

SENATE No. 2709

The Commonwealth of Massachusetts

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

SENATE, April 1, 2024.

The committee on Education, to whom was referred the petitions (accompanied by bill, Senate, No. 239) of Michael D. Brady, James K. Hawkins, Patrick M. O'Connor and Patricia D. Jehlen for legislation to establish a special commission on creating a more diversified teaching workforce in the Commonwealth; (accompanied by bill, Senate, No. 252) of Brendan P. Crighton for legislation to promote racially integrated schools; (accompanied by bill, Senate, No. 254) of Brendan P. Crighton for legislation to promote racially and culturally inclusive K-12 curriculum; (accompanied by bill, Senate, No. 259) of Julian Cyr, Jack Patrick Lewis, Vanna Howard and Rebecca L. Rausch for legislation relative to LGBTQ+ inclusive curriculum; (accompanied by bill, Senate, No. 286) of Adam Gomez and Vanna Howard for legislation to ensure diversity in public education; (accompanied by bill, Senate, No. 288) of Adam Gomez, Tram T. Nguyen, Steven Ultrino, Jack Patrick Lewis and others for legislation to promote racially inclusive curriculum in schools; (accompanied by bill, Senate, No. 299) of Robyn K. Kennedy, Steven Owens and Rebecca L. Rausch for legislation to address racial and cultural bias training in educator professional development; (accompanied by bill, Senate, No. 311) of Jason M. Lewis, Manny Cruz, Joanne M. Comerford, Jack Patrick Lewis and other members of the General Court for legislation relative to educator diversity; (accompanied by bill, Senate, No. 318) of Liz Miranda, Joanne M. Comerford, Lydia Edwards, Jack Patrick Lewis and other members of the General Court for legislation to establish a permanent commission on American Indian and Alaska Native education; (accompanied by bill, Senate, No. 340) of Pavel M. Payano for legislation to enable all students to thrive: protecting a high quality, diverse educator workforce; and (accompanied by bill, Senate, No. 344) of Rebecca L. Rausch, Jack Patrick Lewis, Joanne M. Comerford, Vanna Howard and other members of the General Court for legislation relative to celebrate and teach Native American culture and history, report the accompanying bill (Senate, No. 2709).

For the committee,
Jason M. Lewis

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**In the One Hundred and Ninety-Third General Court
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An Act relative to educator diversity.

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 29 of the General Laws, as appearing in the 2022 Official Edition,
2 is hereby amended by inserting after section 2DDDDDD the following new section:-

3 Section 2EEEEEE. (a) There shall be established and set up on the books of the
4 commonwealth a separate fund to be known as the Educator Diversity Trust Fund. The
5 commissioner of elementary and secondary education shall administer the fund. The fund shall
6 be credited with: (i) revenue from appropriations or other money authorized by the general court
7 and specifically designated to be credited to the fund; (ii) interest earned on such revenues; and
8 (iii) funds from public and private sources such as gifts, grants and donations to further the
9 establishment of plans and programs to increase educator diversity and professional development
10 pertaining to evidence-based culturally responsive and linguistically sustaining pedagogy and
11 practices. Amounts credited to the fund shall not be subject to further appropriation and any
12 money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

13 (b) The commissioner shall establish a grant program for public school districts, charter
14 schools, nonprofits or community-based organizations, and institutions of higher education.
15 Grants shall be provided for the following purposes: (i) to assist public school districts and
16 charter schools with the establishment of plans and programs to increase educator diversity,
17 including, but not limited to, the development of in-house teacher residency programs, pathways
18 focused on recruiting, developing, and supporting educators who are members of groups
19 underrepresented in the educator workforce, and other promising practices to increase the
20 recruitment and retention of diverse educators; (ii) for professional development and other
21 training for educators and other district and school staff pertaining to evidence-based culturally
22 responsive and linguistically sustaining pedagogy and practices; (iii) to assist public school
23 districts and charter schools with the establishment of programs to incentivize diverse and highly
24 effective educators to work or continue working in districts and charter schools with high
25 concentrations of economically disadvantaged students or English learners; and (iv) other
26 evidence-based strategies to increase educator diversity and culturally responsive and
27 linguistically sustaining practices in public school districts and charter schools. In establishing
28 and administering the grant program, the commissioner shall prioritize public school districts and
29 charter schools with high concentrations of economically disadvantaged students or English
30 learners, which may include a district or school implementing a turnaround plan.

