HOUSE DOCKET, NO. 1521 FILED ON: 1/17/2013

HOUSE . . . . . No. 531

The Commonwealth of Massachusetts

PRESENTED BY:

Martha M. Walz

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:

An Act enhancing educational opportunities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Martha M. Walz	*8th Suffolk*
Kay Khan	*11th Middlesex*

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HOUSE . . . . . No. 531

By Ms. Walz of Boston, a petition (accompanied by bill, House, No. 531) of Martha M. Walz and Kay Khan relative to contracts for charter schools and innovation schools. Education.

The Commonwealth of Massachusetts

An Act enhancing educational opportunities.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to improve the educational opportunities available throughout the Commonwealth, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of chapter 30B of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in line 108, the word “or”.

SECTION 2. Said section 1 of said chapter 30B, as so appearing, is hereby further amended by striking out paragraph (34) and inserting in place thereof the following:-

(34) a contract made in accordance with section 5 of chapter 111C;

(35) a contract for the operation or management of a Horace Mann charter school made in accordance with section 89 of chapter 71;

(36) a contract for the operation or management of an innovation school or a contract with an external partner made in accordance with section 92 of chapter 71; or

(37) a contract for the operation or management of a school designated as needs improvement or underperforming made in accordance with section 1J of chapter 69.

SECTION 3. Section 12 of said chapter 30B, as so appearing, is hereby amended by adding the following subsection:-

(g) Notwithstanding the provisions of subsection (b) or any contrary provision of any municipal law or provisions of any municipal charter, a school district may enter into a contract for a term not to exceed 5 years, including any renewal, extension, or option, for the full or

17 partial operation or management of a Horace Mann charter school under section 89 of chapter
18 71, an innovation school under section 92 of chapter 71, or a school designated as needs
19 improvement or underperforming under section 1J of chapter 69.

20 SECTION 4. Chapter 69 is hereby amended by striking out section 1J, as so appearing,
21 and inserting in place thereof the following section:-

22 Section 1J. (a) The commissioner of elementary and secondary education may, on the
23 basis of student performance data collected under section 1I, a school or district review
24 performed under section 55A of chapter 15, or regulations adopted by the board of elementary
25 and secondary education, designate 1 or more schools in a school district other than a Horace
26 Mann charter school as needs improvement, underperforming or chronically underperforming.
27 The board shall adopt regulations establishing standards for the commissioner to make such
28 designations on the basis of data collected under section 1I or information from a school or
29 district review performed under section 55A of chapter 15. Upon the release of the proposed
30 regulations, the board shall file a copy thereof with the clerks of the house of representatives and
31 the senate who shall forward the regulations to the joint committee on education. Within 30 days
32 of the filing, the committee may hold a public hearing and issue a report on the regulations and
33 file the report with the board. The board, under applicable law, may adopt final regulations
34 making revisions to the proposed regulations as it deems appropriate after consideration of the
35 report and shall forthwith file a copy of the regulations with the chairpersons of the joint
36 committee on education and, not earlier than 30 days of the filing, the board shall file the final
37 regulations with the state secretary.

38 In adopting regulations allowing the commissioner to designate a school as needs
39 improvement, underperforming or chronically underperforming, the board shall ensure that such
40 regulations take into account multiple indicators of school quality in making determinations
41 regarding the designation of a school, such as student attendance, dismissal rates and exclusion
42 rates, promotion rates, graduation rates or the lack of demonstrated significant improvement for
43 2 or more consecutive years in core academic subjects, either in the aggregate or among
44 subgroups of students, including designations based on special education, low-income, English
45 language proficiency and racial classifications.

46 Before a school is designated chronically underperforming by the commissioner, a school
47 must be designated as needs improvement or underperforming and fail to improve.

48 A school designated as needs improvement, underperforming or chronically
49 underperforming shall operate in accordance with laws regulating other public schools, except as
50 such provisions may conflict with this section or any improvement or turnaround plans created
51 thereunder. A student who is enrolled in a school at the time it is designated as needs
52 improvement, underperforming or chronically underperforming shall retain the ability to remain
53 enrolled in the school while remaining a resident of the district if the student chooses to do so.

54 (b) Upon the designation of a school as needs improvement or as an underperforming
55 school in accordance with regulations developed under this section, the superintendent of the
56 district, with approval by the commissioner, shall create an improvement or turnaround plan for
57 the school, under subsections (b) to (e), inclusive. The commissioner may allow for an expedited
58 turnaround plan for schools that have been previously designated as underperforming and where
59 the district has a turnaround plan that has had a public comment period and approval of the local
60 school committee

61 Before the superintendent creates the improvement or turnaround plan required in this
62 subsection, the superintendent shall convene a local stakeholder group of not more than 13
63 individuals, for the purpose of soliciting recommendations on the content of such plan to
64 maximize the rapid academic achievement of students at the school. The superintendent shall
65 provide due consideration to the recommendations of the stakeholder group. The group shall
66 include: (1) the commissioner, or a designee; (2) the chair of the school committee, or a
67 designee; (3) the president of the local teacher's union, or a designee; (4) an administrator from
68 the school, who may be the principal, chosen by the superintendent; (5) a teacher from the school
69 chosen by the faculty of the school; (6) a parent from the school chosen by the local parent
70 organization; (7) representatives of applicable state and local social service, health and child
71 welfare agencies, chosen by the superintendent; (8) as appropriate, representatives of state and
72 local workforce development agencies, chosen by the superintendent; (9) for elementary schools,
73 a representative of an early education and care provider chosen by the commissioner of the
74 department of early education and care and, for middle schools or high schools, a representative
75 of the higher education community selected by the secretary; and (10) a member of the
76 community appointed by the chief executive of the city or town. If the school or district does not
77 have a parent organization or if the organization does not select a parent, the superintendent shall
78 select a volunteer parent of a student from the school. The superintendent shall convene such
79 group within 30 days of the commissioner designating a school as needs improvement or
80 underperforming and the group shall make its recommendations to the superintendent within 45
81 days of its initial meeting. Meetings of the local stakeholder group shall be open to the public
82 and the recommendations submitted to the superintendent under this subsection shall be publicly
83 available immediately upon their submission.

84 (c) In creating the improvement or turnaround plan in subsection (b) the superintendent
85 shall include, after considering the recommendations of the local stakeholder group, provisions
86 intended to maximize the rapid academic achievement of students at the school, including, but
87 not limited to, a regular school day schedule that has not less than 1 additional hour of structured
88 learning time as defined in 603 CMR 27.00. The superintendent shall, to the extent practicable,
89 base the plan on student outcome data, including, but not limited to: (1) data collected under
90 section 1I or information from a school or district review performed under section 55A of
91 chapter 15; (2) student achievement on the Massachusetts Comprehensive Assessment System;
92 (3) other measures of student achievement, approved by the commissioner; (4) student

93 promotion, graduation and drop out rates; (5) achievement data for different subgroups of
94 students, including low-income students as defined in chapter 70, limited English-proficient
95 students and students receiving special education; and (6) student attendance, dismissal and
96 exclusion rates.

97 The superintendent shall also include in the creation of the improvement or turnaround
98 plan, after considering the recommendations of the local stakeholder group, the following: (1)
99 steps to address social service and health needs of students at the school and their families, to
100 help students arrive and remain at school ready to learn; provided, however, that this may
101 include mental health and substance abuse screening; (2) steps to improve or expand child
102 welfare services and, as appropriate, law enforcement services in the school community, in order
103 to promote a safe and secure learning environment; (3) steps to improve workforce development
104 services provided to students and their families at the school, to provide students and families
105 with meaningful employment skills and opportunities; (4) steps to address achievement gaps for
106 limited English-proficient, special education and low-income students; (5) alternative English
107 language learning programs for limited English proficient students, notwithstanding chapter
108 71A; and (6) a financial plan for the school, including any additional funds to be provided by the
109 district, commonwealth, federal government or other sources.

110 The secretaries of health and human services, labor and workforce development, public
111 safety and other applicable state and local social service, health and child welfare officials shall
112 coordinate with the superintendent regarding the implementation of strategies under clauses (1)
113 to (3), inclusive, of the second paragraph that are included in a final turnaround plan and shall,
114 subject to appropriation, reasonably support such implementation consistent with the
115 requirements of state and federal law applicable to the relevant programs that each such official
116 is responsible for administering. The secretary of education and the commissioner of elementary
117 and secondary education shall assist the superintendent in facilitating the coordination.

118 To assess the school across multiple measures of school performance and student
119 success, the improvement or turnaround plan shall include measurable annual goals including,
120 but not limited to: (1) student attendance, dismissal rates and exclusion rates; (2) student safety
121 and discipline; (3) student promotion, graduation and dropout rates; (4) student achievement on
122 the Massachusetts Comprehensive Assessment System; (5) progress in areas of academic
123 underperformance; (6) progress among subgroups of students, including low-income students as
124 defined by chapter 70, limited English-proficient students and students receiving special
125 education; (7) reduction of achievement gaps among different groups of students; (8) student
126 acquisition and mastery of twenty-first century skills; (9) development of college readiness,
127 including at the elementary and middle school levels; (10) parent and family engagement; (11)
128 building a culture of academic success among students; (12) building a culture of student support
129 and success among school faculty and staff and; (13) developmentally appropriate child
130 assessments from pre-kindergarten through third grade, if applicable.

