

HOUSE No. 4164

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act ESTABLISHING READINESS SCHOOLS.

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

1 SECTION 1. Chapter 69 of the General Laws, as appearing in the 2008 Official Edition,
2 is hereby amended by striking out section 1J and inserting in place thereof the following
3 section:-

4 Section 1J. Designation of underperforming and chronically underperforming schools as
5 Readiness Acceleration Schools; innovation plan and performance contract; evaluation; renewal
6 Determination of underperforming and chronically underperforming schools

7 (a) The commissioner of elementary and secondary education may, on the basis of
8 student performance data collected pursuant to section 1I of this chapter, a school or district
9 review performed pursuant to section 55A of Chapter 15 of the General Laws, or regulations
10 adopted by the board of elementary and secondary education, designate 1 or more schools in a
11 school district as underperforming or chronically underperforming. Any school so designated by
12 the commissioner shall be known as a Readiness Acceleration School. The board shall adopt
13 regulations establishing standards for the commissioner to make such designations on the basis

14 of data collected pursuant to section 1I of this chapter, or a school or district review performed
15 pursuant to section 55A of chapter 15 of the General Laws.

16 A Readiness Acceleration School shall operate in accordance with the provisions of law
17 regulating other public schools, except as such provisions may conflict with the provisions of
18 this section or the provisions of any innovation plans or performance contracts created
19 thereunder. Any student who is enrolled in a school that is subsequently designated as a
20 Readiness Acceleration School shall retain the ability to remain enrolled in such school.

21 Acceleration Schools – innovation plan and performance contract

22 (b) Upon designating 1 or more schools in a school district as a Readiness
23 Acceleration School, the commissioner shall create, for each such school: (1) a draft innovation
24 plan, pursuant to the provisions of subsections (c) through (f); and (2) a performance contract,
25 pursuant to the provisions of subsection (k). In creating the draft innovation plan, the
26 commissioner shall include provisions intended to maximize the academic achievement of
27 students at the applicable school and shall, to the extent practicable, base the plan and
28 performance contract on longitudinal student outcome data, including, but not limited to: (1) data
29 collected pursuant to section 1I of this chapter, or a school or district review performed pursuant
30 to section 55A of chapter 15 of the General Laws; (2) student achievement on the Massachusetts
31 Comprehensive Assessment System; (3) other measures of student achievement, as appropriate;
32 (4) student promotion and graduation rates; (5) achievement data for different subgroups of
33 students, including low-income students, English Language Learners, and students receiving
34 special education; (6) student attendance rates; and (7) data related to student health and
35 wellness.

36 Acceleration Schools – required consultation on draft innovation plan and performance
37 contract

38 (c) Before creating the draft innovation plan and performance contract required in
39 subsection (b), the commissioner shall convene a group of stakeholders for the purpose of
40 soliciting recommendations as to how such plan and contract should be structured in order to
41 maximize the academic achievement of students and the rapid improvement of the applicable
42 school. Such group shall consist of not less than the following individuals: (1) the applicable
43 superintendent, or his designee; (2) the chair of the applicable school committee, or his designee;
44 (3) the president of the applicable local teacher union, or his designee; (4) a selection of
45 administrators, teachers and parents from the applicable school; (5) representatives of applicable
46 state and local social service, health, and child welfare agencies; and (6) as appropriate,
47 representatives of state and local workforce development agencies.

48 Acceleration Schools – mandatory components of draft innovation plan and performance
49 contract

50 (d) In creating the draft innovation plan required and performance contract in
51 subsection (b), the commissioner shall include, after considering the recommendations of the
52 group of stakeholders in subsection (c), not less than 2 of the following: (1) steps to address
53 social service and health needs of students at the school, and their families, in order to help
54 students arrive at school ready to learn; (2) steps to improve or expand child welfare services
55 and, as appropriate, law enforcement services in the school community, in order to promote a
56 safe and secure learning environment; (3) as applicable, steps to improve workforce development
57 services provided to students at the school, and their families, in order to provide students and

58 families with meaningful employment skills and opportunities; (4) the provision of job-
59 embedded professional development for teachers at the school, with an emphasis on strategies
60 that involve teacher input and feedback; (5) increased opportunities for teacher planning time
61 and collaboration focused on improving student instruction; (6) the provision of professional
62 development for administrators at the school, with an emphasis on strategies that develop
63 leadership skills and utilize the principles of distributive leadership.

