

# SENATE . . . . . No. 2868

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Senate, July 11, 2024 -- Text of amendment (351) (offered by Senator Lewis) to the Ways and Means amendment (Senate, No. 2856) to the Senate Bill relative to economic development

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## The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court  
(2023-2024)

1 by inserting after section 86 the following section:-

2 “SECTION 86A. Chapter 29 of the General Laws, as so appearing, is hereby amended  
3 adding the following section:-

4 Section 2EEEEEE. (a) There shall be established and set up on the books of the  
5 commonwealth a separate fund to be known as the Educator Diversity Fund. The commissioner  
6 of elementary and secondary education shall administer the fund. The fund shall be credited  
7 with: (i) revenue from appropriations or other money authorized by the general court and  
8 specifically designated to be credited to the fund; (ii) interest earned on such revenues; and (iii)  
9 funds from public and private sources, including, but not limited to, gifts, grants and donations.  
10 The commissioner shall expend funds for the purposes of furthering the establishment of plans  
11 and programs to increase educator diversity and professional development pertaining to  
12 evidence-based culturally responsive and linguistically sustaining pedagogy and practices in the  
13 commonwealth. Amounts credited to the fund shall not be subject to further appropriation and  
14 any money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.  
15 No expenditure made from the fund shall cause the fund to be in deficit at any point. Amounts  
16 received from private sources shall be approved by the commissioner of elementary and

17 secondary education and subject to review before being deposited in the fund to ensure that  
18 pledged funds are not accompanied by conditions, explicit or implicit, that may be detrimental to  
19 the implementation of plans and programs to increase educator diversity or professional  
20 development pertaining to evidence-based culturally responsive and linguistically sustaining  
21 pedagogy and practices. The review shall be made publicly available on the department's  
22 website.

23 (b) The commissioner shall establish a grant program for public school districts, charter  
24 schools, nonprofits or community-based organizations and institutions of higher education.  
25 Grants shall be provided for the following purposes: (i) to assist public school districts and  
26 charter schools with the establishment of plans and programs to increase educator diversity,  
27 including, but not limited to, the development of in-house teacher residency programs, pathways  
28 focused on recruiting, developing, and supporting educators who are members of groups  
29 underrepresented in the educator workforce, and other promising practices to increase the  
30 recruitment and retention of diverse educators; (ii) for professional development and other  
31 training for educators and other district and school staff pertaining to evidence-based culturally  
32 responsive and linguistically sustaining pedagogy and practices; (iii) to assist public school  
33 districts and charter schools with the establishment of programs to incentivize diverse and highly  
34 effective educators to work or continue working in districts and charter schools with high  
35 concentrations of economically disadvantaged students or English learners; and (iv) to support  
36 other evidence-based strategies to increase educator diversity and culturally responsive and  
37 linguistically sustaining practices in public school districts and charter schools. The  
38 commissioner shall utilize funding from the fund and may apply for federal, state or other  
39 funding.

40 (c) Annually, not later than December 1, the commissioner shall report to the clerks of  
41 the senate and house of representatives, the joint committee on education and the senate and  
42 house committees on ways and means on activity of the fund. The report shall include, but not be  
43 limited to: (i) the source and amount of funds received; (ii) the amounts distributed and the  
44 purpose of expenditures from the fund; (iii) grant recipients and the amount received by each  
45 recipient; (iv) anticipated revenue and expenditure projections for the next year; (v) the number  
46 of public school districts, charter schools, nonprofits or community-based organizations, and  
47 institutions of higher education that applied for, but were not granted, funding; and (vi) the  
48 impact of the grant program, including the expenditure of funds by grantees and an analysis of  
49 the types of programs created by said funds. The report shall be publicly available on the  
50 department's website.”; and

51 by inserting after section 132 the following 7 sections:-

52 “SECTION 132A. Chapter 69 of the General Laws is hereby amended by inserting after  
53 section 36 the following section:-

54 Section 37. (a) Notwithstanding any general or special law to the contrary, the  
55 department shall set measurable educator diversity goals for the state and collect and publish a  
56 report on statewide educator diversity data on the department’s website, which shall include such  
57 goals. The data shall, include but not be limited to: (i) the hiring and retention of diverse  
58 educators; (ii) the racial and ethnic demographics of educators who complete Massachusetts state  
59 educator preparation programs; (iii) the racial and ethnic demographics of all persons applying  
60 for and completing educator certification in the commonwealth; and (iv) teacher qualification  
61 data. Annually, not later than June 30, the department shall share the report required under this

62 section with the board of elementary and secondary education and the clerks of the senate and  
63 house of representatives and the joint committee on education.