131 (d) Notwithstanding any general or special law to the contrary, in creating the
132 improvement or turnaround plan required in subsection (b), the superintendent may, after
133 considering the recommendations of the group of stakeholders: (1) expand, alter or replace the
134 curriculum and program offerings of the school, including the implementation of research-based
135 early literacy programs, early interventions for struggling readers and the teaching of advanced
136 placement courses or other rigorous nationally or internationally recognized courses, if the
137 school does not already have such programs or courses; (2) reallocate the uses of the existing
138 budget of the school; (3) provide additional funds to the school from the budget of the district, if
139 the school does not already receive funding from the district at least equal to the average per
140 pupil funding received for students of the same classification and grade level in the district; (4)
141 provide funds, subject to appropriation and following consultation with applicable local unions,
142 to increase the salary of any administrator or teacher in the school, to attract or retain highly-
143 qualified administrators or teachers or to reward administrators or teachers who work in schools
144 designated as needs improvement or underperforming that achieve the annual goals set forth in
145 the improvement or turnaround plan; (5) expand the school day or school year or both of the
146 school; (6) for an elementary school, add pre-kindergarten and full-day kindergarten classes, if
147 the school does not already have such classes; (7) following consultation with applicable local
148 unions, require the principal and all administrators, teachers and staff to reapply for their
149 positions in the school, with full discretion vested in the superintendent regarding his
150 consideration of and decisions on rehiring based on the reapplications; (8) limit, suspend or
151 change 1 or more provisions of any contract or collective bargaining agreement, as the contract
152 or agreement applies to the school; provided, that the superintendent shall not reduce the
153 compensation of an administrator, teacher or staff member unless the hours of the person are
154 proportionately reduced; (9) limit, suspend or change 1 or more school district policies or
155 practices, as such policies or practices relate to the school; (10) include a provision of job-
156 embedded professional development for teachers at the school, with an emphasis on strategies
157 that involve teacher input and feedback; (11) provide for increased opportunities for teacher
158 planning time and collaboration focused on improving student instruction; (12) establish a plan
159 for professional development for administrators at the school, with an emphasis on strategies that
160 develop leadership skills and use the principles of distributive leadership; (13) establish steps to
161 assure a continuum of high-expertise teachers by aligning the following processes with a
162 common core of professional knowledge and skill: hiring, induction, teacher evaluation,
163 professional development, teacher advancement, school culture and organizational structure; (14)
164 develop a strategy to search for and study best practices in areas of demonstrated deficiency in
165 the school; (15) establish strategies to address mobility and transiency among the student
166 population of the school; and (16) include additional components based on the reasons why the
167 school was designated as needs improvement or underperforming and the recommendations of
168 the group of stakeholders in subsection (b).

169 If the superintendent does not approve a reapplication submitted by an employee under
170 clause (7) for a position in the school or if an employee does not submit a reapplication for a

171 position in the school, the employee shall retain such rights as may be provided under law or any
172 applicable collective bargaining agreement in relation to the employee's ability to fill an open
173 position in the district; provided, however, that the employee shall not have the right to displace
174 any teacher in any position.

175 A teacher with professional teacher status in a school declared needs improvement or
176 underperforming may be dismissed for good cause; provided, however, that the teacher receives
177 5 days written notice of the decision to terminate which shall include, without limitation, an
178 explanation of the reason why the superintendent is not retaining the teacher in the school;
179 provided, further, that the teacher may seek review of a termination decision within 5 days after
180 receiving notice of the teacher's termination by filing a petition for expedited arbitration with the
181 commissioner; provided, further, that except as otherwise provided herein, section 42 of chapter
182 71 shall apply to a petition filed under this section; provided, further, that the commissioner shall
183 cause an arbitrator to be selected under the procedures in section 42 of chapter 71 within 3 days
184 of receipt of petition and the arbitrator shall conduct and complete a hearing within 10 days of
185 receipt of the petition; provided, further, that in reviewing dismissal decisions, the arbitrator shall
186 consider the components of the improvement or turnaround plan and shall also consider any
187 personnel evaluations conducted that are consistent with the guidelines established under section
188 1B; and provided, further, that the arbitrator's decision shall be issued within 10 days from the
189 completion of the hearing.

190 The principal in a school designated as needs improvement or underperforming shall
191 have decision-making authority, subject to the approval of the superintendent, for the hiring or
192 assignment of all administrators, teachers and staff in the school, provided, however that both the
193 principal and the person seeking a position in the school mutually agree to the hiring or
194 assignment.

195 For a school with limited English-proficient students, the professional development and
196 planning time for teachers and administrators identified in clauses (10) to (12), inclusive, shall
197 include specific strategies and content designed to maximize the rapid academic achievement of
198 limited English-proficient students at the school.

199 (e) Within 30 days of the local stakeholder group making recommendations under
200 subsection (b), the superintendent shall submit an improvement or turnaround plan to the local
201 stakeholder group, the school committee and the commissioner, all of whom may propose
202 modifications to the plan. The superintendent shall make such plan immediately available to the
203 public upon the submission. The stakeholder group, the school committee and the commissioner
204 shall submit any proposed modifications to the superintendent not more than 30 days after the
205 date of submission of the improvement or turnaround plan and the proposed modifications shall
206 be made public immediately upon their submission to the superintendent. The superintendent
207 shall consider and may incorporate the modifications into the plan if the superintendent
208 determines that inclusion of the modifications would further promote the rapid academic

209 achievement of students at the school or may alter or reject the proposed modifications submitted
210 under this subsection. Within 30 days of receiving any proposed modifications under this
211 subsection, the superintendent shall issue a final improvement or turnaround plan for the school
212 and the plan shall be made publicly available.

213 (f) Within 30 days of the issuance of a final improvement or turnaround plan under
214 subsection (e) a school committee or local union may appeal to the commissioner regarding 1 or
215 more components of the plan, including the absence of 1 or more modifications proposed under
216 subsection (e). The commissioner may, in consultation with the superintendent, modify the plan
217 if the commissioner determines that: (1) such modifications would further promote the rapid
218 academic achievement of students in the applicable school; (2) a component of the plan was
219 included, or a modification was excluded, on the basis of demonstrably-false information or
220 evidence; or (3) the superintendent failed to meet the requirements of subsections (b) to (e),
221 inclusive. The decision of the commissioner regarding an appeal under this subsection shall be
222 made within 30 days and shall be final.

223 (g) If, after considering the recommendations of the group of stakeholders, the
224 superintendent considers it necessary to maximize the rapid academic achievement of students at
225 the applicable school by altering the compensation, hours and working conditions of the
226 administrators, teachers, principal and staff at the school or by altering other provisions of a
227 contract or collective bargaining agreement applicable to the administrators, teachers, principal
228 and staff, the superintendent may request that the school committee and any union bargain or
229 reopen the bargaining of the relevant collective bargaining agreement to facilitate such
230 achievement. The bargaining shall be conducted in good faith and completed not later than 30
231 days from the point at which the superintendent requested that the parties bargain. The
232 agreement shall be subject to ratification within 10 business days by the bargaining unit members
233 in the school. If the parties are unable to reach an agreement within 30 days or if the agreement is
234 not ratified within 10 business days by the bargaining unit members of the school, the parties
235 shall submit remaining unresolved issues to a joint resolution committee for a dispute resolution
236 process on the next business day following the end of the 30-day bargaining period or failure to
237 ratify.

238 The joint resolution committee shall be comprised of 3 members, 1 of whom shall be
239 appointed by the employee organization within 3 business days following the submission of
240 unresolved issues to the joint resolution committee, 1 of whom shall be appointed by the school
241 committee within 3 business days following the submission of unresolved issues to the joint
242 resolution committee and 1 of whom shall be selected through the American Arbitration
243 Association who shall forthwith forward to the parties a list of 3 conciliators, each of whom shall
244 have professional experience in elementary and secondary education, from which the parties may
245 agree upon a single conciliator provided, however, that if the parties cannot select a conciliator
246 from among the 3 within 3 business days, the American Arbitration Association shall select a
247 conciliator from the remaining names. The joint resolution committee shall conduct a dispute

248 resolution process to be concluded within 10 business days of selection. This process shall be
249 conducted in accordance with the rules of the American Arbitration Association and consistent
250 with this section. The fee for the process shall be shared equally between the 2 parties involved.

251 The joint resolution committee shall consider the positions of the parties, the designation
252 of the school as needs improvement or underperforming and the needs of the students in the
253 school. Notwithstanding any other provision of this chapter, the decision of the joint resolution
254 committee shall be dispositive of all the issues in dispute and shall be submitted to the parties
255 within 10 business days of the completion of the process. Under no circumstance shall a time
256 extension be granted beyond 10 business days of the completion of the process. If a decision is
257 not submitted to the parties within 10 business days, the commissioner will resolve all
258 outstanding issues.

259 (h) The superintendent may select an external receiver to operate the school and
260 implement the improvement or turnaround plan or to assist the superintendent with the
261 implementation. The superintendent may appoint the receiver if the superintendent determines
262 that conditions exist in the district that are likely to negatively affect his ability to implement the
263 plan successfully. A school committee may appeal to the commissioner the decision of the
264 superintendent to appoint an external receiver. The commissioner may reverse such decision
265 only if he determines that the superintendent made the decision on the basis of demonstrably-
266 false information or evidence. A receiver shall be a non-profit entity or an individual with a
267 demonstrated record of success in improving low-performing schools or the academic
268 performance of disadvantaged students. The selection of the receiver by the superintendent shall
269 not be subject to chapter 30B. A receiver shall be subject to section 11A 1/2 of chapter 30A and
270 chapter 66. A receiver who is an individual shall also be subject to chapter 268A.