64 The secretaries of health and human services, labor and workforce development, public
65 safety and security, and other applicable state and local social service, health, and child welfare
66 officials shall coordinate with the secretary of education and the commissioner regarding the
67 implementation of strategies pursuant to paragraphs (1) through (3) of this subsection that are
68 included in a final innovation plan pursuant to subsection (f) or (g) and shall, subject to
69 appropriation, reasonably support such implementation consistent with the requirements of state
70 and federal law applicable to the relevant programs that each such official is responsible for
71 administering.

72 Acceleration Schools – permissible components of draft innovation plan

73 (e) In creating the draft innovation plan required in subsection (b), the commissioner
74 may, after considering the recommendations of the group of stakeholders in subsection (c): (1)
75 expand, alter, or replace the curriculum of the applicable school; (2) reallocate the uses of the
76 existing budget of the school; (3) provide additional funds to the school from the budget of the
77 district, if the school does not already receive funding from the district at least equal to the
78 average per pupil funding received for students of the same classification and grade level in the
79 district; (4) provide funds, subject to appropriation, to increase the salary of any administrator or

80 teacher in the school, in order to attract highly qualified administrator or teacher candidates; (5)
81 expand the school day or school year of the school; (6) limit, suspend, or change 1 or more
82 provisions of any contract or collective bargaining agreement, as such contract or agreement
83 applies to the school, which change may include the adoption of model provisions identified by
84 the commissioner from among existing contracts or collective bargaining agreements in the
85 Commonwealth; (7) require administrators or teachers to reapply for their positions in the
86 applicable school, with full discretion vested in the hiring authority regarding its consideration of
87 and decisions on any such reapplications; (8) limit or suspend 1 or more school district policies,
88 as such policies relate to the school; and (9) include additional components, at the discretion of
89 the commissioner, based on findings of the department of elementary and secondary education.

90 Acceleration Schools – stakeholder review of draft plan; final innovation plan

91 (f) After creating the draft innovation plan required in subsection (b), the
92 commissioner shall submit such draft plan to the group of stakeholders in subsection (c), who
93 may propose modifications to the draft plan. The stakeholders shall submit any proposed
94 modifications to the commissioner not more than 30 days after the date of submission of the draft
95 plan. The commissioner shall consider and incorporate such modifications into the plan if the
96 commissioner determines that inclusion of such modifications would further promote: (1) the
97 academic achievement of students at the applicable school; or (2) the rapid improvement of the
98 applicable school. The commissioner may alter or reject modifications submitted pursuant to
99 this subsection. Not more than 30 days after receiving any modifications pursuant to this
100 subsection, the commissioner shall issue a final innovation plan for the applicable school, which
101 plan shall be made publicly available.

102 Appeal of final innovation plan components

103 (g) Within 30 days of the issuance of a final innovation plan pursuant to subsection
104 (f), a superintendent, school committee, or local teacher union may appeal to the board of
105 elementary and secondary education regarding 1 or more components of such plan, including the
106 absence of 1 or more modifications proposed by the group of stakeholders pursuant to subsection
107 (f). A majority of the board, as fully constituted, may vote to modify the plan if the board
108 determines that: (1) such modifications would further promote the academic achievement of
109 students in the applicable school; (2) such modifications would further promote the rapid
110 improvement of the applicable school; (3) a component of the plan was included, or a
111 modification was excluded, on the basis of demonstrably false information or evidence; or (4)
112 the commissioner failed to meet the requirements of subsections (c) or (f). The decision of the
113 board regarding an appeal under this subsection shall be final.

114 Acceleration Schools – implementation of innovation plan

115 (h) In the case of an Acceleration School that is an underperforming school, the
116 commissioner shall, upon the completion of a final innovation plan, transmit such plan to the
117 applicable superintendent, who shall be responsible for implementing the plan. In the case of an
118 Acceleration School that is a chronically underperforming school, the commissioner shall, upon
119 the completion of a final innovation plan, select an external receiver to operate the school, who
120 shall be responsible for implementing the plan. For purposes of this section, a receiver shall be a
121 non-profit entity with a demonstrated record of success in improving low-performing schools or
122 the academic performance of disadvantaged students.

