

**HOUSE . . . . . No. 4754**

---

---

**The Commonwealth of Massachusetts**

---

By Ms. Walz of Boston, for the committee on Education, on Senate, No. 2067 and House, Nos. 409, 412, 414 and 3874, a Bill Relative to School District Regionalization. June 10, 2010.

---

FOR THE COMMITTEE:

NAME:	DISTRICT/ADDRESS:
Martha M. Walz	8th Suffolk

# The Commonwealth of Massachusetts

In the Year Two Thousand and Ten

## An Act Relative to School District Regionalization.

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

1 **SECTION 1.** Section 42B of chapter 71 is hereby amended by striking out paragraph 4, as  
2 appearing in the 2008 Official Edition, and inserting in place thereof the following paragraph:-

3  
4 All personnel in a district whose positions are superseded by reason of the establishment and  
5 operation of either a newly created regional school district or a regional school district created  
6 through expansion or consolidation of existing regional school districts shall be elected to serve  
7 in such district by the regional school district committee; provided, however, that there is an  
8 available position which such person is qualified to fill. All such personnel employed by the  
9 new regional school district committee shall be compensated not less than the compensation  
10 received by such school personnel immediately prior to his employment by the new regional  
11 school district committee. Such compensation shall remain in effect until the regional school  
12 district committee and the appropriate exclusive bargaining representative for regional school  
13 district employees reach a successor to the bargaining agreement or agreements previously  
14 negotiated by the preceding school or regional school district committees. In any newly created,  
15 expanded, or consolidated regional school district, the bargaining unit structure and questions  
16 concerning representation, if any, shall be determined pursuant to chapter 150E. All other terms  
17 and conditions of employment for personnel whose positions are superseded by reason of the  
18 establishment and operation of a regional school district shall be subject to chapter 150E.  
19 Personnel shall be given credit by the regional school district committee for all accumulated sick  
20 leave, accumulated time towards service and accumulated sabbatical leave years of service, and  
21 for terminal compensation due such school personnel on the termination of service.

22  
23 **SECTION 2.** Section 1. There shall be a commission to examine efficient and effective  
24 strategies to implement school district collaboration and regionalization. The commission shall  
25 consist of 16 members: 2 of whom shall be the co-chairs of the Joint Committee on Education,  
26 who shall serve as co-chairs of the commission; 1 of whom shall be a member of the house of  
27 representatives appointed by the minority leader; 1 of whom shall be a member of the senate  
28 appointed by the minority leader; 1 of whom shall be the secretary of education, or his designee;  
29 1 of whom shall be the commissioner of the department of elementary and secondary education,

30 or his designee; 1 of whom shall be the executive director of the Massachusetts school building  
31 authority, or her designee; 9 of whom shall be appointed by the secretary of education, 1 of  
32 whom shall be selected from a list of 3 nominees offered by a representative of the  
33 Massachusetts Association of School Superintendents, 1 of whom shall be selected from a list of  
34 3 nominees offered by a representative of the Massachusetts Association of School Committees,  
35 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Association  
36 of Regional Schools, 1 of whom shall be selected from a list of 3 nominees offered by the  
37 Massachusetts Teachers Association, 1 of whom shall be selected from a list of 3 nominees  
38 offered by the American Federation of Teachers of Massachusetts, 1 of whom shall be selected  
39 from a list of 3 nominees offered by the Massachusetts Association of School Business Officials,  
40 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Business  
41 Alliance for Education, 1 of whom shall be selected from a list of 3 nominees offered by the  
42 Massachusetts Municipal Association, and 1 of whom shall be selected from a list of 3 nominees  
43 offered by the Massachusetts Organization of Educational Collaboratives.

44 The commission shall examine and make recommendations on model approaches regarding, but  
45 not limited to, the following areas: (1) identifying indicators for assessing the academic and  
46 programmatic quality, overall district capacity, including the effectiveness of the central office,  
47 and the fiscal viability, efficiency, and long-term sustainability of school districts; (2)  
48 cooperative purchasing of materials and services; (3) inter-district academic and extracurricular  
49 programs; (4) merger of school district central office buildings, staff, and operational systems;  
50 (5) merger of collective bargaining agreements; (6) merger of debt obligations, including for  
51 school building projects; (7) the effect of school district regionalization on educational and  
52 instructional outcomes; (8) the effect of school district regionalization on school funding  
53 allocations; (9) school consolidation; (10) transitional costs associated with school district  
54 regionalization; (11) appropriate time frames for implementing school district regionalization;  
55 (12) incentives for school districts to increase collaboration and/or regionalize; (13) revisions of  
56 chapter 71 of the General Laws to facilitate the effective implementation of existing and future  
57 regional school district agreements; (14) school building capacity and facilities; (15) the  
58 feasibility of adopting a regional district finance structure in which the local contribution of the  
59 member cities or towns that such regional district serves is assessed on the basis of a uniformly  
60 measured fiscal capacity; and (16) in-district collaborations between schools, including  
61 consolidating buildings, programs, school and central office administration, special education  
62 and food service.