271 (i) An external receiver selected by the superintendent to operate a school shall have full
272 managerial and operational control over the school as provided in the improvement or
273 turnaround plan. For all other purposes, the school district in which the school is located shall
274 remain the employer of record.

275 (j) Each improvement or turnaround plan shall be authorized for a period of not more
276 than 3 years, subject to subsection (k). The superintendent or external receiver, as applicable,
277 may develop additional components of the improvement or turnaround plan under subsections
278 (b) to (g) inclusive and shall develop annual goals for each component of the plan, in a manner
279 consistent with subsections (b) to (g), inclusive. The superintendent or external receiver, as
280 applicable, shall be responsible for meeting the goals of the plan.

281 (k) Each school designated by the commissioner as needs improvement or
282 underperforming under subsection (a) shall be reviewed by the superintendent, in consultation
283 with the principal of the school, at least annually. The purpose of the review shall be to
284 determine whether the school has met the annual goals in its improvement or turnaround plan

285 and to assess the overall implementation of the plan. The review shall be in writing and shall be
286 submitted to the commissioner and the relevant school committee not later than July 1 for the
287 preceding school year. The review shall be submitted in a format determined by the department
288 of elementary and secondary education.

289 If the commissioner determines that the school has met the annual performance goals
290 stated in the improvement or turnaround plan, the review shall be considered sufficient and the
291 implementation of the plan shall continue. If the commissioner determines that the school has not
292 met 1 or more goals in the improvement or turnaround plan and that the failure to meet the goals
293 may be corrected through reasonable modification of the plan, the superintendent may amend the
294 plan in a manner consistent with the provisions of subsection (b) to (g) inclusive. If the
295 commissioner determines that the school has substantially failed to meet 1 or more goals in the
296 plan, the commissioner may appoint an examiner to conduct an evaluation of the school's
297 implementation of the improvement or turnaround plan.

298 If the commissioner determines that the school has substantially failed to meet multiple
299 goals in the plan, the commissioner may require changes to the improvement or turnaround plan
300 to be implemented by the superintendent in the following year or the appointment of an external
301 partner to advise and assist the superintendent in implementing the plan the following year. The
302 selection of the external partner by the commissioner shall not be subject to sections 51 and 52 of
303 chapter 30. If the changes to the improvement or turnaround plan require changes in a collective
304 bargaining agreement applicable to administrators, teachers or staff in the school, the bargaining
305 procedure in subsection (g) shall be used. If a school designated as needs improvement or
306 underperforming is operated by an external receiver, the commissioner may require the
307 superintendent to terminate the receiver and develop a new improvement or turnaround plan.

308 (l) Upon the expiration of an improvement or turnaround plan, the commissioner shall
309 conduct a review of the school to determine whether the school has improved sufficiently,
310 requires further improvement or has failed to improve. On the basis of such review, the
311 commissioner may determine that: (1) the school has improved sufficiently for the designation of
312 the school as needs improvement or underperforming to be removed; (2) the school has not
313 improved to the point that it is no longer eligible to be designated as needs improvement or
314 underperforming, in which case the superintendent may, with the approval of the commissioner,
315 renew the improvement or turnaround plan or create a new or modified improvement or
316 turnaround plan for an additional period of not more than 3 years, consistent with the
317 requirements of subsections (a) to (g); or (3) consistent with the requirements of subsection (a),
318 the school is chronically underperforming. The commissioner may recommend the appointment
319 of an external receiver by the superintendent if the commissioner believes that a new or modified
320 improvement or turnaround plan implemented by the superintendent will not result in rapid
321 improvement. In carrying out this subsection, the superintendent shall: (1) in the case of a
322 renewal of an improvement or turnaround plan, determine subsequent annual goals for each
323 component of the plan with the input of the local stakeholder group as defined in subsection (b);

324 or (2) create a new or modified improvement or turnaround plan as necessary, consistent with the
325 requirements of this section.

326 (m) Upon the designation of a school as a chronically underperforming school in
327 accordance with the regulations developed under this section, the commissioner shall create a
328 turnaround plan for the school under this subsection and subsections (n) to (p), inclusive. Upon
329 implementation of the turnaround plan required in this subsection, a school designated as
330 chronically underperforming shall have a regular schedule of not less than 7.5 hours per day for
331 all grades except kindergarten in an elementary school and 8.0 hours per day for a high school
332 unless the turnaround plan contains an explanation of why the school's regular schedule should
333 contain fewer hours per day.

334 Before creating the turnaround plan required in this subsection, the commissioner shall
335 convene a local stakeholder group of not more than 13 individuals for the purpose of soliciting
336 recommendations on the content of such plan in order to maximize the rapid academic
337 achievement of students. The commissioner shall provide due consideration to the
338 recommendations of the stakeholder group. The group shall include: (1) the superintendent, or a
339 designee; (2) the chair of the school committee, or a designee; (3) the president of the local
340 teacher's union, or a designee; (4) an administrator from the school, who may be the principal,
341 chosen by the superintendent; (5) a teacher from the school chosen by the faculty of the school;
342 (6) a parent from the school chosen by the local parent organization; (7) representatives of
343 applicable state and local social service, health and child welfare agencies, chosen by the
344 commissioner; (8) as appropriate, representatives of state and local workforce development
345 agencies, chosen by the commissioner; (9) for elementary schools, a representative of an early
346 education and care provider chosen by the commissioner of the department of early education
347 and care and, for middle schools or high schools, a representative of the higher education
348 community selected by the secretary of education; and (10) a member of the community
349 appointed by the chief executive of the city or town. If the school or district does not have a
350 parent organization or if the organization does not select a parent, the commissioner shall select a
351 volunteer parent of a student from the school. The commissioner shall convene the group within
352 30 days of the designation of a school as chronically underperforming and the group shall make
353 its recommendations to the commissioner within 45 days of its initial meeting. Meetings of the
354 local stakeholder group shall be open to the public and the recommendations submitted to the
355 commissioner under this subsection shall be publicly available immediately upon their
356 submission.

357 (n) In creating the turnaround plan required in subsection (m), the commissioner shall
358 include, after considering the recommendations of the local stakeholder group, provisions
359 intended to maximize the rapid academic achievement of students at the school and shall, to the
360 extent practicable, base the plan on student outcome data, including, but not limited to: (1) data
361 collected under section 1I or information from a school or district review performed under
362 section 55A of chapter 15; (2) student achievement on the Massachusetts Comprehensive

363 Assessment System; (3) other measures of student achievement, approved by the commissioner,
364 as appropriate; (4) student promotion, graduation and drop out rates; (5) achievement data for
365 different subgroups of students, including low-income students as defined by chapter 70, limited
366 English-proficient students and students receiving special education; and (6) student attendance,
367 dismissal, and exclusion rates.

368 The commissioner shall include in the creation of the turnaround plan, after considering
369 the recommendations of the local stakeholder group, the following: (1) steps to address social
370 service and health needs of students at the school, and their families, in order to help students
371 arrive and remain at school ready to learn; provided, however, that this may include mental
372 health and substance abuse screening; (2) steps to improve or expand child welfare services and,
373 as appropriate, law enforcement services in the school community, in order to promote a safe and
374 secure learning environment; (3) steps to improve workforce development services provided to
375 students at the school, and their families, in order to provide students and families with
376 meaningful employment skills and opportunities; (4) steps to address achievement gaps for
377 limited English-proficient, special education and low-income students; (5) alternative English
378 language learning programs for limited-English proficient students, notwithstanding chapter
379 71A; and (6) a financial plan for the school, including any additional funds to be provided by the
380 district, commonwealth, federal government or other sources.

381 The secretaries of health and human services, labor and workforce development, public
382 safety and other applicable state and local social service, health and child welfare officials shall
383 coordinate with the secretary of education and the commissioner regarding the implementation of
384 strategies under clauses (1) to (3), inclusive, of the second paragraph that are included in a final
385 turnaround plan and shall, subject to appropriation, reasonably support the implementation
386 consistent with the requirements of state and federal law applicable to the relevant programs that
387 each official is responsible for administering.

388 In order to assess the school across multiple measures of school performance and student
389 success, the turnaround plan shall include measurable annual goals including, but not limited to,
390 the following: (1) student attendance, dismissal and exclusion rates; (2) student safety and
391 discipline; (3) student promotion, graduation and dropout rates; (4) student achievement on the
392 Massachusetts Comprehensive Assessment System; (5) progress in areas of academic
393 underperformance; (6) progress among subgroups of students, including low-income students as
394 defined by chapter 70, limited English-proficient students and students receiving special
395 education; (7) reduction of achievement gaps among different groups of students; (8) student
396 acquisition and mastery of 21st-century skills; (9) development of college readiness, including at
397 the elementary and middle school levels; (10) parent and family engagement; (11) building a
398 culture of academic success among students; (12) building a culture of student support and
399 success among school faculty and staff; and (13) developmentally appropriate child assessments
400 from pre-kindergarten through third grade, if applicable.

