

By Mrs. Tucker of Andover, petition of Susan C. Tucker and other members of the General Court for legislation to create an autonomous teacher certification board. Education, Arts and Humanities.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT CREATING AN AUTONOMOUS TEACHER CERTIFICATION BOARD.

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. (a) The Legislature recognizes that teaching,
2 school administration and the rendering of other professional
3 educational services in the schools of this State affect the public
4 interest. The legislature further recognizes that in order to achieve
5 the highest possible educational standards in the schools, qualified
6 educators must be recruited, selected, compensated, retained and
7 provided with a work environment that will encourage and
8 promote optimum professional performance.

9 (b) It is hereby declared as the policy of this State to ensure
10 the quality of preparation programs for professional educators;
11 to involve professional educators directly in establishing and
12 maintaining the standards of their profession; to safeguard the
13 welfare of students by preventing the utilization of unqualified
14 professional educators; to assure fair treatment to individual
15 applicants for certification and all members of the profession; and
16 to safeguard the public's interest in an effective expenditure of tax
17 dollars for quality education in the public schools. This policy can
18 be accomplished most effectively if the preparation, certification
19 and regulation of professional educators is under the control of
20 an autonomous state agency, composed in substantial part of
21 professional educators.

22 (c) The legislature has determined that the provisions of this
23 act will advance the policy described in paragraphs (1) and (2)

24 above by allowing persons with relevant expertise to oversee the
25 preparation and certification of professional educators; by
26 promoting professional development and the integrity of the
27 profession as a whole; and by requiring substantial participation
28 by professional educators in the regulation of their profession.

29 (d) The provisions of this act shall be liberally construed so as
30 to advance the foregoing policy.

1 SECTION 2. Sections 46 through 48 of chapter fifteen of the
2 General Laws, are amended by striking those sections in their
3 entirety and inserting in place thereof the following: —

4 Section 46. There shall be in the department, but in no respect
5 subject to the jurisdiction thereof, a board of teacher preparation
6 and certification. The board shall be appointed by the governor
7 and shall consist of fifteen voting members who shall be residents
8 of the commonwealth. The board shall consist of the following
9 members:

10 (a) Eight persons employed as classroom teachers. At least one
11 member shall be assigned within each of the following areas:
12 (1) early childhood and elementary, (2) middle school, (3) high
13 school, (4) special education, (5) occupational education, (6) bi-
14 lingual education, and (7) specialists, including teachers of art,
15 dance, drama and music, guidance counselors, school psycholo-
16 gists and media specialists.

17 (b) Three persons employed as faculty of institutions of higher
18 education a majority of whose duties involve direct contact with
19 students preparing for teaching, two of whom shall be faculty of
20 a public institution of higher education and one of whom shall
21 be on the faculty of a private institution of higher education.

22 (c) One person employed as a public school administrator.

23 (d) One superintendent of schools.

24 (e) One school committee member.

25 (f) One representative of the general public, who shall not be
26 a member of, or employed by, a school committee or board of
27 trustees of an institution of higher education.

28 The commissioner of education and the chancellor of higher
29 education may each appoint one representative to serve as ex-
30 officio participant without vote in the proceedings of the board.

31 Except for the members appointed as representatives of the
32 general public and school committees, members shall have been
33 employed as teachers, administrators or faculty for a period of
34 at least seven years prior to appointment to the board.

35 Before filling any position on the board other than those of the
36 public representative and the faculty member employed by a
37 private institution of higher education, the governor shall invite
38 nominations from organizations representing public school
39 teachers and administrators, public higher education faculty,
40 superintendents of schools, school administrators and school
41 committees.

42 Nominations to fill a vacancy should be submitted within sixty
43 days after the vacancy occurs. Nominations to fill an expiring term
44 should be submitted at least thirty days before the expiration of
45 such term. The governor shall appoint members to positions
46 requiring nomination from among the nominations submitted
47 pursuant to the provisions of the preceding paragraph unless no
48 timely nominations are received or less than two qualified persons
49 are nominated for a position, in which case the governor may
50 nominate any person who meets the qualifications for the position
51 set forth in this section. A person nominated shall remain eligible
52 for appointment for one year from the date his or her nomination
53 is submitted, unless the nomination is withdrawn by the persons
54 or organizations that made them.

55 The governor shall initially appoint the fifteen members of the
56 board, five of whom shall serve for a term of five years, four of
57 whom shall serve for a term of four years, three of whom shall
58 serve for a term of three years, two of whom shall serve for a term
59 of two years, and one of whom shall serve for a term of one year.
60 Thereafter all terms shall be for a period of five years. Upon the
61 expiration of the term of office of any such member, or of any
62 subsequent member, his or her successor shall be appointed in a
63 like manner to serve for the unexpired term. In the event of a
64 vacancy in the office of a member, his or her successor shall be
65 appointed in a like manner to serve for the unexpired term. No
66 member shall serve for more than two terms. Service on the board
67 for a term of three years or more resulting from an initial

68 appointment or an appointment for the remainder of an unexpired
69 term shall be counted as a full term.

70 All members of the board shall serve without compensation but
71 shall be reimbursed for their necessary expenses actually incurred
72 in the performance of their duties. A member of the board who
73 is an employee of a public institution of higher education or a
74 school committee shall be permitted to attend board meetings and
75 perform other board business without loss of income or other
76 benefits. A school committee which employs a substitute for a
77 member of the board who is absent from his or her employment
78 while performing board business shall be reimbursed by the
79 commonwealth for the actual amount of any costs so incurred.