31 (c) Amounts received from private sources shall be approved by the commissioner of
32 elementary and secondary education and subject to review before being deposited in the fund to
33 ensure that pledged funds are not accompanied by conditions, explicit or implicit, that may be
34 detrimental to the implementation of plans and programs to increase educator diversity or
35 professional development pertaining to evidence-based culturally responsive and linguistically

36 sustaining pedagogy and practices. The review shall be made publicly available on the
37 department's website.

38 (d) In making grants, the commissioner shall utilize funding from the Educator Diversity
39 Trust Fund and may apply for federal, state or other funding.

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

51 SECTION 2. Section 38G of chapter 71 of the General Laws is hereby amended by
52 inserting after paragraph ending with the words, “approved provisional educator preparation
53 program”, in lines 93-94, the following paragraph:-

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

58 SECTION 3. (a) The department of elementary and secondary education shall, in
59 consultation with relevant stakeholders and with the solicitation of public comment for a period
60 of not less than 90 days, implement a 5-year pilot program to develop additional pathways for
61 granting educator certification.

62 (b) The additional pathways may allow for waiver of not more than 1 of the 2 testing
63 requirements pursuant to said section 38G of said chapter 71, per candidate, and shall include
64 consideration of factors including, but not limited to, whether a candidate has: (i) completed
65 field-based experience of at least 2 years in the role and at the level of the license sought; (ii)
66 obtained certification in another state or territory in the United States, the District of Columbia,
67 or the Commonwealth of Puerto Rico, as approved by the department; (iii) demonstrated at least
68 2 years of educator proficiency according to traditional measures of effectiveness, as determined
69 by the department; (iv) completed a satisfactory portfolio of items that may include student
70 feedback or competency-based projects; (v) received a formal recommendation from the
71 principal, superintendent, or assistant superintendent of the current school or district where the
72 candidate has been employed as a teacher or paraprofessional for at least 3 full years; (vi)
73 obtained a master's degree or doctorate from an accredited institution, provided that the
74 advanced degree relates to the content area for which the individual is seeking certification as
75 determined by the department; or (vii) completed a board-approved educator preparation
76 program for the role and at the level of the license sought, including but not limited to (A) a
77 college program, graduate or undergraduate, approved by the board for the preparation of
78 teachers; (B) a college preparation program included in the National Association of State
79 Directors of Teacher Education and Certification (NASDTEC); (C) an out of state teacher
80 education program approved by the National Council for the Accreditation of Teacher Education

81 (NCATE); or (D) another program approved by the board. This process shall give consideration
82 to necessary accommodations for any person with a disability as defined in 42 U.S.C. §12102
83 and comply with any other applicable state and federal laws.

84 (c) The department shall ensure that any public school district or charter school which
85 employs educators licensed through this pilot program is able to provide the supports and
86 resources necessary for the educators to be effective, including but not limited to policies aligned
87 with the guidelines established in section 38G ³/₄ of chapter 71 of the General Laws.

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

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

98 SECTION 4. Section 38G of chapter 71 of the General Laws, as so appearing, is hereby
99 amended by inserting after the words “attainment and renewal of such certificates”, in line 80,
100 the following sentence:-

101 The board shall ensure that the established requirements for such certificates provide
102 necessary accommodations for any person with a disability as defined in 42 U.S.C. §12102 and
103 comply with any other applicable state and federal laws.

104 SECTION 5. (a) Notwithstanding any general or special law to the contrary, the
105 department of elementary and secondary education shall study the feasibility of establishing a
106 program which allows certain educator candidates to complete the testing requirements pursuant
107 to section 38G of chapter 71 of the General Laws at no cost to the candidates. Such a program
108 shall apply to candidates who are determined by the department to qualify for financial
109 assistance, or have (i) attempted to complete the testing requirements pursuant to said section
110 38G of chapter 71 of the General Laws; (ii) failed to meet the minimum score requirements
111 established by the department; and (iii) earned a score or scores within one standard error of
112 measurement of passing, as determined by the department. The study may include analysis of
113 any prior or existing voucher systems designed to pay for licensure test fees.