401 (o) Notwithstanding any general or special law to the contrary, in creating the turnaround
402 plan required in subsection (m), the commissioner may, after considering the recommendations
403 of the group of stakeholders: (1) expand, alter or replace the curriculum and program offerings of
404 the school, including the implementation of research-based early literacy programs, early
405 interventions for struggling readers and the teaching of advanced placement courses or other
406 rigorous nationally or internationally recognized courses, if the school does not already have
407 such programs or courses; (2) reallocate the uses of the existing budget of the school; (3) provide
408 additional funds to the school from the budget of the district, if the school does not already
409 receive funding from the district at least equal to the average per pupil funding received for
410 students of the same classification and grade level in the district; (4) provide funds, subject to
411 appropriation, to increase the salary of an administrator, or teacher in the school, in order to
412 attract or retain highly-qualified administrators or teachers or to reward administrators, or
413 teachers who work in chronically underperforming schools that achieve the annual goals set forth
414 in the turnaround plan; (5) expand the school day or school year or both of the school; (6) for an
415 elementary school, add pre-kindergarten and full-day kindergarten classes, if the school does not
416 already have such classes; (7) limit, suspend, or change 1 or more provisions of any contract or
417 collective bargaining agreement, as the contract or agreement applies to the school; provided,
418 however, that the commissioner shall not reduce the compensation of an administrator, teacher or
419 staff member unless the hours of the person are proportionately reduced; and provided further,
420 that the commissioner may require the school committee and any applicable unions to bargain in
421 good faith for 30 days before exercising authority under this clause; (8) following consultation
422 with applicable local unions, require the principal and all administrators, teachers and staff to
423 reapply for their positions in the school, with full discretion vested in the commissioner
424 regarding his consideration of and decisions on rehiring based on the reapplications; (9) limit,
425 suspend or change 1 or more school district policies or practices, as such policies or practices
426 relate to the school; (10) include a provision of job-embedded professional development for
427 teachers at the school, with an emphasis on strategies that involve teacher input and feedback;
428 (11) provide for increased opportunities for teacher planning time and collaboration focused on
429 improving student instruction; (12) establish a plan for professional development for
430 administrators at the school, with an emphasis on strategies that develop leadership skills and use
431 the principles of distributive leadership; (13) establish steps to assure a continuum of high
432 expertise teachers by aligning the following processes with a common core of professional
433 knowledge and skill: hiring, induction, teacher evaluation, professional development, teacher
434 advancement, school culture and organizational structure; (14) develop a strategy to search for
435 and study best practices in areas of demonstrated deficiency in the school; (15) establish
436 strategies to address mobility and transiency among the student population of the school; and
437 (16) include additional components, at the discretion of the commissioner, based on the reasons
438 the school was designated as chronically underperforming and the recommendations of the local
439 stakeholder group in subsection (m).

440 If the commissioner does not approve a reapplication submitted by an employee under
441 clause (8) for a position in the school or if an employee does not submit a reapplication for a
442 position in the school, the employee shall retain such rights as may be provided under law or any
443 applicable collective bargaining agreement, in relation to the employee's ability to fill an open
444 position in the district; provided, however, that the employee shall not have the right to displace
445 any teacher in any position.

446 A teacher with professional teacher status in a school declared chronically
447 underperforming may be dismissed for good cause; provided, however, that the teacher receives
448 5 days written notice of the decision to terminate which shall include without limitation an
449 explanation of the reason why the commissioner is not retaining the teacher in the school;
450 provided, further, that the teacher may seek review of a termination decision within 5 days after
451 receiving notice of the teacher's termination by filing a petition for expedited arbitration with the
452 commissioner; provided further, that except as otherwise provided herein, section 42 of chapter
453 71 shall apply to a petition filed under this section; provided further, that the commissioner shall
454 cause an arbitrator to be selected under the procedures in section 42 of chapter 71 within 3 days
455 of receipt of petition and the arbitrator shall conduct and complete a hearing within 10 days of
456 receipt of the petition; provided, further, that in reviewing dismissal decisions, the arbitrator shall
457 consider the components of the turnaround plan and shall also consider any personnel
458 evaluations conducted that are consistent with the guidelines established under section 1B; and
459 provided, further, that the arbitrator's decision shall be issued within 10 days from the
460 completion of the hearing.

461 In a school designated as chronically underperforming, the commissioner shall have
462 decision-making authority for the hiring or assignment of all administrators, teachers and staff in
463 the school, provided, however, that both the commissioner and the person seeking a position in
464 the school mutually agree to the hiring or assignment.

465 For a school with limited English-proficient students, the professional development and
466 planning time for teachers and administrators identified in clauses (10) to (12), inclusive, shall
467 include specific strategies and content designed to maximize the rapid academic achievement of
468 the limited English-proficient students.

469 If the commissioner proposes to reallocate funds to the school from the budget of the
470 district under clause (3), the commissioner shall notify the school committee, in writing, of the
471 amount of and rationale for the reallocation.

472 (p) Within 30 days of the local stakeholder group making recommendations under
473 subsection (m), the commissioner shall submit a turnaround plan to the local stakeholder group,
474 the superintendent and the school committee, all of whom may propose modifications to the
475 plan. The commissioner shall make the plan immediately available to the public upon
476 submission. The stakeholder group, the superintendent and the school committee shall submit

477 any proposed modifications to the commissioner within 30 days after the date of submission of
478 the turnaround plan and the proposed modifications shall be made public immediately upon their
479 submission to the commissioner. The commissioner shall consider and incorporate the
480 modifications into the plan if the commissioner determines that inclusion of the modifications
481 would further promote the rapid academic achievement of students at the applicable school. The
482 commissioner may alter or reject modifications submitted under this subsection. Within 30 days
483 of receiving any proposed modifications, the commissioner shall issue a final turnaround plan for
484 the school and the plan shall be made publicly available.

485 (q) Within 30 days of the issuance of a final turnaround plan under subsection (p), a
486 superintendent, school committee or local union may appeal to the board of elementary and
487 secondary education regarding 1 or more components of the plan, including the absence of 1 or
488 more modifications proposed under subsection (p). A majority of the board may vote to modify
489 the plan if the board determines that: (1) such modifications would further promote the rapid
490 academic achievement of students in the applicable school; (2) a component of the plan was
491 included, or a modification was excluded, on the basis of demonstrably-false information or
492 evidence; or (3) the commissioner failed to meet the requirements of subsections (m) to (p),
493 inclusive. The decision of the board regarding an appeal under this subsection shall be made
494 within 30 days and shall be final.

495 (r) In the case of a chronically underperforming school, the commissioner may, under the
496 circumstances described in this subsection, send a targeted assistance team to the school to assist
497 the superintendent with the implementation of the turnaround plan, require the superintendent to
498 implement the turnaround plan, or select an external receiver to operate the school and
499 implement the turnaround plan. The commissioner may appoint such receiver if the
500 commissioner determines that: (1) the superintendent is unlikely to implement the plan
501 successfully; or (2) conditions exist in the district that are likely to negatively affect the ability of
502 the superintendent to implement such plan successfully. A receiver shall be a non-profit entity or
503 an individual with a demonstrated record of success in improving low performing schools or the
504 academic performance of disadvantaged students. The selection of the receiver by the
505 commissioner shall not be subject to chapter 30B or sections 51 and 52 of chapter 30. A receiver
506 shall be subject to section 11A1/2 of chapter 30A and chapter 66. A receiver who is an individual
507 shall also be subject to chapter 268A.

508 The commissioner may select the external receiver upon the designation of a school as
509 chronically underperforming. The external receiver may serve as the commissioner's designee
510 for the purpose of creating a school's turnaround plan under subsections (m) to (p), inclusive.

511 (s) An external receiver selected by the commissioner to operate a chronically
512 underperforming school shall have full managerial and operational control over the school as
513 provided in the turnaround plan. For all other purposes, the school district in which the school is
514 located shall remain the employer of record.

515 (t) Each turnaround plan shall be authorized for a period of not more than 3 years, subject
516 to subsection (v). The superintendent or external receiver, as applicable, may develop additional
517 components of the plan and shall develop annual goals for each component of the plan in a
518 manner consistent with subsection (n), all of which must be approved by the commissioner. The
519 superintendent or external receiver, as applicable, shall be responsible for meeting the goals of
520 the turnaround plan.

521 (u) The commissioner or external receiver, as applicable, shall provide a written report to
522 the school committee on a quarterly basis to provide specific information about the progress
523 being made on the implementation of the school's turnaround plan. One of the quarterly reports
524 shall be the annual evaluation under subsection (v).

525 (v) The commissioner shall evaluate each chronically underperforming school at least
526 annually. The purpose of the evaluation shall be to determine whether the school has met the
527 annual goals in its turnaround plan and assess the implementation of the plan at the school. The
528 review shall be in writing and shall be submitted to the superintendent and the school committee
529 not later than July 1 for the preceding school year. The review shall be submitted in a format
530 determined by the department of elementary and secondary education.

531 If the commissioner determines that the school has met the annual performance goals
532 stated in the turnaround plan, the review shall be considered sufficient and the implementation of
533 the turnaround plan shall continue. If the commissioner determines that the school has not met 1
534 or more goals in the plan, the commissioner may modify the plan in a manner consistent with
535 subsection (n).