123 Special rule – implementation of innovation plan in underperforming schools

124 (i) Notwithstanding the provisions of subsection (h), the commissioner may, under
125 the circumstances described in this subsection, select an external receiver, as defined in
126 subsection (h), to implement the innovation plan in the case of an Acceleration School that is an
127 underperforming school. The commissioner may appoint such receiver only when he determines
128 that: (1) the applicable superintendent is unlikely to implement such plan successfully; or (2)
129 conditions exist in the district that are likely to negatively affect the ability of the superintendent
130 to implement such plan successfully. A superintendent may appeal to the board of elementary
131 and secondary education the decision of the commissioner to appoint an external receiver
132 pursuant to this subsection. A majority of the board, as fully constituted, may vote to reverse
133 such decision if the board determines that the commissioner made the decision on the basis of
134 demonstrably false information or evidence.

135 Acceleration schools – employer of record

136 (j) Any external receiver selected by the commissioner to operate an Acceleration
137 School pursuant to subsections (h) or (i) shall have full managerial and operational control over
138 such school; provided, however, that the school district in which the Acceleration School is
139 located shall remain the employer of record for all other purposes.

140 Acceleration Schools – implementation of performance contract

141 (k) In creating the performance contract for each Acceleration School, the
142 commissioner shall consider the recommendations of the group of stakeholders in subsection
143 (c), and shall include in the contract not less than the components specified in subsection (n) of
144 section 91 of chapter 71 of the General Laws. Each performance contract shall be authorized for
145 a period of not more than 5 years, subject to the provisions of subsection (l). The commissioner

146 and the superintendent or external receiver, as applicable, may jointly develop additional
147 components of the performance contract, and shall jointly develop annual goals for each
148 component of the performance contract. The superintendent or external receiver, as applicable,
149 shall be responsible for meeting the goals of the performance contract.

150 Acceleration Schools – annual evaluation

151 (1) The commissioner shall evaluate each Acceleration School on not less than an
152 annual basis. The purpose of such evaluation shall be to determine whether the school has met
153 the annual goals in its performance contract and assess the implementation of the innovation plan
154 at the school. In any case in which the commissioner determines that the school has not met 1 or
155 more goals in the performance contract, and that the failure to meet such goals may be corrected
156 through reasonable modification of the contract, an amendment of the performance contract shall
157 be permitted. In any case in which the commissioner determines that the school has substantially
158 failed to meet multiple goals in the performance contract, the commissioner may: (1) in the case
159 of an Acceleration School operated by a superintendent, appoint an external receiver, as defined
160 in subsection (h), to operate the school; or (2) in the case of an Acceleration School operated by
161 an external receiver, terminate the performance contract of such receiver. The commissioner
162 shall not exercise the options under paragraph (1) or (2) of this subsection before the completion
163 of the third full school year of the operation of the Acceleration School.

164 After assessing the implementation of the innovation plan at the school, the
165 commissioner may amend the plan if the commissioner determines that: (1) the failure of the
166 school to meet 1 or more goals in the performance contract is related to 1 or more components of
167 the innovation plan; or (2) such amendment is necessary in view of subsequent changes in the

168 district that affect 1 or more components of the plan, including, but not limited to, changes to
169 contracts, collective bargaining agreements, or school district policies.

170 Acceleration Schools – renewal of performance contract

171 (m) Upon the expiration of a performance contract for an Acceleration School as
172 determined under subsection (k), the commissioner may: (1) on the basis of a superintendent's or
173 external receiver's success in meeting the terms of the performance contract, renew the
174 performance contract with the superintendent or external receiver, as applicable, for an additional
175 period of not more than 5 years; (2) in the case of an Acceleration School that is operated by a
176 superintendent and remains underperforming, appoint an external receiver, as defined in
177 subsection (h), to operate the school; (3) in the case of an Acceleration School that is operated by
178 an external receiver and remains underperforming or chronically underperforming, transfer the
179 operation of the school from the receiver to the applicable superintendent, or to another external
180 receiver, as defined in subsection (h). In carrying out the provisions of this subsection, the
181 commissioner shall: (1) in the case of a renewal of a performance contract, jointly determine
182 subsequent annual goals for each component of the performance contract with the superintendent
183 or external receiver, as applicable; or (2) create a new or modified innovation plan and
184 performance contract as necessary, consistent with the requirements of this section.