114 (b) No later than October 1, 2025, the department shall file a report, including any
115 analysis or recommendations on the feasibility of the program with the clerks of the house of
116 representatives and the senate and the joint committee on education.

117 SECTION 6. (a) Notwithstanding any general or special law to the contrary, the
118 department of elementary and secondary education shall study the bias and accessibility of
119 assessments used by educator candidates to complete the testing requirements pursuant to section
120 38G of chapter 71 of the General Laws.

121 (b) No later than October 1, 2025, the department shall file a report with the clerks of the
122 house of representatives and the senate and the joint committee on education on reducing bias

123 and increasing accessibility of assessments used by educator candidates to complete the testing
124 requirements pursuant to section 38G of chapter 71 of the General Laws, including any analysis
125 or recommendations. The report shall include, at minimum, (i) an analysis of potential racial,
126 cultural, or linguistic biases of assessments used by educator candidates; (ii) data on candidates
127 applying for accommodations and those receiving accommodations; (iii) data on the types of
128 accommodations requests received and those granted; (iv) data on candidates retaking the
129 assessment and any accommodations requested by those candidates; and (v) data on the passing
130 rates for candidates who received accommodations and all candidates passing the assessment.

131 SECTION 7. (a) Notwithstanding any general or special law to the contrary, the
132 department shall conduct a study and report on potential initiatives to incentivize diverse and
133 highly effective educators to work in high-needs schools and districts, including incentives to
134 recruit new and diverse teachers to high-needs schools and policies or practices to retain diverse
135 and effective teachers currently teaching in high-needs schools. “High-needs schools or
136 districts,” as used herein, shall be a school or district with a high percentage of low-income
137 students and/or English learners, which may include a school or district implementing a
138 turnaround plan.

139 (b) Not later than October 1, 2025, the department shall file a report with the clerks of the
140 senate and house of representatives and the joint committee on education, including any analysis
141 or recommendations. The report shall include, but not be limited to: (1) a survey of educator
142 salaries and benefits across school districts and charter schools; (2) an assessment of potential
143 incentives to attract novice educators to high-needs school districts, including but not limited to
144 the establishment of loan forgiveness, scholarship, and housing support programs and the status
145 of such currently or previously existing state programs; (3) the feasibility of financial incentives

146 for achieving National Board certification; (4) the feasibility of establishing a master educator
147 corps program, to be administered by the department, to incentivize educators that have achieved
148 a certain level of mastery to transfer to high-needs school districts; (5) an assessment of a salary
149 parity scale for any educators that have switched to high-needs school districts; (6) any other
150 program, as determined by the department, to help meet the educator requirements of high-needs
151 school districts; and (7) an assessment of any additional actions necessary to achieve these
152 objectives.

153 SECTION 8. Section 38G of said chapter 71 of the General Laws, as so appearing, is
154 hereby amended by inserting after the paragraph ending with the words “practical experience in
155 the application of these strategies”, in line 267, the following paragraph:-

156 In addition to any other requirements of this section, the board shall incentivize all
157 educators and administrators to be trained in strategies related to evidence-based culturally
158 responsive and linguistically sustaining pedagogy and practices. The board may consider
159 incentives including but not limited to certification fee waivers, resources curated and published
160 by the department, professional development opportunities, and optional training during the
161 certification and recertification process.

162 SECTION 9. Chapter 69 of the General Laws is hereby amended by inserting after
163 section 36 the following section:-

164 Section 37. (a) Notwithstanding any general or special law to the contrary, the
165 department shall set measurable educator diversity goals for the state and collect and report
166 publicly statewide educator diversity data. The data shall be reported in an online dashboard
167 created in consultation with the board of elementary and secondary education. The data shall

168 include but not be limited to the hiring and retention of diverse educators, the racial, ethnic, and
169 linguistic demographics of educators who complete Massachusetts state educator preparation
170 programs, the racial, ethnic, and linguistic demographics of all persons applying for and
171 completing educator certification, and teacher qualification data from school and district report
172 cards. The department shall report annually to the board of elementary and secondary education
173 on state educator diversity data and goals. The department shall also submit a report on the state
174 of educator diversity to the clerks of the senate and house of representatives and the joint
175 committee on education no later than June 30 on an annual basis.

176 (b) Each public school district and charter school shall collect and report to the
177 department educator diversity data in a manner prescribed by the department; provided that the
178 department shall utilize existing reporting mechanisms and schedules to collect educator
179 diversity data and outcomes.