536 If the commissioner determines that the school has substantially failed to meet multiple
537 goals in the plan, the commissioner may: (1) if the school is operated by a superintendent,
538 appoint an external receiver, as defined in subsection (r), to operate the school; or (2) if the
539 school is operated by an external receiver terminate the contract of the external receiver;
540 provided, however, that the commissioner shall not terminate the receiver before the completion
541 of the first full school year of the operation of the chronically underperforming school.

542 (w) Upon the expiration of a turnaround plan for a chronically underperforming school,
543 the commissioner shall conduct a review of the school to determine whether the school has
544 improved sufficiently, requires further improvement or has failed to improve. On the basis of
545 such review, the commissioner may: (1) on the basis of a superintendent's or external receiver's
546 success in meeting the terms of the plan, renew the plan with the superintendent or external
547 receiver for an additional period of not more than 3 years; (2) if a school operated by a
548 superintendent remains chronically underperforming, appoint an external receiver, as defined in
549 subsection (r), to operate the school; (3) if a chronically underperforming school operated by an
550 external receiver remains chronically underperforming, transfer the operation of the school from
551 the receiver to the applicable superintendent or to another external receiver; or (4) determine that

552 the school has improved sufficiently for the designation of chronically underperforming to be
553 removed. The commissioner shall: (1) in the case of a renewal of a turnaround plan, jointly
554 determine subsequent annual goals for each component of the plan with the superintendent or
555 external receiver, as applicable; or (2) create a new or modified turnaround plan as necessary,
556 consistent with the requirements of this section. If a chronically underperforming school has
557 improved sufficiently for the designation of chronically underperforming to be removed, the
558 commissioner may designate the school as needs improvement or as an underperforming school.
559 Upon the designation of the school as needs improvement or as an underperforming school in
560 accordance with regulations developed under this section, the superintendent of the district, with
561 approval by the commissioner, shall create an improvement or turnaround plan for the school,
562 under subsections (b) to (e), inclusive.

563 (x) Notwithstanding any general or special law to the contrary, any school designated as
564 needs improvement, underperforming or chronically underperforming that is operating a limited-
565 English proficient program or programs for limited English proficient students in any 1 language
566 group shall establish a limited English proficient parent advisory council. The parent advisory
567 council shall be comprised of parents or legal guardians of students who are enrolled in limited
568 English proficient programs within the school. Each parent advisory council shall have at least 1
569 representative from every language group in which a program is conducted in a given school.
570 Membership shall be restricted to parents or legal guardians of students enrolled in limited
571 English proficient programs within the school. The duties of the parent advisory council shall
572 include, but not be limited to, advising the school on matters that pertain to the education of
573 students in limited English proficient programs, meeting regularly with school officials to
574 participate in the planning and development of a plan to improve educational opportunities for
575 limited English proficient students, and to participate in the review of school improvement plans
576 established under section 59C of chapter 71 as they pertain to limited English proficient students.
577 Any parent advisory council may, at its request, meet at least once annually with the school
578 council. The parent advisory council shall establish by-laws regarding officers and operational
579 procedures. In the course of its duties under this section, the parent advisory council shall receive
580 assistance from the director of limited English proficient programs for the district or other
581 appropriate school personnel as designated by the superintendent.

582 (y) The board of elementary and secondary education shall adopt regulations regarding:
583 (1) the conditions under which a school designated as needs improvement, underperforming or
584 chronically underperforming shall no longer be so designated; and (2) the transfer of the
585 operation of a school designated as needs improvement, underperforming or chronically
586 underperforming from a superintendent or an external receiver, as applicable, to the school
587 committee. The regulations shall include provisions to allow a school to retain measures adopted
588 in an improvement or turnaround plan.

589 (z) The commissioner shall report annually to the joint committee on education, the house
590 and senate committees on ways and means, the speaker of the house of representatives and the

591 senate president on the implementation and fiscal impact of this section and section 1K. The
592 report shall include, but not be limited to, a list of all schools currently designated as needs
593 improvement, underperforming or chronically underperforming, a list of all districts currently
594 designated as chronically underperforming, the plans and timetable for returning the schools and
595 districts to the local school committee and strategies used in each of the schools and districts to
596 maximize the rapid academic achievement of students.

597 SECTION 5. Said chapter 69 is hereby further amended by striking out section 1K, as so
598 appearing, and inserting in place thereof the following section:-

599 Section 1K. (a) The commissioner of elementary and secondary education may, on the
600 basis of student performance data collected under section 1I, a district review performed under
601 section 55A of chapter 15, or regulations adopted by the board of elementary and secondary
602 education, deem a district eligible for designation as chronically underperforming. The board
603 shall adopt regulations establishing standards for the commissioner to make such an eligibility
604 determination on the basis of data collected under section 1I or information from a district
605 review performed under section 55A of chapter 15. Upon the release of the proposed regulations,
606 the board shall file a copy thereof with the clerks of the house of representatives and the senate
607 who shall forward the regulations to the joint committee on education. Within 30 days of the
608 filing, the committee may hold a public hearing and issue a report on the regulations and file the
609 report with the board. The board, under applicable law, may adopt final regulations making
610 revisions to the proposed regulations as it deems appropriate after consideration of the report and
611 shall forthwith file a copy of the regulations with the chairpersons of the joint committee on
612 education and, not earlier than 30 days of the filing, the board shall file the final regulations with
613 the state secretary.

614 Following such determination, the commissioner shall appoint a district review team
615 under section 55A of chapter 15 to assess and report on the reasons for the underperformance
616 and the prospects for improvement, unless such an assessment has been completed by a district
617 review team within the previous year that the commissioner considers adequate. The district
618 review team shall include at least 1 person with expertise in the academic achievement of limited
619 English-proficient students. Upon review of the findings of the district review team, the board
620 may declare the district chronically underperforming.

621 Following such a declaration, the board shall designate a receiver for the district with all
622 the powers of the superintendent and school committee. The receiver shall be a non-profit entity
623 or an individual with a demonstrated record of success in improving low-performing schools or
624 districts or the academic performance of disadvantaged students who shall report directly to the
625 commissioner. The selection of the receiver by the board shall not be subject to sections 51 and
626 52 of chapter 30. An external receiver designated by the board to operate a district under this
627 subsection shall have full managerial and operational control over such district; provided,
628 however, that the school district shall remain the employer of record for all other purposes. A

629 receiver shall be subject to section 11A 1/2 of chapter 30A and chapter 66. A receiver who is an
630 individual shall also be subject to chapter 268A. A receiver shall be exempt from chapter 30B;
631 provided, however, that the receiver shall comply with sections 51 and 52 of chapter 30.

632 Not more than 2.5 per cent of the total number of school districts may be designated as
633 chronically underperforming at any given time.

634 In adopting regulations allowing the board to designate a district as chronically
635 underperforming, the board must ensure that the regulations account for multiple indicators of
636 district quality including student attendance, dismissal rates, exclusion rates, student promotion
637 and graduation rates in the district, or the lack of demonstrated significant improvement for 2 or
638 more consecutive years in core academic subjects, either in the aggregate or among subgroups of
639 students, including designations based on special education classification, low-income, English
640 language proficiency and racial classifications.

641 (b) The commissioner and the receiver shall jointly create a turnaround plan to promote
642 the rapid improvement of the chronically underperforming district. The plan shall specifically
643 focus on the school or schools in the district that have been designated as needs improvement,
644 underperforming or chronically underperforming under section 1J and the district policies or
645 practices that have contributed to chronic underperformance.

646 Before creating the turnaround plan required in this subsection, the commissioner and
647 receiver shall convene a local stakeholder group of not more than 13 individuals for the purpose
648 of soliciting recommendations on the content of such plan in order to maximize the rapid
649 improvement of the academic achievement of students. The commissioner and receiver shall
650 provide due consideration to the recommendations of the local stakeholder group. The group
651 shall include: (1) the superintendent, or a designee; (2) the chair of the school committee, or a
652 designee; (3) the president of the local teacher's union, or a designee; (4) a selection of
653 administrators from the district, chosen by the commissioner and receiver from among
654 volunteers from the district; (5) a selection of teachers from the district, chosen by the local
655 teacher's union; (6) a selection of parents from the district chosen by the local parent
656 organization; (7) representatives of applicable state and local social service, health, and child
657 welfare agencies chosen by the commissioner and receiver; (8) as appropriate, representatives of
658 state and local workforce development agencies chosen by the commissioner and receiver; (9) a
659 representative of an early education and care provider chosen by the commissioner of the
660 department of early education and care, or for middle or high schools, a representative of the
661 higher education community selected by the secretary of education; and (10) a member of the
662 community appointed by the chief executive of the city or town. If the district does not have a
663 parent organization or if the organization does not select a parent, the commissioner and receiver
664 shall select a volunteer parent of a student from the district. The commissioner and receiver shall
665 convene the group within 30 days of the board designating a district as chronically
666 underperforming and the group shall make its recommendations to the commissioner and

667 receiver within 45 days of its initial meeting. Meetings of the local stakeholder group shall be
668 open to the public and the recommendations submitted to the commissioner and receiver shall be
669 publicly available immediately upon their submission.