63  
64 The commission shall conduct its first meeting not less than 45 days after the date of enactment  
65 of this act and shall issue a final report containing recommendations on or before March 31,  
66 2011. The commissioner of elementary and secondary education shall consider such  
67 recommendations in implementing the provisions of this act. Said commission shall report to the  
68 general court the results of its study and its recommendations, if any, together with drafts of  
69 legislation necessary to carry out such recommendations, by filing the same with the clerks of the  
70 senate and house of representatives who shall forward the same to the chairs of the joint  
71 committee on education and the chairs of the senate and house committees on ways and means  
72 on or before March 31, 2011.

73  
74 Section 2. Not later than 60 days after the submission of the report described in section 1, the  
75 commissioner shall commence an expedited review of school districts for which collaboration

76 and/or regionalization plans have been developed as of the date of enactment of this act. The  
77 collaboration and/or regionalization plan for each district or group of districts shall be reviewed  
78 to examine the extent to which proposed strategies for increased collaboration or regionalization  
79 result in: (1) increased academic and programmatic quality of the school district(s); (2) increased  
80 effectiveness of the central office of the school district(s) in supporting student achievement and  
81 the improvement of its schools; (3) increased fiscal viability and efficiency of the school  
82 district(s); and (4) stronger sustainability of the school district(s) in future years. The purpose of  
83 the review shall be to determine whether the collaboration and/or regionalization plan for the  
84 district(s) is sufficient in such areas.

85 Section 3. Not later than 60 days after the submission of the report described in section 1 of this  
86 act, the commissioner of elementary and secondary education shall commence a review of school  
87 districts with less than 1,000 students to examine: (1) the academic and programmatic quality of  
88 the school district; (2) the capacity of the district, including the effectiveness of the central office  
89 of the school district, to support high levels of student achievement; (3) the fiscal viability and  
90 efficiency of the school district; and (4) the overall sustainability of the school district in future  
91 years. The purpose of the review shall be to identify areas of need, if any, in these four areas and  
92 determine whether those identified areas of need could be adequately addressed through greater  
93 collaboration with another district, an educational collaborative, a city, town, or other entity, or  
94 through the regionalization of such school district.

95  
96 The commissioner shall prioritize for review partial school districts, superintendency unions as  
97 defined in section 61 of said chapter 71, and any school district that, in the commissioner's  
98 judgment, warrants immediate review on the basis of exigent concerns related to one or more  
99 factors that comprise the review, including academic performance and fiscal viability. The  
100 commissioner may also select 2 or more districts for concurrent review if, in the commissioner's  
101 judgment, such concurrent review would promote the purposes of this act.

102  
103 In reviewing the academic and programmatic quality of the school district, the commissioner  
104 shall examine multiple indicators, which may include the following factors: (1) student  
105 performance on the Massachusetts Comprehensive Assessment System; (2) accountability status  
106 under state performance measures; (3) accountability status under the Elementary and Secondary  
107 Education Act, including for the district, individual schools, and subgroups of students; (4) the  
108 percentage of teachers licensed in their teaching assignment; (5) attendance rates; (6) student  
109 promotion and graduation rates; (7) student discipline and suspension and expulsion rates; (8) the  
110 availability and variety of academic classes, including enrichment classes and electives, as  
111 applicable; (9) the availability and variety of honors, Advanced Placement, and International  
112 Baccalaureate classes, as applicable, and the participation of diverse groups of students in such  
113 classes; (10) scheduling flexibility in order to access the available and diverse array of electives  
114 and educational options; (11) the availability of extracurricular, arts, and athletic activities for  
115 students and the participation of diverse groups of students in such activities; (12) school  
116 building capacity and facilities; (13) the quality of school leaders and staff; and (14) possible in-  
117 district collaborations between school buildings, including consolidating buildings, programs,  
118 school building and central office administration, special education and food service.

119  
120 In reviewing the effectiveness of the central office of the school district to support high levels of  
121 student achievement, the commissioner shall examine multiple indicators, which may include the

122 following factors: (1) the number of staff members in the central office; (2) the number of such  
123 staff members whose primary responsibility involves academic and instructional support for  
124 schools, faculty, and students; (3) the extent to which the central office uses data and analysis of  
125 such data to tailor effective educational improvement strategies for district schools; (4) the  
126 overall provision of services by the district to special populations of students, including, but not  
127 limited to, low-income students, English Language Learners, and students with disabilities; (5)  
128 the provision of targeted programs by the district to address identified areas of academic need in  
129 one or more schools; (6) the provision of professional development programs and activities to  
130 improve teacher quality; and (7) the extent of inter-district collaborations and partnerships with  
131 outside organizations focused on school performance and student academic achievement.