180 SECTION 10. Chapter 71 of the General Laws is hereby amended by inserting after
181 section 38G ½ the following section:-

182 Section 38G ¾. (a) To promote a diverse educator workforce, the department shall:

183 (i) Establish guidelines for plans to increase racial, ethnic, and linguistic diversity among
184 teaching, administration, and staff positions in each public school district, as defined in section 2
185 of chapter 70, and each charter school, as defined in section 89 of chapter 71. These guidelines
186 shall include, at a minimum, recommended policies designed to help districts and schools: (1)
187 identify and eliminate discriminatory barriers to hiring and learning in a district or school; (2)
188 remedy the effects of past discriminatory practices; (3) identify, recruit, and hire employees who
189 are members of groups underrepresented in the educator workforce; (4) develop, promote, and

190 retain employees who are members of groups underrepresented in the educator workforce; and
191 (5) ensure equal opportunity in employment for educators. In developing these guidelines, the
192 department shall consult with experts and school leaders from public school districts and charter
193 schools that have experienced significant increases in hiring and retaining racially, ethnically,
194 and linguistically diverse educators.

195 Each public school district and charter school shall set a corresponding policy that
196 conforms with the department's guidelines. Such plans shall comply with all applicable state and
197 federal laws, and shall be updated, at a minimum, every 3 years.

198 (ii) Establish a process for reviewing plans based on clearly defined criteria. A public
199 school district or charter school shall amend any plan deemed not to conform with the
200 requirements of this section. A public school district or charter school shall be deemed to have
201 satisfied the requirements of this section if it has prioritized diversity in its 3-year plan required
202 by section 1S of chapter 69, as amended by chapter 132 of the acts of 2019, or in any other
203 strategic plan developed by the district.

204 (iii) Establish periodic reporting requirements for public school districts and charter
205 schools concerning the implementation of their plans and all actions taken to ensure compliance
206 with this section and applicable state and federal laws. These reporting requirements shall be
207 incorporated into existing reporting mechanisms and schedules where feasible.

208 (iv) Assist public school districts and charter schools in complying with their plans and
209 applicable federal and state laws.

210 (v) Require approved educator preparation programs to implement plans to increase the
211 racial, ethnic, and linguistic diversity of program completers. These plans shall be required as

212 part of the educator preparation program approval process and the department shall make each
213 program's plan publicly available. The department shall establish guidelines for educator
214 preparation program diversity plans.

215 (b) The board of elementary and secondary education shall review compliance with these
216 plans and policies on a regular basis and may provide further recommendations regarding
217 educator diversity.

218 SECTION 11. Chapter 71 of the General Laws is hereby amended by inserting after
219 section 99 the following section:-

220 Section 100. (a) Each public school district and charter school shall appoint or hire a
221 diversity, equity, and inclusion officer(s) or establish a diversity team, referred to in this section
222 as a diversity officer or team. The role and responsibilities of a diversity officer or team may be
223 assigned to an existing school employee or existing school entity. A diversity officer or team
224 shall report directly to the superintendent. Diversity officers or teams shall coordinate their
225 school district's compliance with the requirements of this section and applicable federal and state
226 laws. Should a district or charter school have a diversity officer or team already in place, that
227 shall satisfy the requirement of this section.

228 (b) Each public school district and charter school shall establish a process for advising the
229 school committee or board of trustees on matters of diversity, equity, and inclusion in the school
230 district or charter school. This process may include establishing an educator diversity council
231 consisting of educators, administrators, parents or caregivers, and students, which shall meet
232 regularly with the superintendent or the diversity officer or teams and the school committee or
233 board of trustees. For such councils that are established, members shall, to the best ability of a

234 school district or charter school, represent a diversity of identities, including but not limited to
235 race, ethnicity, culture, immigration status, sex, gender, sexual orientation, religion, disability,
236 and socioeconomic level. The school committee or board of trustees may appoint a member of
237 the committee to serve as an ex-officio member of the educator diversity council.

238 (c) Pursuant to guidelines established by the department, all superintendents, school
239 committee members, boards of trustees members, district leaders, principals, and school district
240 employees shall attend diversity and implicit bias training every two years; provided that training
241 completed during certification or recertification pursuant to paragraph 36 of section 38G of
242 chapter 71 shall satisfy this requirement for the year in which the training was completed.