80 Any member of the board who through change of employment
81 status or residence, or for other reasons, no longer meets the
82 criteria for the position to which he or she was appointed, shall
83 no longer be eligible to serve in that position and the position shall
84 become vacant sixty days following the member's change in
85 circumstances. The office of a member of the board who is absent
86 from any four regularly scheduled meetings of the board in any
87 calendar year shall be deemed to be vacated. The governor may
88 remove any member from the board for ineligibility, misconduct
89 or malfeasance in office, incapacity, or neglect of duty, but for
90 no other reason.

91 Section 47. The board shall, by a majority vote of all its voting
92 members, elect a chairperson and a vice-chairperson annually
93 from among its membership. They shall hold office for a one-year
94 term and may be re-elected up to four times. No member shall
95 serve as chairperson or vice-chairperson for more than five
96 consecutive years. The chairperson and vice-chairperson may be
97 removed from those positions at any time by a majority of the
98 members of the board. The vacancy shall be filled in the same
99 manner as the original selection. Service as chairperson or vice-
100 chairperson for more than nine months shall be counted as a full
101 term.

102 The chairperson shall be the presiding officer at the meetings of
103 the board and shall be an ex-officio member of all committees
104 established within the board. In the absence of the chairperson,
105 or if he or she is unable to act, the vice-chairperson shall have the

106 powers and perform the duties of the chairperson. The
107 chairperson and vice-chairperson shall have such powers and
108 duties as may be necessary for the performance of the functions
109 of their offices as the board shall determine. If both the
110 chairperson and the vice-chairperson are absent from or unable
111 to act at a meeting, the board shall elect for that meeting a
112 chairperson pro tempore.

113 The board shall hold regular meetings at least once each month
114 except that the board may vote to omit meetings in July and
115 August and the chairperson may call additional meetings at other
116 times. The chairperson may call a special meeting of the board
117 at any time and shall call a special meeting upon the written
118 request of seven or more members of the board. Members shall
119 be mailed written notice of the time and place of all regular
120 meetings at least fourteen days prior to each such meeting and
121 shall be mailed written notice of the time and purpose of all special
122 meetings at least seven days prior to each such meeting whenever
123 practicable.

124 Unofficial minutes of each board meeting shall be prepared and
125 mailed to each member of the board at least fourteen days prior
126 to the next regular meeting. An agenda shall be prepared for each
127 meeting by or at the direction of the chairperson. Members shall
128 be mailed the agenda for each regular meeting at least seven days
129 prior to each such meeting; they shall be mailed the agenda for
130 each special meeting at least three days prior to each such meeting
131 whenever practicable.

132 The board shall appoint an executive director, who shall serve
133 at the pleasure of the board. The executive director shall receive
134 an annual salary equivalent to that of an associate commissioner
135 of education and such expenses as are approved by the board and
136 which are incurred in the discharge of his or her duties. The board
137 may delegate its authority or any portion thereof to the executive
138 director whenever in its judgment such delegation may be
139 necessary or desirable. The executive director shall exercise any
140 such powers or duties delegated with the full authority of the
141 board in any matter concerning teacher preparation and
142 certification subject to the direction and approval of the board.

143 The board shall be provided with adequate offices and shall,
144 subject to appropriation, appoint such other employees, to include

145 but not be limited to a general counsel, as it deems necessary to
146 carry out its duties and responsibilities. The board shall also,
147 subject to appropriation, establish the salaries of said employees
148 as indicated in the salary schedules approved by the house and
149 senate committees on ways and means.

150 Section 48. The board shall have the authority to establish
151 standards and procedures for the preparation, provisional and
152 permanent certification, and revocation of certification of
153 education personnel in regular education, special education,
154 occupational education, vocational education, and bilingual
155 education. This authority shall include the review and approval
156 of programs at public and independent colleges and universities
157 devoted to the preparation of teachers and other educational
158 personnel. To carry out these responsibilities, the board shall have
159 the authority to make, amend, and rescind such rules and
160 regulations as may be necessary to carry out the provisions of this
161 section.

1 SECTION 3. Section 6 of chapter seventy-one A of the
2 General Laws is amended by striking that section in its entirety
3 and inserting in place thereof the following: —

4 Section 6. Teachers of transitional bilingual education, shall be
5 compensated by local school committees at the same step on the
6 regular salary schedule applicable to permanent teachers certified
7 under other provisions of said section forty-eight of chapter
8 fifteen.

9 No person shall be eligible for employment by a school
10 committee as a teacher of transitional bilingual education unless
11 he or she has been granted a transitional bilingual education
12 certificate by the board of teacher preparation and certification
13 or unless he or she holds another valid certificate and his or her
14 employment has been approved by the board, provided, however,
15 that a school committee may prescribe additional qualifications,
16 approved by the board.

17 Two years of service by a teacher of transitional bilingual
18 education under a waiver issued under section forty-eight of chap-
19 ter fifteen shall be credited to the teacher in acquiring the status
20 of serving at the discretion of the school committee as provided

21 in section forty-one of chapter seventy-one, and said two years
22 shall be deemed to immediately precede, and be consecutive with,
23 the year in which a teacher becomes certified.

1 SECTION 4. The legislature shall amend chapter fifteen of the
2 General Laws as necessary to implement section two.

1 SECTION 5. The provisions of this act are severable, and if
2 any provision of this act shall be held unconstitutional by any
3 court of competent jurisdiction, the validity of the remaining
4 provisions shall not be affected or impaired.

1 SECTION 6. Section two of this act shall take effect upon
2 passage. Sections three and four shall take effect upon
3 promulgation of regulations by the board of teacher preparation
4 and certification pursuant to section two.