132  
133 In reviewing the fiscal viability and efficiency of the school district, the commissioner shall  
134 examine multiple indicators, which may include the following factors: (1) the overall budget of  
135 the school district; (2) the percentage of such budget expended on instructional purposes; (3) the  
136 percentage of such budget expended on non-instructional or operational purposes; (4) the extent  
137 of inter-district collaborations, arrangements with educational collaboratives, or partnerships  
138 with cities or towns for the purpose of generating economic efficiencies; and (5) in-district  
139 collaboration between school buildings, programs, services and administration.

140  
141 In reviewing the overall sustainability of the school district in future years, the commissioner  
142 shall examine multiple indicators, which may include the following factors: (1) school  
143 enrollment data for the district and individual schools, including enrollment projections; (2)  
144 population data for the city or town served by the district, including population projections; (3)  
145 demographic data for the district and the city or town served by the district, including data  
146 related to the number of school-aged children; (4) income data for the city or town served by the  
147 district; (5) school building capacity and facilities; and (6) the experience of the district and the  
148 city or town served by the district in efficiently and effectively securing budget agreements from  
149 year to year.

150  
151 In conducting any review or concurrent review, the commissioner shall provide ample  
152 opportunity for a district or districts to present data or evidence that, in the judgment of the  
153 district, is relevant to the review. At the request of the district, the commissioner shall make any  
154 and all data or evidence being used in the review available to the district or districts under  
155 review. At the request of the commissioner, the district or districts under review shall make all  
156 existing data or evidence reasonably needed to conduct the review available to the commissioner.

157  
158 Section 4. Not later than 60 days after commencing a review, a concurrent review, or an  
159 expedited review, the commissioner shall publicly release a report containing detailed findings of  
160 the review. The commissioner shall, on the basis of one or more such findings and the model  
161 approaches recommended by the commission in section 1 of this act, recommend options for the  
162 district, including but not limited to: (1) collaborate with one or more districts, an educational  
163 collaborative, a city, town, or other entity to address one or more areas of need identified in the  
164 review, (2) form a regional school district to address one or more areas of need identified in the  
165 review, or (3) continue to operate with no changes in its level of collaboration or governance  
166 structure.

167

168 A district or districts shall, within 60 days of receiving recommendations from the commissioner  
169 submit a report to the commissioner that shall identify which, if any, option will be pursued by  
170 the district or districts. If a district declines to pursue the commissioner's recommendations, it  
171 shall submit a detailed report to the commissioner explaining why his recommendations have  
172 been rejected. If a district agrees to pursue one or more of the commissioner's  
173 recommendations, said report shall also include specific strategies that will be implemented by  
174 the district or districts.

175  
176 In the case of a recommendation for increased collaboration, the report shall include, but not be  
177 limited to: (1) identification of partners and strategies for engaging those partners in increased  
178 collaboration, (2) programs and services that will be affected by increased collaboration, (3) a  
179 description of how the aforementioned programs and services will be administered more  
180 effectively or efficiently due to increased collaboration, and (4) how increased collaboration will  
181 improve the overall capacity, academic performance, and fiscal viability and sustainability of the  
182 district or districts.

183  
184 In the case of a recommendation for regionalization, the report shall identify the district or  
185 districts plan that includes, but is not limited to: (1) the geographical characteristics of the new  
186 district; (2) an inventory of all academic and programmatic offerings in the new district; (3) an  
187 inventory of all educational facilities, and the anticipated plan for such facilities; (4) the  
188 administrative structure of the new district; (5) a plan for merging the school district central  
189 office buildings, staff, and operational systems of the applicable districts into the new district; (6)  
190 a plan for commencing collective bargaining negotiations for the new district; (7) a plan for  
191 merging debt obligations of the applicable districts into the new district; (8) a proposed budget  
192 for the new district; (9) a student transportation plan and budget for the new district; (10) an  
193 expenditure plan related to transition costs in establishing the new district; and (11) an assurance  
194 that the new district will comply with all applicable federal and state laws.

195  
196 The commissioner shall assess district reports based on the likelihood of their success in  
197 addressing the areas of need included in the commissioner's review of the applicable districts,  
198 and shall provide written agreement with the report or propose amendments to such report within  
199 30 days.

200  
201 The school committee or committees may make further amendments prior to approving its plan.  
202 In such cases, the committee or committees shall provide the commissioner with a detailed  
203 statement explaining why the amendments are necessary for success in addressing the areas of  
204 need identified in the commissioner's review and subsequent report. In such cases, the district or  
205 districts shall amend its plan according to the school committee or committees' statement.

206  
207 The final plan shall be submitted to the local school committee or committees for approval. If  
208 the plan proposes the creation of a regional school district, the towns that would become  
209 members of such district shall conduct a vote pursuant to chapter 71, section 15.

210  
211 Section 5. Within 60 days of approval of the collaboration or regionalization plan as described in  
212 section 4, districts shall submit to the commissioner a detailed implementation plan.