243 SECTION 12. Section 18 of Chapter 74, as appearing in the 2022 Official Edition, is
244 hereby amended by striking the first paragraph and inserting in place thereof the following
245 paragraph:-

246 The state board shall establish basic competency-based vocational-technical teacher
247 training standards which shall serve as the fundamental, pedagogical requirements for beginning
248 vocational-technical instructors. The board shall further require that all persons seeking to meet
249 the board's requirements shall have successfully passed performance and written tests in areas as
250 determined by the board or shall have satisfied alternative measures of proficiency established by
251 the board and shall have successfully completed an approved seminar on teaching skills and
252 methods.

253 SECTION 13. (a) Notwithstanding any general law or special law to the contrary, the
254 department of elementary and secondary education shall, subject to appropriation, develop and
255 administer a 2-year pilot program, in partnership with a college or university or school or district

256 or other institution offering an approved preparation program pursuant to Section 38G of Chapter
257 71 of the General Laws, for teacher apprenticeships during which participants shall complete a
258 paid teaching apprenticeship for 2 full school years in a high-needs district in the classroom with
259 a highly proficient mentor teacher, as determined by the department using factors including but
260 not limited to traditional measures of effectiveness and demonstrated evidence-based practices,
261 as determined by the department. As used herein, “high-needs” shall be defined as: schools or
262 districts with a high percentage of low-income students and English learners, which may include
263 schools or districts implementing turnaround plans. The program shall provide sufficient funds to
264 candidates to support earning a competitive wage, including but not limited to support for
265 childcare, transportation, textbooks, and other core expenses, to ensure a diverse cohort are able
266 to fully participate. In designing the program, the department shall partner with the
267 Massachusetts Executive Office of Labor and Workforce Development and consult the National
268 Guidelines for Apprenticeship Standards (NGS) for Registered Apprenticeships for K-12
269 teachers. The department shall seek to maximize revenues through federal monies, matching
270 funds and grants to support this program. Subject to available state and federal funds, the
271 department shall consider the feasibility of a no-cost or tuition-free program for some or all
272 participants on the basis of a participant’s financial need.

273 (b) In administering the pilot program, the department shall promulgate regulations
274 defining the apprenticeship and the target candidates to be admitted to the program.

275 (c) The department shall file a report with the clerks of the house of representatives and
276 the senate and the joint committee on education no later than 1 year after the completion of the
277 pilot on the outcome of the pilot program. The report shall include data on the demographics of
278 participants, licensure pass rates, hiring rates, and an assessment of the feasibility of applying for

279 status as a United States Registered Apprenticeship. The department shall file a report with the
280 clerks of the house of representatives and the senate and joint committee on education no later
281 than 3 years after the completion of the pilot that includes, at a minimum, an evaluation of the
282 impact of apprentices on student outcomes as compared to teachers not participating in the pilot
283 using traditional measures of effectiveness, as determined by the department, and an assessment
284 of the feasibility of expanding to a 2-year teacher apprenticeship for all teacher candidates or all
285 candidates in high-needs districts.

286 SECTION 14. (a) Not later than October 1, 2025, the department of elementary and
287 secondary education, or any department or agency thereof designated by the executive office,
288 shall establish a public information campaign, which shall be no less than 1 year, to educate and
289 promote awareness to the public of available state scholarships and loan forgiveness programs
290 for prospective educators. The campaign shall include, but not be limited to, information about
291 the availability and eligibility for such scholarships and loan forgiveness programs. The
292 department of elementary and secondary education, or any department or agency thereof
293 designated by the executive office, shall seek to ensure that the information campaign reaches
294 individuals applying to public institutions of higher education, pursuant to section 5 of chapter
295 15A of the General Laws, and community colleges, pursuant to section 10 of chapter 15A of the
296 General Laws.

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

301 SECTION 15. The board of elementary and secondary education shall promulgate rules
302 and regulations to implement the requirements of this act. Such regulations shall include a
303 schedule for public school districts and charter schools to meet the planning and reporting
304 requirements of this act, provided that such schedule shall prioritize implementation for school
305 districts and charter schools that have significant disparities between educator and student
306 demographics, according to racial, ethnic, and linguistic diversity.