670 (c) In creating the turnaround plan, the commissioner and receiver shall include measures
671 intended to maximize the rapid improvement of the academic achievement of students in the
672 district and shall, to the extent practicable, base the plan on student outcome data, including, but
673 not limited to: (1) data collected under section 1I, or information from a school or district review
674 performed under section 55A of chapter 15; (2) student achievement on the Massachusetts
675 Comprehensive Assessment System; (3) other measures of student achievement, approved by the
676 commissioner; (4) student promotion and graduation and drop out rates; (5) achievement data for
677 different subgroups of students, including low-income students as defined in chapter 70, limited
678 English-proficient students and students receiving special education; and (6) student attendance,
679 dismissal rates and exclusion rates. In creating the turnaround plan required in subsection (b), the
680 commissioner and receiver shall include, after considering the recommendations of the local
681 stakeholder group, the following: (1) steps to address social service and health needs of students
682 in the district and their families in order to help students arrive and remain at school ready to
683 learn; provided, however, that this may include mental health and substance abuse screening; (2)
684 steps to improve or expand child welfare services and, as appropriate, law enforcement services
685 in the school district community, in order to promote a safe and secure learning environment; (3)
686 as applicable, steps to improve workforce development services provided to students in the
687 district and their families in order to provide students and families with meaningful employment
688 skills and opportunities; (4) steps to address achievement gaps for limited English-proficient,
689 special education and low-income students, as applicable; (5) alternative English language
690 learning programs for limited-English proficient students, notwithstanding chapter 71A; and (6)
691 a budget for the district including any additional funds to be provided by the commonwealth,
692 federal government or other sources.

693 The secretaries of health and human services, public safety, labor and workforce
694 development and other applicable state and local social service, health and child welfare officials
695 shall coordinate with the secretary of education and the commissioner regarding the
696 implementation of strategies under clauses (1) to (3), inclusive, of this subsection that are
697 included in a turnaround plan and shall, subject to appropriation, reasonably support the
698 implementation consistent with the requirements of state and federal law applicable to the
699 relevant programs that each such official is responsible for administering.

700 In order to assess the district across multiple measures of district performance and student
701 success, the turnaround plan shall include measurable annual goals including, but not limited to,
702 the following: (1) student attendance, dismissal and exclusion rates; (2) student safety and
703 discipline; (3) student promotion, graduation and dropout rates; (4) student achievement on the
704 Massachusetts Comprehensive Assessment System; (5) progress in areas of academic
705 underperformance; (6) progress among subgroups of students, including low-income students as

706 defined by chapter 70, limited English-proficient students and students receiving special
707 education; (7) reduction of achievement gaps among different groups of students; (8) student
708 acquisition and mastery of 21st-century skills; (9) development of college readiness, including at
709 the elementary and middle school levels; (10) parent and family engagement; (11) building a
710 culture of academic success among students; (12) building a culture of student support and
711 success among faculty and staff; and (13) developmentally appropriate child assessments from
712 pre-kindergarten through third grade, if applicable.

713 (d) Notwithstanding any general or special law to the contrary, in creating the turnaround
714 plan under subsection (b), the commissioner and the receiver may, after considering the
715 recommendations of the group of stakeholders: (1) expand, alter or replace the curriculum and
716 program offerings of the district or of a school in the district, including the implementation of
717 research-based early literacy programs, early interventions for struggling readers and the
718 teaching of advanced placement courses or other rigorous nationally or internationally
719 recognized courses, if the district or schools in the district do not already have such programs or
720 courses; (2) reallocate the uses of the existing budget of the district; (3) provide funds, subject to
721 appropriation, to increase the salary of an administrator or teacher working in the district, in
722 order to attract or retain highly-qualified administrators or teachers or to reward administrators or
723 teachers who work in chronically underperforming districts that achieve the annual goals set
724 forth in the turnaround plan; (4) expand the school day or school year or both of schools in the
725 district; (5) limit, suspend or change 1 or more provisions of any contract or collective
726 bargaining agreement in the district, including the adoption of model provisions identified by the
727 commissioner from among existing contracts or collective bargaining agreements in the
728 commonwealth; provided, however, that the receiver shall not reduce the compensation of an
729 administrator, teacher or staff member unless the hours of the person are proportionately
730 reduced; (6) add pre-kindergarten and full-day kindergarten classes, if the district does not
731 already have the classes; (7) following consultation with applicable local unions, require all
732 administrators, teachers and staff to reapply for their positions in the district, with full discretion
733 vested in the receiver regarding any such reapplications; (8) limit, suspend or change 1 or more
734 school district policies or practices; (9) include a provision of job-embedded professional
735 development for teachers in the district, with an emphasis on strategies that involve teacher input
736 and feedback; (10) provide for increased opportunities for teacher planning time and
737 collaboration focused on improving student instruction; (11) establish a plan for professional
738 development for administrators in the district, with an emphasis on strategies that develop
739 leadership skills and use the principles of distributive leadership; (12) establish steps to assure a
740 continuum of high expertise teachers by aligning the following processes with a common core of
741 professional knowledge and skill: hiring, induction, teacher evaluation, professional
742 development, teacher advancement, school culture and organizational structure; (13) develop a
743 strategy to search for and study best practices in areas of demonstrated deficiency in the district;
744 (14) establish strategies to address mobility and transiency among the student population of the
745 district; and (15) include additional components, at the discretion of the commissioner and the

746 receiver, based on the reasons the district was designated as chronically underperforming and
747 based on the recommendations of the local stakeholder group in subsection (b).

748 If the receiver does not approve a reapplication submitted by an employee under clause
749 (7) or if an employee does not submit a reapplication for a position, the employee shall retain
750 such rights as may be provided under law or any applicable collective bargaining agreement in
751 relation to the employee's ability to fill an open position in the district; provided, however, that
752 the employee shall not have the right to displace any teacher in any position.

753 A teacher with professional teacher status in a district declared chronically
754 underperforming may be dismissed for good cause; provided, however, that the teacher receives
755 5 days written notice of the decision to terminate which shall include without limitation an
756 explanation of the reason why the receiver is not retaining the teacher in the district; provided,
757 further, that the teacher may seek review of a termination decision within 5 days after receiving
758 notice of the teacher's termination by filing a petition for expedited arbitration with the
759 commissioner; provided, further, that except as otherwise provided herein, section 42 of chapter
760 71 shall apply to a petition filed under this section; provided further, that the commissioner shall
761 cause an arbitrator to be selected under the procedures in section 42 of chapter 71 within 3 days
762 of receipt of petition and the arbitrator shall conduct and complete a hearing within 10 days of
763 receipt of the petition; provided further, that in reviewing dismissal decisions, the arbitrator shall
764 consider the components of the turnaround plan and shall also consider any personnel
765 evaluations conducted that are consistent with the guidelines established under section 1B; and
766 provided, further, that the arbitrator's decision shall be issued within 10 days from the
767 completion of the hearing.

768 The receiver shall have decision-making authority, subject to the approval of the
769 commissioner, for the hiring or assignment of all administrators, teachers, and staff in the
770 district, provided, however, that both the receiver and the person seeking a position in the district
771 mutually agree to the hiring or assignment.

772 For a district with limited English-proficient students, the professional development and
773 planning time for teachers and administrators identified in clauses (9) to (11), inclusive, shall
774 include specific strategies and content designed to maximize the rapid academic achievement of
775 limited English-proficient students in the district.

776 (e) If, after considering the recommendations of the group of stakeholders, under
777 subsection (d), the receiver considers it necessary to maximize the rapid academic achievement
778 of students in the district by altering the compensation, hours and working conditions of the
779 administrators, teachers, principals and staff in the district, including any schools designated as
780 needs improvement, underperforming or chronically underperforming, or by altering other
781 provisions of a contract or collective bargaining agreement applicable to the administrators,
782 teachers, principals and staff, the receiver may request that the school committee and any union

783 bargain or reopen the bargaining of the relevant collective bargaining agreements to facilitate
784 such achievement. The bargaining shall be conducted in good faith and completed not later than
785 30 days from the point at which the receiver requested that the parties bargain. The agreement
786 shall be subject to ratification within 10 business days by the bargaining unit members in the
787 district. If the parties are unable to reach an agreement within 30 days or if the agreement is not
788 ratified within 10 business days by the bargaining unit members in the district, the parties shall
789 submit remaining unresolved issues to a joint resolution committee for a dispute resolution
790 process on the next business day following the end of the 30 day bargaining period or failure to
791 ratify.

792 The joint resolution committee shall be comprised of 3 members, 1 of whom shall be
793 appointed by the employee organization within 3 business days following the submission of
794 unresolved issues to the joint resolution committee, 1 of whom shall be appointed jointly by the
795 school committee and receiver within 3 business days following the submission of unresolved
796 issues to the joint resolution committee and 1 of whom shall be selected through the American
797 Arbitration Association who shall forthwith forward to the parties a list of three conciliators,
798 each of whom shall have professional experience in elementary and secondary education, from
799 which the parties may agree upon a single conciliator; provided, however, that if the parties
800 cannot select a conciliator from among the 3 within 3 business days, the American Arbitration
801 Association shall select a conciliator from the remaining names. The joint resolution committee
802 shall conduct a dispute resolution process to be concluded within 10 business days of selection.
803 This process shall be conducted in accordance with the rules of the American Arbitration
804 Association and consistent with this section; provided however, that all members of the joint
805 resolution committee must agree to any resolution. The fee for the process shall be shared
806 equally between the 2 parties involved.