185 Acceleration Schools – removal of underperforming/chronically underperforming
186 designation

187 (n) The board of elementary and secondary education shall adopt regulations
188 regarding: (1) the conditions under which an Acceleration School will no longer be designated as
189 an underperforming or chronically underperforming school; and (2) transfer of the operation of

190 an Acceleration School from an external receiver to the applicable superintendent. Such
191 regulations shall include provisions to allow an Acceleration School to retain measures adopted
192 in a final innovation plan issued under subsection (f) or (g) of this section if, in the judgment of
193 the commissioner, such measures would contribute to the continued improvement of the school.

194 SECTION 2. Chapter 69 of the General Laws, as appearing in the 2008 Official Edition,
195 is hereby amended by striking out section 1K and inserting in place thereof the following
196 section:-

197 Section 1K. Identification of chronically underperforming district; designation of
198 receiver; innovation plan; performance contract; evaluation; removal of district from receivership

199 Designation of chronically underperforming district

200 (a) Upon a determination by the board of elementary and secondary education,
201 pursuant to regulations adopted by the board, that a school district has consistently failed to
202 improve the performance of students attending school in the district, the commissioner shall
203 appoint an independent fact-finding team to assess the reasons for the underperformance and the
204 prospects for improvement. Upon review of the findings of the fact-finding team, the board may
205 declare the district chronically underperforming. Following such a declaration, the board shall
206 designate a receiver for the district with all the powers of the superintendent and school
207 committee. The receiver shall be a non-profit entity with a demonstrated record of success in
208 improving low-performing schools or the academic performance of disadvantaged students, and
209 shall report directly to the commissioner. Any external receiver designated by the commissioner
210 to operate a district under this subsection shall have full managerial and operational control over

211 such district; provided, however, that the school district shall remain the employer of record for
212 all other purposes.

213 Chronically underperforming district – innovation plan and performance contract

214 (b) The commissioner and the receiver shall jointly create an innovation plan and
215 performance contract to promote the rapid improvement of the chronically underperforming
216 district. In creating the innovation plan, the commissioner and receiver shall include measures
217 intended to maximize the academic achievement of students in the applicable district and shall,
218 to the extent practicable, base the plan and performance contract on longitudinal student outcome
219 data, including, but not limited to: (1) data collected pursuant to section 1I of this chapter, or a
220 school or district review performed pursuant to section 55A of chapter 15 of the General Laws;
221 (2) student achievement on the Massachusetts Comprehensive Assessment System; (3) other
222 measures of student achievement, as appropriate; (4) student promotion and graduation rates; (5)
223 achievement data for different subgroups of students, including low-income students, English
224 Language Learners, and students receiving special education; (6) student attendance rates; and
225 (7) data related to student health and wellness.

226 Chronically underperforming district – required consultation

227 (c) Before creating the innovation plan and performance contract required in
228 subsection (b), the commissioner and receiver shall convene a group of stakeholders for the
229 purpose of soliciting recommendations as to how such plan and contract should be structured in
230 order to maximize the rapid improvement of the district. Such group shall consist of not less
231 than the following individuals: (1) the applicable superintendent, or his designee; (2) the chair of
232 the applicable school committee, or his designee; (3) the president of the applicable local teacher

233 union, or his designee; (4) a selection of administrators, teachers and parents from the applicable
234 district ; (5) representatives of applicable state and local social service, health, and child welfare
235 agencies; and (6) as appropriate, representatives of state and local workforce development
236 agencies.