64 (b) Each public school district and charter school shall collect and report to the  
65 department educator diversity data in a manner prescribed by the department; provided, however,  
66 that the department shall utilize existing reporting mechanisms and schedules to collect educator  
67 diversity data and outcomes.

68 SECTION 132B. Section 38G of chapter 71 of the General Laws, as so appearing, is  
69 hereby amended by inserting after the word “certificates”, in line 80, the following words:- . The  
70 board shall ensure that the established requirements for such certificates provide necessary  
71 accommodations for any person with a disability as required by all applicable state and federal  
72 laws.

73 SECTION 132C. Said section 38G of said chapter 71, as so appearing, is hereby further  
74 amended by inserting, after the third paragraph the following paragraph:-

75 The department of elementary and secondary education shall, in consultation with  
76 relevant stakeholders, develop additional pathways for granting educator certification based on  
77 the alternative assessment pilot authorized under 603 CMR 7.04(2)(f) that may be used to satisfy  
78 the testing requirements contained in this section.

79 SECTION 133D. Said section 38G of said chapter 71, as so appearing, is hereby further  
80 amended by inserting after the twenty-fourth paragraph the following paragraph:-

81 In addition to the requirements of this section, the department shall incentivize all  
82 educators and administrators to be trained in strategies related to evidence-based culturally

83 responsive and linguistically sustaining pedagogy and practices. The department may consider  
84 incentives including but not limited to certification fee waivers, resources curated and published  
85 by the department, professional development opportunities, grants and optional training during  
86 the certification and recertification process.

87 SECTION 133E. Said chapter 71 of the General Laws is hereby further amended by  
88 inserting after section 38G  $\frac{1}{2}$  the following section:-

89 Section 38G  $\frac{3}{4}$ . (a) To promote a diverse educator workforce, the department shall:

90 (i) establish guidelines for plans to increase diversity among teaching, administration, and  
91 staff positions in each school district, as defined in section 2 of chapter 70, and each charter  
92 school, as defined in section 89 of chapter 71. The guidelines shall include, but not be limited to,  
93 recommended policies designed to help districts and schools: (a) identify and eliminate  
94 discriminatory barriers to hiring in a district or school; (b) identify, recruit and hire employees  
95 who are members of groups underrepresented in the educator workforce; (c) develop, promote  
96 and retain employees who are members of groups underrepresented in the educator workforce;  
97 and (d) promote equal opportunity in employment for educators. In developing these guidelines,  
98 the department shall consult with relevant stakeholders, including experts and school leaders  
99 from public school districts and charter schools that have experienced significant increases in  
100 hiring and retaining diverse educators.

101 (ii) establish a process for reviewing plans based on clearly defined criteria; provided,  
102 however, that a public school district or charter school shall amend any plan deemed not to  
103 conform with the requirements of this section; and provided further, that a public school district  
104 or charter school shall be deemed to have satisfied the requirements of this section if it has

105 prioritized diversity in its 3-year plan required by section 1S of chapter 69 or in any other  
106 strategic plan developed by the district.

107 (iii) require approved educator preparation programs to implement plans to examine and  
108 address any barriers to equity in program enrollment and completion. The plans shall be required  
109 as part of the educator preparation program approval process and the department shall make each  
110 program's plan publicly available. The department shall establish guidelines for educator  
111 preparation program plans.

112 (b) The board of elementary and secondary education shall review progress on educator  
113 diversity on a regular basis and may provide further recommendations to districts and schools  
114 regarding educator diversity.

115 SECTION 133F. Chapter 71 of the General Laws is hereby further amended by inserting  
116 after section 99 the following section:-

117 Section 100. (a) Each public school district and charter school shall appoint or hire a  
118 diversity, equity and inclusion officer or establish a diversity team, herein after referred to as a  
119 diversity officer or team. The role and responsibilities of a diversity officer or team may be  
120 assigned to an existing school employee or existing school entity. A diversity officer or team  
121 shall report directly to the superintendent of the school. Diversity officers or teams shall  
122 coordinate their school district's compliance with the requirements of this section and applicable  
123 federal and state laws. If a district or charter school has a diversity officer or team already in  
124 place on the effective date of this section, they shall be deemed to be in compliance with this  
125 section. Each school district and charter school shall post information on its diversity officer or  
126 team on a publicly accessible website.