807 The joint resolution committee shall consider the positions of the parties, the designation
808 of the district as chronically underperforming, and the needs of the students in the district.
809 Notwithstanding any other provision of this chapter, the unanimous decision of the joint
810 resolution committee shall be dispositive of all the issues in dispute and shall be submitted to the
811 parties within 10 business days of the close of the hearing. Under no circumstance shall a time
812 extension be granted beyond 10 business days of the close of the hearing. In the event that a
813 unanimous decision is not submitted to the parties within 10 business days, the commissioner
814 will resolve all outstanding issues.

815 (f) The turnaround plan shall be authorized for a period of not more than 3 years, subject
816 to subsection (h). The commissioner and receiver may jointly develop additional components of
817 the plan and shall jointly develop annual goals for each component of the plan in a manner
818 consistent with the provisions of subsection (d). The receiver shall be responsible for meeting the
819 goals of the turnaround plan.

820 (g) The commissioner and receiver shall provide a written report to the school committee
821 on a quarterly basis to provide specific information about the progress being made on the
822 implementation of the district's turnaround plan. One of the quarterly reports shall be the annual
823 evaluation required in subsection (h).

824 (h) The commissioner shall evaluate the performance of the receiver on not less than an
825 annual basis. The purpose of the evaluation shall be to assess the implementation of the
826 turnaround plan and determine whether the district has met the annual goals contained in the
827 turnaround plan. The evaluation shall be in writing and submitted to the board and the local
828 school committee no later than July 1 for the preceding school year.

829 If the commissioner determines that the district has met the annual performance goals
830 stated in the turnaround plan, the evaluation shall be considered sufficient and the
831 implementation of the turnaround plan shall continue.

832 If the commissioner determines that the receiver has not met 1 or more goals in the plan
833 and the failure to meet the goals may be corrected through reasonable modification of the plan,
834 the commissioner may amend the turnaround plan, as necessary. After assessing the
835 implementation of the turnaround plan in the district, the commissioner may amend the plan if
836 the commissioner determines that the amendment is necessary in view of subsequent changes in
837 the district that affect 1 or more components of the plan, including, but not limited to, changes to
838 contracts, collective bargaining agreements, or school district policies, in a manner consistent
839 with the provisions of subsection (d). If the commissioner determines that the receiver has
840 substantially failed to meet multiple goals in the turnaround plan, the commissioner may
841 terminate such receiver.

842 (i) Upon the expiration of the turnaround plan, there shall be a reevaluation of a district's
843 status under this section. The board of elementary and secondary education shall adopt
844 regulations providing for: (1) the removal of a designation of a district as chronically
845 underperforming; and (2) the transfer of the operation of a chronically underperforming district
846 from an external receiver to the superintendent and school committee, based on the improvement
847 of the district. The regulations shall include provisions to allow a district to retain measures
848 adopted in a turnaround plan. The regulations shall also include provisions that clearly identify
849 the conditions under which the powers granted to the commissioner and board under this section
850 shall cease to apply to a district previously designated as chronically underperforming. At any
851 time after a chronically underperforming district has been placed in receivership, the school
852 committee of the district may petition the commissioner for a determination as to whether the
853 turnaround plan adopted under subsection (b) should be modified or eliminated and whether the
854 school district shall no longer be designated as chronically underperforming. The decision of the
855 commissioner shall be based on regulations adopted by the board. A school committee may seek
856 review by the board of an adverse determination.

857 (j) If, on the basis of the regulations adopted by the board under subsection (i), a district
858 has not improved sufficiently to remove the designation of the district as chronically
859 underperforming, the commissioner may: (1) jointly determine subsequent annual goals for each
860 component of the turnaround plan with the receiver and renew the turnaround plan for an
861 additional period of not more than 3 years; or (2) create a new turnaround plan, consistent with
862 the requirements of this section.

863 (k) If a municipality has failed to fulfill its fiscal responsibilities under chapter 70, the
864 commissioner may declare the school district as chronically underperforming, subject to the
865 approval of the board. The municipality's mayor or chairman of the board of selectmen shall
866 have the opportunity to present evidence to the board. A vote by the board that a school district is
867 chronically underperforming for fiscal reasons shall authorize the commissioner to petition the
868 commissioner of revenue to require an increase in funds for the school district, alleging that the
869 amount necessary in the municipality for the support of public schools has not been included in
870 the annual budget appropriations. The commissioner of revenue shall determine the amount of
871 any deficiency under the sums required under chapter 70, if any, and issue an order compelling
872 the municipality to provide a sum of money equal to such deficiency. If the municipality does
873 not provide a sum of money equal to such deficiency, the commissioner of revenue, under
874 section 23 of chapter 59, shall not approve the tax rate of the municipality for the fiscal year until
875 the deficiency is alleviated. Nothing in this subsection shall be construed as creating a cause of
876 action for educational malpractice by students or their parents, guardians or persons acting as
877 parents.

878 If the district is designated as chronically underperforming under this subsection, the
879 provisions of this subsection shall supersede those in subsections (a) to (j), inclusive. A district
880 may be declared chronically underperforming under this subsection and subsection (a), in which
881 case the provisions of this subsection and subsections (a) to (j), inclusive, shall apply.

882 SECTION 6. Subsection (b) of section 15 of chapter 70B of the General Laws, as so
883 appearing, is hereby amended by striking out, in line 62, the word "may" and inserting in place
884 thereof the following word:- shall.

885 SECTION 7. Section 89 of chapter 71 of the General Laws, as so appearing, is hereby
886 amended by striking out subsection (c) and inserting in place thereof the following subsection:-

887 (c) A commonwealth charter school shall be a public school, operated under a charter
888 granted by the board, which operates independently of a school committee and is managed by a
889 board of trustees. The board of trustees of a commonwealth charter school, upon receiving a
890 charter from the board, shall be deemed to be public agents authorized by the commonwealth to
891 supervise and control the charter school.

892 A Horace Mann charter school shall be a public school or part of a public school
893 operated under a charter approved by the school committee and the local collective bargaining

894 unit in the district in which the school is located; provided that all charters shall be granted by the
895 board of elementary and secondary education. A Horace Mann charter school shall have a
896 memorandum of understanding with the school committee of the district in which the charter
897 school is located which, at a minimum, defines the services and facilities to be provided by the
898 district to the charter school and states the funding of the charter school by the district. A Horace
899 Mann charter school shall be operated and managed by a board of trustees independent of the
900 school committee which approved the school. The board of trustees may include a member of the
901 school committee.

902 A Horace Mann charter school established as a conversion of an existing public school
903 shall not require approval of the local collective bargaining unit, but shall require a memorandum
904 of understanding regarding any waivers to applicable collective bargaining agreements; provided
905 further, that the memorandum of understanding shall be approved by a majority of the school
906 faculty; provided, further, that if the memorandum of understanding is not approved by a
907 majority of the school faculty at least 30 days before the scheduled opening of the school, the
908 charter school shall operate under the terms of its charter until an agreement is reached; provided
909 further, that the local collective bargaining unit shall not be required to approve the charter, its
910 renewal or an amendment to the charter; and provided further, that Horace Mann charter schools
911 that are conversions of existing public schools shall not count toward the maximum number of
912 Horace Mann charter schools stated in clause (1) of subsection (i).

913 SECTION 8. Said section 89 of said chapter 71, as so appearing, is hereby further
914 amended by striking out subsection (i) and inserting in place thereof the following:-

915 (i)(1) Not more than 120 charter schools shall be allowed to operate in the
916 commonwealth at any time, excluding those approved under subsection (c) of this section or
917 paragraph (3) of this subsection.

918 Of the 120 charter schools, not more than 48 shall be Horace Mann charter schools;
919 provided, however, 24 of the 48 Horace Mann charter schools shall not be subject to the
920 requirement of an agreement with the local collective bargaining unit prior to board approval and
921 the local collective bargaining unit shall not be required to approve the charter, its renewal, or an
922 amendment to the charter; provided, further, that after the charters for these 24 Horace Mann
923 charter schools have been granted by the board, the schools shall develop a memorandum of
924 understanding with the school committee and the local union regarding any waivers to applicable
925 collective bargaining agreements; provided, further, that if an agreement is not reached on the
926 memorandum of understanding at least 30 days before the scheduled opening of the school, the
927 charter school shall operate under the terms of its charter until an agreement is reached; and
928 provided, further, that not less than 10 of the 24 Horace Mann charter schools described in this
929 subsection shall be located in a municipality with more than 500,000 residents.

930 Not more than 72 of the 120 charter schools shall be commonwealth charter schools. The
931 board shall not approve a new commonwealth charter school in any community with a
932 population of less than 30,000 as determined by the most recent United States Census estimate,
933 unless it is a regional charter school.

934 Applications to establish a charter school shall be submitted to the board annually by
935 November 15. The board shall review the applications and grant new charters in February of the
936 following year. The board may establish a different application schedule for Horace Mann
937 charter school applications submitted by a school designated as needs improvement,
938 underperforming or chronically underperforming under section 1J of chapter 69.

939 (2) In any fiscal year, no public school district's total charter school tuition payment to
940 commonwealth charter schools shall exceed 9 per cent of the district's net school spending;
941 provided, however, that a public school district's total charter tuition payment to commonwealth
942 charter schools shall not exceed 18 per cent of the district's net school spending if the school
943 district qualifies under paragraph (3). The commonwealth shall incur charter school tuition
944 payments for siblings attending commonwealth charter schools to the extent that their attendance
945 would otherwise cause the school district's charter school tuition payments to exceed 9 per cent
946 of the school district's net school spending or 18 per cent for those districts that qualify under
947 said paragraph (3).