237 Chronically underperforming district – mandatory components of innovation plan

238 (d) In creating the innovation plan required in subsection (b), the commissioner and
239 receiver shall include, after considering the recommendations of the group of stakeholders in
240 subsection (c), not less than 2 of the following: (1) steps to address social service and health
241 needs of students in the district, and their families, in order to help students arrive at school ready
242 to learn; (2) steps to improve or expand child welfare services and, as appropriate, law
243 enforcement services in the school district community, in order to promote a safe and secure
244 learning environment; (3) as applicable, steps to improve workforce development services
245 provided to students in the district, and their families, in order to provide students and families
246 with meaningful employment skills and opportunities; (4) the provision of job-embedded
247 professional development for teachers in the district, with an emphasis on strategies that involve
248 teacher input and feedback; (5) increased opportunities for teacher planning time and
249 collaboration focused on improving student instruction; (6) the provision of professional
250 development for administrators in the district, with an emphasis on strategies that develop
251 leadership skills and utilize the principles of distributive leadership.

252 The secretaries of health and human services, public safety and security, labor and
253 workforce development, and other applicable state and local social service, health, and child
254 welfare officials shall coordinate with the secretary of education and the commissioner regarding

255 the implementation of strategies pursuant to paragraphs (1) through (3) of this subsection that are
256 included in an innovation plan and shall, subject to appropriation, reasonably support such
257 implementation consistent with the requirements of state and federal law applicable to the
258 relevant programs that each such official is responsible for administering.

259 Chronically underperforming district – permissible components of innovation plan

260 (e) In creating the innovation plan under subsection (b), the commissioner and the
261 receiver may, after considering the recommendations of the group of stakeholders in subsection
262 (c): (1) expand, alter, or replace the curriculum of the district; (2) reallocate the uses of the
263 existing budget of the district; (3) provide funds, subject to appropriation, to increase the salary
264 of any administrator or teacher in the district, in order to attract highly qualified administrator or
265 teacher candidates; (4) expand the school day or school year of schools in the district; (5) limit,
266 suspend or change 1 or more provisions of any contract or collective bargaining agreement in the
267 district, which change may include the adoption of model provisions identified by the
268 commissioner from among existing contracts or collective bargaining agreements in the
269 Commonwealth; (6) require district administrators, school administrators or teachers to reapply
270 for their positions within the district, with full discretion vested in the hiring authority regarding
271 its consideration of and decisions on any such reapplications; (7) limit or suspend 1 or more
272 school district policies; and (8) include additional components, at the discretion of the
273 commissioner, based on findings of the department of elementary and secondary education.

274 Chronically underperforming district – performance contract for receiver

275 (f) In creating the performance contract for the chronically underperforming district
276 in subsection (b), the commissioner and the receiver shall consider the recommendations of the

277 group of stakeholders described in subsection (c), and shall include in the contract not less than
278 the components specified in subsection (n) of section 91 of chapter 71 of the General Laws,
279 which shall be adapted with reference to the district. The performance contract shall be
280 authorized for a period of not more than 5 years, subject to the provisions of subsection (g). The
281 commissioner and receiver, as applicable, may jointly develop additional components of the
282 performance contract, and shall jointly develop annual goals for each of the components of the
283 performance contract. The receiver shall be responsible for meeting the goals of the
284 performance contract.

285 Chronically underperforming district – evaluation of receiver

286 (g) The commissioner shall evaluate the performance of the receiver on not less than
287 an annual basis. The purpose of such evaluation shall be to determine whether the district has
288 met the annual goals in its performance contract and assess the implementation of the innovation
289 plan in the district. In any case in which the commissioner determines that the receiver has not
290 met 1 or more goals in the performance contract, and that the failure to meet such terms may be
291 corrected through reasonable modification of such contract, the commissioner may amend the
292 performance contract, as necessary. In any case in which the commissioner determines that the
293 receiver has substantially failed to meet multiple goals in the performance contract, the
294 commissioner may terminate the performance contract of such receiver, except that such
295 termination shall not occur before the completion of the third full school year of the receivership
296 of the district.

297 After assessing the implementation of the innovation plan in the district, the
298 commissioner may amend the plan if the commissioner determines that: (1) the failure of the

299 district to meet 1 or more goals in the performance contract is related to 1 or more components of
300 the innovation plan; or (2) such amendment is necessary in view of subsequent changes in the
301 district that affect 1 or more components of the plan, including, but not limited to, changes to
302 contracts, collective bargaining agreements, or school district policies.

