or university or school or district or other institution  
192 offering such an approved program shall certify to the commissioner that a student has  
193 demonstrated satisfactory competence in the skills and knowledge expected of college graduates  
194 in the most advanced nations, and has completed the program approved. The college or  
195 university or school district or other institution shall also provide the commissioner with a  
196 transcript of the student's record.

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

201 In addition to any other requirements of this section, the board shall require, as a provision of an  
202 administrator's or educator's relicensure, that all educators and administrators shall have training  
203 in strategies for effective inclusive schooling for children with disabilities, instruction of students  
204 with diverse learning styles and classroom organization and management. Such training shall  
205 include, at a minimum, practical experience in the application of these strategies.

206 It shall be one of the objectives of all school districts' professional development plans to satisfy  
207 the individual professional development plans required by this section; provided, however, t hat  
208 this requirement shall not be construed to require that a school district or the commonwealth  
209 provide funding for the fulfillment of the professional development requirements of this section  
210 and section thirty-eight Q beyond the foundation budget.

211 The board shall establish policies and guidelines for approval for any continuing education units,  
212 inservice seminars, projects, courses and other activities which would be deemed sufficient to  
213 maintain the development of professional skills and the knowledge of subject matter pertinent to  
214 particular certificates in accordance with the same procedures used for initial approval of  
215 collegiate preparation programs. The commissioner shall establish for each license alternate  
216 methods for fulfilling the professional development requirement, at least one of which must be at  
217 no cost to persons employed by a school district who are engaging in such an activity for the  
218 purpose of satisfying the professional development requirements for relicensure of this section.

219 Such policies shall provide that a teacher who is to be employed in a position in an area of  
220 licensure in which he is not currently employed, but for which he held a license which had been  
221 valid within five years immediately preceding the starting date of employment in this position,  
222 shall be given a reasonable period, as determined by the board, to fulfill a professional  
223 development plan which demonstrates currency in the subject matter knowledge and requalify  
224 him for licensure in said area. In every instance, all evaluations and assessments shall follow  
225 nationally recognized professional standards.

226 Each local and regional school district shall attest to the department, in such form and at such  
227 time as the commissioner shall prescribe, that professional development activities for which

228 credit toward license renewal is granted meet the requirements set by the board and are  
229 documented in accordance with procedures established by the board.

230 The board shall, in establishing said policies and criteria for professional development, give  
231 special consideration to the best interests of the students in the commonwealth, including the  
232 need for high quality teachers of English language learners programs established under chapter  
233 71A for limited English proficient students and the need to maintain the highest performance  
234 standards of teachers while taking into proper consideration the financial or time constraints  
235 these policies may require. In developing such policies, guidelines and assessment methods, the  
236 board shall obtain the input of teachers, administrators, educational experts, parents, business  
237 leaders and others interested in the improvement of the professional status of teachers.

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

240 Anyone granted either a temporary, initial, or professional license under this section or currently  
241 holding such a license shall be required to maintain the development of professional skills and  
242 the knowledge of subject matter pertinent to the areas of licensure.

243 Teachers who were authorized, permitted or approved to teach in a subject or area for which  
244 there was no license before September first , nineteen hundred and eighty-two, shall acquire and  
245 maintain the development of the skills and training required of persons licensed to teach in said  
246 subject or areas after that date.

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

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

251 The requirements of this section shall not apply to the licensure of teachers of adult education.

252 Nothing in this section or section 1H of chapter 69 shall be construed to prohibit a school

253 committee from employing a teacher licensed under this section to teach adult education.