127 (b) Each public school district and charter school shall establish a process for advising the  
128 school committee or board of trustees on matters of diversity, equity, and inclusion in the school  
129 district or charter school. This process may include establishing an educator diversity council  
130 consisting of educators, administrators, parents or caregivers, and students, which shall meet  
131 regularly with the superintendent or the diversity officer or teams and the school committee or  
132 board of trustees. For such councils that are established, members shall, to the best ability of a  
133 school district or charter school, represent a diversity of identities, including but not limited to  
134 race, ethnicity, culture, immigration status, sex, gender, sexual orientation, religion, disability,  
135 and socioeconomic level. The school committee or board of trustees may appoint a member of  
136 the committee to serve as an ex-officio member of the educator diversity council.

137 (c) Pursuant to guidelines established by commission against discrimination, in  
138 consultation with the department, all superintendents, school committee members, boards of  
139 trustees members, district leaders, principals, and school district employees shall attend diversity  
140 and implicit bias training every two years; provided that training completed during certification  
141 or recertification pursuant to paragraph 36 of section 38G of chapter 71 shall satisfy this  
142 requirement for the year in which the training was completed.

143 SECTION 133G. Section 18 of chapter 74 of the General Laws, as appearing in the 2022  
144 Official Edition, is hereby amended by striking out the first paragraph and inserting in place  
145 thereof the following paragraph:-

146 The state department shall establish basic competency-based vocational-technical teacher  
147 training standards which shall serve as the fundamental, pedagogical requirements for beginning  
148 vocational-technical instructors. The department shall further require that all persons seeking to

149 meet the department's requirements shall have successfully passed performance and written tests  
150 in areas as determined by the board or shall have satisfied alternative measures of proficiency  
151 established by the board and shall have successfully completed an approved seminar on teaching  
152 skills and methods.”; and

153 by inserting after section 161 the following 6 sections:-

154 “SECTION 161A. (a) The department of elementary and secondary education shall, in  
155 consultation with relevant stakeholders and with the solicitation of public comment for a period  
156 of not less than 90 days, implement a 5-year pilot program to develop additional pathways for  
157 granting educator certification.

158 (b) The additional pathways may allow for waiver of not more than 1 of the testing  
159 requirements pursuant to said section 38G of said chapter 71, per candidate, and may include  
160 consideration of factors including, but not limited to, whether a candidate has: (i) completed  
161 field-based experience of not less than 2 years in the role and at the level of the license sought;  
162 (ii) obtained certification in another state or territory in the United States, the District of  
163 Columbia, or the Commonwealth of Puerto Rico, as approved by the department; (iii) completed  
164 a satisfactory portfolio of items as determined by the department; (iv) obtained a master’s degree  
165 or doctorate from an accredited institution, provided that the advanced degree relates to the  
166 content area for which the individual is seeking certification, as determined by the department; or  
167 (v) completed a department-approved educator preparation program for the role and at the level  
168 of the license sought. This process shall give consideration to necessary accommodations for any  
169 person with a disability as defined in 42 U.S.C. §12102 and comply with any other applicable  
170 state and federal laws.



171 (c) The department shall inform public school districts or charter schools which employ  
172 educators licensed through this pilot program of the supports and resources available for the  
173 educators to be effective, including, but not limited to policies aligned with the guidelines  
174 established in section 38G <sup>3</sup>/<sub>4</sub> of chapter 71 of the General Laws.

175 (d) The department shall conduct a comprehensive evaluation of the pilot program and  
176 the use of the additional licensure pathways during the pilot period. The evaluation shall include:  
177 (i) a measurement of student impacts according to factors determined by the department; (ii) an  
178 assessment of progress made in diversifying the educator workforce, including data on the  
179 demographics of participants, hiring rates and demographics of the districts and schools where  
180 candidates were hired, aggregated evaluation ratings and retention rates; and (iii) an assessment  
181 of the impacts on candidates of diverse backgrounds.

182 (e) The department shall file a report including the evaluation of the pilot program with  
183 the clerks of the house of representatives and the senate and the joint committee on education no  
184 later than one year after the conclusion of the pilot program.

185 SECTION 161B. (a) Notwithstanding any general or special law to the contrary, the  
186 department of elementary and secondary education shall study the feasibility of establishing a  
187 program which allows certain educator candidates to complete the testing requirements pursuant  
188 to section 38G of chapter 71 of the General Laws at no cost to candidates. Such program shall  
189 apply to candidates who are determined by the department to qualify for financial assistance, or  
190 have: (i) attempted to complete the testing requirements pursuant to said section 38G of said  
191 chapter 71; (ii) failed to meet the minimum score requirements established by the department;  
192 and (iii) earned a score or scores within one standard error of measurement of passing, as

193 determined by the department. The study may include analysis of any prior or existing voucher  
194 systems designed to pay for licensure test fees.