303 Chronically underperforming district – removal of chronically underperforming
304 designation

305 (h) The board of elementary and secondary education shall adopt regulations
306 providing for: (1) the removal of a designation of a district as chronically underperforming; and
307 (2) transfer of the operation of a chronically underperforming district from an external receiver to
308 the superintendent, based on the improvement of such district. Such regulations shall include
309 measures to allow a district to retain measures adopted pursuant to subsections (d) and (e) of this
310 section if, in the judgment of the commissioner, such measures would contribute to the continued
311 improvement of the district. At any time after a chronically underperforming district has been
312 placed in receivership, the school committee of such district may petition the commissioner for a
313 determination as to whether the innovation plan adopted pursuant to subsection (b) should be
314 modified or eliminated, and whether the school district shall no longer be designated as
315 chronically underperforming. The decision of the commissioner shall be based on regulations
316 adopted by the board pursuant to this subsection. A school committee may seek review by the
317 board of elementary and secondary education of any adverse determination. The determination
318 of the board shall be subject to judicial review in accordance with the provisions of section 14 of
319 chapter 30A of the General Laws.

320 Chronically underperforming district – renewal of performance contract for receiver

321 (i) If, on the basis of the regulations adopted by the board pursuant to subsection (h),
322 a district has not improved sufficiently to remove the designation of such district as chronically
323 underperforming, the commissioner may: (1) jointly determine subsequent annual goals for each
324 component of the performance contract with the receiver, and renew the performance contract
325 for an additional period of not more than 5 years; or (2) create a new innovation plan and
326 performance contract, consistent with the requirements of this section.

327 Chronically underperforming district – designation for fiscal reasons

328 (j) If a municipality has failed to fulfill its fiscal responsibilities to education under
329 chapter 70 of the General Laws, the commissioner shall declare the school district such
330 municipality serves as chronically underperforming, subject to the approval of the board of
331 elementary and secondary education. The municipality’s mayor or chairman of the board of
332 selectmen shall have the opportunity to present evidence to the board. A vote by the board that a
333 school district is chronically underperforming for fiscal reasons shall authorize the commissioner
334 to petition the commissioner of revenue to require an increase in funds for the school district,
335 alleging that the amount necessary in said community for the support of public schools has not
336 been included in the annual budget appropriations. The commissioner of revenue shall
337 determine the amount of any deficiency pursuant to the sums required under chapter 70, if any,
338 and issue an order compelling the community to provide a sum of money equal to such
339 deficiency. If the community does not provide a sum of money equal to such deficiency, the
340 commissioner of revenue, in accordance with his or her powers in section 23 of chapter 59 of the
341 General Laws, shall not approve the tax rate of the community for the fiscal year until the
342 deficiency is alleviated. Nothing in this subsection shall be construed as creating a cause of

343 action for educational malpractice by students or their parents, guardians or persons acting as
344 parents.

345 SECTION 3. Chapter 71 of the General Laws, as appearing in the 2008 Official Edition,
346 is hereby amended by inserting after section 90 the following section:-

347 Section 91: Readiness Schools; approval process; innovation plan; performance contract;
348 evaluation

349 Definition and general authorizing provision

350 (a) A Readiness School shall be a public school, operating within a public school
351 district, that is established for the purpose of improving school performance and student
352 achievement by utilizing increased autonomy and flexibility. A Readiness School may be
353 established as a new public school or as a conversion of an existing public school. Any student
354 who is enrolled in a school that is subsequently established as a Readiness School shall retain the
355 ability to remain enrolled in such school.

356 There shall be three categories of Readiness Schools: Advantage Schools, Alliance
357 Schools, and Acceleration Schools. Readiness Acceleration Schools shall be established
358 pursuant to and governed by section 1J of chapter 69 of the General Laws. Readiness Advantage
359 and Alliance Schools shall be established pursuant to and governed by this section. For purposes
360 of the remainder of this section, Advantage and Alliance Schools shall be referred to collectively
361 as Readiness Schools.

