

**HOUSE . . . . . No. 4011**

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Fourteen**  
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An Act relative to the dismissal of teachers.

*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 2012 Official Edition,  
2 is hereby amended by adding after section 38R, a new section that mandates the following:-

3           38S. (a) For the purposes of this section:

4           1) “Employer” means any Massachusetts school district, charter school or private school,  
5 including but not limited to the school committee and superintendent of any city, town, or  
6 regional school district, and a principal or other administrator, by whatever title the position be  
7 known, of a public or private school of any city, town or regional school district.

8           2) “Employee” means any person employed by an employer.

9           3) “Job performance” includes, but is not limited to abilities, attendance, attitude, awards,  
10 demotions, disciplinary actions, duties, effort, knowledge, promotions, skills, and in the case of a  
11 former employee, the reasons for separation.

12           (b) An employer who in good faith provides information about a current or former  
13 employee’s job performance and professional conduct, in response to a request for a reference  
14 from a prospective employer or in response to a request from the Commissioner pursuant to the  
15 Commissioner’s licensing authority and responsibility to ensure the fitness of licensed educators,  
16 shall be immune from civil liability for the disclosure or any consequences of the disclosure.

17           (c) This immunity shall not apply where an employer knowingly or recklessly releases or  
18 discloses false information.