195 (b) Not later than October 1, 2025, the department shall file a report, including any  
196 analysis or recommendations on the feasibility of the program with the clerks of the senate and  
197 the house of representatives and the joint committee on education.

198 SECTION 161C. (a) Notwithstanding any general or special law to the contrary, the  
199 department of elementary and secondary education shall conduct a study analyzing the potential  
200 bias and accessibility of assessments used by educator candidates to complete the testing  
201 requirements pursuant to section 38G of chapter 71 of the General Laws.

202 (b) Not later than October 1, 2025, the department shall file a report with the clerks of the  
203 senate and the house of representatives and the joint committee on education on reducing  
204 potential bias and increasing accessibility of assessments used by educator candidates to  
205 complete the testing requirements pursuant to section 38G of chapter 71 of the General Laws,  
206 including any analysis or recommendations. The report shall include: (i) an analysis of potential  
207 racial, cultural, or linguistic biases of assessments used by educator candidates; (ii) data on  
208 candidates applying for accommodations and those receiving accommodations; (iii) data on the  
209 types of accommodations requests received and those granted; (iv) data on candidates retaking  
210 the assessment and any accommodations requested by such candidates; and (v) data on the  
211 passing rates for candidates who received accommodations and all candidates passing the  
212 assessment.

213 SECTION 161D. (a) Notwithstanding any general or special law to the contrary, the  
214 department shall conduct a study and report on potential initiatives to incentivize diverse and

215 highly effective educators to work in high-needs schools and districts, including incentives to  
216 recruit new and diverse teachers to high-needs schools and policies or practices to retain diverse  
217 and effective teachers currently teaching in high-needs schools. For the purposes of this section,  
218 “high-needs schools or districts,” shall mean a school or district with a high percentage of low-  
219 income students and English learners, which may include a school or district implementing a  
220 turnaround plan.

221 (b) Not later than October 1, 2025, the department shall file a report with the clerks of the  
222 senate and house of representatives and the joint committee on education, including any analysis  
223 or recommendations. The report shall include, but not be limited to: (i) a survey of educator  
224 salaries and benefits across school districts and charter schools; (ii) an assessment of potential  
225 incentives to attract educators to high-needs school districts, including but not limited to the  
226 establishment of loan forgiveness, scholarship, and housing support programs and the status of  
227 such currently or previously existing state programs; (iii) the feasibility of financial incentives  
228 for achieving National Board certification; (iv) the feasibility of establishing a master educator  
229 corps program, to be administered by the department, to incentivize educators that have achieved  
230 a certain level of mastery to transfer to high-needs school districts; (v) an assessment of a salary  
231 parity scale for any educators that have switched to high-needs school districts; (vi) any other  
232 program, as determined by the department, to help meet the educator requirements of high-needs  
233 school districts; and (vii) an assessment of any additional actions necessary to achieve these  
234 objectives.

235 SECTION 161E. (a) Notwithstanding any general law or special law to the contrary, the  
236 department of elementary and secondary education shall, subject to appropriation, develop and  
237 administer a pilot program for teacher apprenticeships.

238 (b) The department shall file a report with the clerks of the senate and house of  
239 representatives and the joint committee on education not more than 1 year after the completion  
240 of the pilot on the outcome of the pilot program and recommendations for making the  
241 apprenticeship program permanent.

242 SECTION 161F. (a) Not later than October 1, 2025, the department of elementary and  
243 secondary education, or any department or agency thereof designated by the executive office,  
244 shall establish a public information campaign, which shall be for a duration of not less than 1  
245 year, to educate and promote awareness to the public of available state scholarships and loan  
246 forgiveness programs for prospective educators. The campaign shall include, but not be limited  
247 to, information about the availability of and eligibility for such scholarships and loan forgiveness  
248 programs. The department of elementary and secondary education, or any department or agency  
249 thereof designated by the executive office, shall seek to ensure that the public information  
250 campaign reaches individuals applying to public institutions of higher education under section 5  
251 of chapter 15A of the General Laws and community colleges under section 10 of said chapter  
252 15A of the General Laws.

253 (b) Not later than October 1, 2027, the department shall report to the joint committee on  
254 education on the impact of the public information campaign, including data on the numbers of  
255 applicants for available state scholarships and loan forgiveness programs and the awarding of  
256 such scholarships and loan forgiveness program participants.”; and

257 by inserting after section 172 the following section:-

258           “SECTION 172A. The board of elementary and secondary education shall promulgate  
259 rules and regulations to implement section 37 of chapter 69 of the General Laws and section  
260 38G3/4 of chapter 71 of the General Laws.”.