948 Not less than 2 of the new commonwealth charters approved by the board in any year
949 shall be granted for charter schools located in districts where overall student performance on the
950 statewide assessment system approved by the board under section 1I of chapter 69 is in the
951 lowest 10 per cent statewide in the 2 years preceding the charter application.

952 In any fiscal year, the board shall approve only 1 regional charter school application of
953 any commonwealth charter school located in a school district where overall student performance
954 on the statewide assessment system is in the top 10 per cent in the year preceding charter
955 application. The board may give priority to applicants that have demonstrated broad community
956 support, an innovative educational plan, a demonstrated commitment to assisting the district in
957 which it is located in bringing about educational change and a record of operating at least 1
958 school or similar program that demonstrates academic success and organizational viability and
959 serves student populations similar to those the proposed school seeks to serve.

960 (3) In any fiscal year, if the board determines based on student performance data
961 collected under section 1I, the district is in the lowest 10 per cent of all statewide student
962 performance scores released in the 2 consecutive school years before the date the charter school
963 application is submitted, the school district's total charter school tuition payment to
964 commonwealth charter schools may exceed 9 per cent of the district's net school spending but
965 shall not exceed 18 per cent. For a district qualifying under this paragraph whose charter school
966 tuition payments exceed 9 per cent of the school district's net school spending, the board shall

967 only approve an application for the establishment of a commonwealth charter school if an
968 applicant, or a provider with which an applicant proposes to contract, has a record of operating at
969 least 1 school or similar program that demonstrates academic success and organizational viability
970 and serves student populations similar to those the proposed school seeks to serve, from the
971 following categories of students, those: (i) eligible for free lunch; (ii) eligible for reduced price
972 lunch; (iii) that require special education; (iv) limited English-proficient of similar language
973 proficiency level as measured by the Massachusetts English Proficiency Assessment
974 examination; (v) sub-proficient, which shall mean students who have scored in the "needs
975 improvement", "warning" or "failing" categories on the mathematics or English language arts
976 exams of the Massachusetts Comprehensive Assessment System for 2 of the past 3 years or as
977 defined by the department using a similar measurement; (vi) who are designated as at risk of
978 dropping out of school based on predictors determined by the department; (vii) who have
979 dropped out of school; or (viii) other at-risk students who should be targeted to eliminate
980 achievement gaps among different groups of students.

981 The provisions of this paragraph regarding the record of a charter school applicant or a
982 provider with which an applicant proposes to contract shall not apply to an application for the
983 establishment of a commonwealth charter school if the charter school will serve students who
984 live in an area of a city or town that either physically lacks a district school serving the grades
985 proposed for the charter school or has an insufficient number of open seats in the district schools
986 the students are eligible to attend to serve those students.

987 For a district approaching its net school spending cap, the board shall give preference to
988 applications from providers building networks of schools in more than 1 municipality.

989 The recruitment and retention plan of charter schools approved under this paragraph
990 shall, in addition to the requirements under subsections (e) and (f), include, but not limited to a
991 detailed description of deliberate, specific strategies the charter school shall use to attract, enroll
992 and retain a student population that, when compared to students in similar grades in schools from
993 which the charter school shall enroll students, contains a comparable or greater percentage of (i)
994 special education students or students who are limited English-proficient or similar language
995 proficiency as measured by the Massachusetts English Proficiency Assessment examination and
996 (ii) 2 or more of the following categories: students eligible for free lunch; students eligible for
997 reduced price lunch; students who have scored in the "needs improvement", "warning" or
998 "failing" categories on the mathematics or English language arts exams of the Massachusetts
999 Comprehensive Assessment System for 2 of the past 3 years or as defined by the department
1000 using a similar measurement; students who are determined to be at risk of dropping out of school
1001 based on predictors determined by the department; students who have dropped out of school; or
1002 other at-risk students who should be targeted in order to eliminate achievement gaps among
1003 different groups of students. A charter school approved under this section shall supply a mailing
1004 in the most prevalent languages of the district the charter is authorized to serve to a third party
1005 mail house and pay for it to be copied and mailed to eligible students. If a school is or shall be

1006 located in a district with 10 per cent or more of limited English-proficient students, the
1007 recruitment strategies shall include a variety of outreach efforts in the most prevalent languages
1008 of the district. The recruitment and retention plan shall be updated each year to account for
1009 changes in both district and charter school enrollment. Notwithstanding the foregoing, a
1010 commonwealth charter school that enrolls only students who live in a specific geographic area of
1011 a city or town shall complete a recruitment and retention plan that is specific to the students who
1012 live in the enrollment area.

1013 If a district is no longer in the lowest 10 per cent, the net school spending cap shall be 9
1014 per cent, unless the district net school spending was above 9 per cent in the year prior to moving
1015 out of the lowest 10 per cent in which case the net school spending cap shall remain at the higher
1016 level plus enrollment previously approved by the board. The department shall determine and
1017 make available to the public a list of the school districts in said lowest 10 per cent.

1018 SECTION 9. Paragraph (5) of subsection (k) of said section 89 of said chapter 71, as so
1019 appearing, is hereby amended by inserting after the word "schools;", in line 302, the following
1020 words:- and provided further, that a Horace Mann charter school shall not be subject to chapter
1021 30B for the purpose of contracting with another person that shall manage or operate the school;

1022 SECTION 10. Subsection (n) of said section 89 of said chapter 71, as so appearing, is
1023 hereby amended by striking out the first and second paragraphs and inserting in place thereof the
1024 following paragraphs:-

1025 (n) Preference for enrollment in a commonwealth charter school shall be given to
1026 students who reside in the city or town in which the charter school is located. Priority for
1027 enrollment in a Horace Mann charter school shall be given first to students actually enrolled in
1028 the school on the date that the application is filed with the board and to their siblings; second to
1029 other students actually enrolled in the public schools of the district where the Horace Mann
1030 charter school is to be located; and third to other resident students. Notwithstanding the
1031 foregoing, a commonwealth charter school or a Horace Mann charter school may limit
1032 enrollment in the school to students who reside in a specific geographic area of a city or town.

1033 If the total number of students who are eligible to attend and apply to a charter school and
1034 who reside in the city or town in which the charter school is located or who reside in the school's
1035 geographic enrollment area or are siblings of students already attending said charter school is
1036 greater than the number of spaces available, an admissions lottery, including all eligible students
1037 applying, shall be held to fill all of the spaces in that school from among the students; provided,
1038 however, that a lottery conducted for a charter school shall reflect the enrollment priorities of this
1039 subsection. Notwithstanding this subsection, upon application by the board of trustees of a
1040 charter school or by the persons or entities seeking to establish a charter school, the board may
1041 amend or grant a charter designating such school a regional charter school; provided, however,
1042 that such regional charter school shall be exempt from the local preference provision of this

1043 paragraph; provided further, that such regional charter school shall continue to grant a preference
1044 to siblings of currently enrolled students; and provided further, that if the number of applicants
1045 remaining is greater than the number of spaces available, such regional charter school shall
1046 conduct a single lottery to determine which applicants shall be admitted.

1047 SECTION 11. Subsection (cc) of said section 89 of said chapter 71, as so appearing, is
1048 hereby amended by striking out, in line 546, the words “the limitations” and inserting in place
1049 thereof the following words:- those limits, including limits on the basis of attendance zones or
1050 other geographic subdivisions of the district.

1051 SECTION 12. Subsection (dd) of said section 89 of said chapter 71, as so appearing, is
1052 hereby amended by striking out, in lines 576 to 586, inclusive, the second sentence and inserting
1053 in place thereof the following sentence:-

1054 The board shall develop procedures and guidelines for revocation, amendment and
1055 renewal of a school's charter; provided, however, that an amendment or renewal of a charter for a
1056 Horace Mann charter school shall be subject to approval by majority vote of the school
1057 committee and local collective bargaining unit in the district where the charter school is located
1058 only to the extent that its initial charter required such approval; and provided, further, that a
1059 commonwealth charter shall not be renewed unless the board of trustees of the charter school has
1060 documented in a manner approved by the board that the commonwealth charter school has
1061 provided models for replication and best practices to the commissioner and to other public
1062 schools in the district where the charter school is located.

1063 SECTION 13. Subsection (d) of section 92 of said chapter 71, as so appearing, is hereby
1064 amended by inserting after the word “plan.”, in line 44, the following sentence:- An Innovation
1065 School shall not be subject to chapter 30B for the purpose of contracting with the external
1066 partner.

1067 SECTION 14. Subsection (c) of section 17 of chapter 268A of the General Laws, as so
1068 appearing, is hereby amended by adding the following paragraph:-

1069 This section shall not prevent an employee of a school district from accepting
1070 compensation for the performance of his duties from an organization that has entered into an
1071 agreement with the school district to administer an education program, provided, however, that
1072 the principal of the school in which the employee works has provided his written agreement and
1073 the written agreement is sent to the human resources department head.

1074 SECTION 15. Section 9 of this act shall apply to all Horace Mann charter schools
1075 approved after January 1, 2011.

1076 SECTION 16. Section 11 of this act shall not apply to transportation provided on the
1077 effective day of this act to a student attending a commonwealth charter school as long as the
1078 student attends the same school he is attending on the effective day of this act.