362 Readiness School autonomies – general provision

363 (b) A Readiness School shall have increased autonomy and flexibility in one or more
364 of the following areas: (1) curriculum; (2) budget; (3) school schedule and calendar; (4) staffing
365 policies and procedures, including waivers or exemptions from contracts or collective bargaining
366 agreements; and (5) school district policies and procedures.

367 Innovation plan and performance contract – general provision

368 (c) A Readiness School established pursuant to this section shall be authorized by the
369 local school committee and shall operate according to an innovation plan, which shall articulate
370 the areas of autonomy and flexibility under subsection (b) that the school will utilize. Each
371 Readiness School shall operate according to the terms of a performance contract, as provided
372 under subsection (n). To the extent practicable, the innovation plan and performance contract
373 shall be based on longitudinal student outcome data, including, but not limited to: (1) student
374 achievement on the Massachusetts Comprehensive Assessment System; (2) other measures of
375 student achievement, as appropriate; (3) student promotion and graduation rates; (4) achievement
376 data for different subgroups of students, including low-income students, English Language
377 Learners, and students receiving special education; (5) student attendance rates; and (6) data
378 related to student health and wellness.

379 A Readiness School shall operate in accordance with the provisions of law regulating
380 other public schools, except as such provisions conflict with the provisions of this section or the
381 provisions of any innovation plans or performance contracts created thereunder.

382 Readiness Advantage Schools – general provision

383 (d) An Advantage School is a Readiness School in which school faculty and
384 leadership are primarily responsible for developing the innovation plan under which the school

385 operates, and in which school leadership is responsible for meeting the terms of the performance
386 contract. An Advantage School may include collaboration with 1 or more external partners to
387 facilitate implementation of the innovation plan. An Advantage School may be established as a
388 new public school or as a conversion of an existing public school.

389 Readiness Alliance Schools – general provision

390 (e) An Alliance School is a Readiness School in which 1 or more external partners is
391 primarily responsible for developing the innovation plan under which the school operates, and in
392 which the external partner or partners are responsible for meeting the terms of the performance
393 contract. An Alliance School may include collaboration with school or district leadership or
394 faculty to facilitate implementation of the innovation plan. An Alliance School may be
395 established as a new public school or as a conversion of an existing public school.

396 DESE Oversight of Initiative

397 (f) The commissioner of elementary and secondary education shall be responsible for
398 the overall organization, coordination, and monitoring of the Readiness Schools initiative,
399 including, but not limited to: (1) the production of applications, forms, and other materials
400 related to the approval process provided in the succeeding subsections; (2) to the extent
401 practicable, the provision of planning and implementation grants to eligible applicants to
402 establish Readiness Schools; (3) to the extent practicable, provision of technical assistance and
403 support to eligible applicants; (4) the collection and publication of data and research related to
404 the Readiness Schools initiative; (5) the collection and dissemination of best practices in
405 Readiness Schools that can be adopted by other public schools; (6) evaluation of Acceleration
406 Schools established pursuant to section 1J of chapter 69; and (7) procedures to limit, suspend, or

407 terminate the operation of a Readiness School under exigent academic, financial, or managerial
408 circumstances. The board of elementary and secondary education shall promulgate regulations
409 necessary to carry out the provisions of this section.

410 Multi-school applications; multi-district applications; academies

411 (g) Nothing in this section shall be construed as prohibiting: (1) the establishment of
412 a Readiness School as an academy within an existing public school; (2) the establishment of a
413 Readiness School serving students from 2 or more school districts, or (3) the simultaneous
414 establishment of 2 or more Readiness Schools as a Readiness Schools Zone within a school
415 district. The board of elementary and secondary education shall promulgate regulations
416 providing for the establishment of a Readiness School in such cases, consistent with the
417 provisions for establishing a Readiness School in this section.

418 Eligible Applicants

419 (h) The following shall be eligible applicants for the purposes of establishing a
420 Readiness Advantage or Alliance School: (1) parents; (2) teachers; (3) parent-teacher
421 organizations or parent-teacher associations; (4) principals; (5) superintendents; (6) school
422 committees; (7) teacher unions; (8) colleges and universities; (9) community-based
423 organizations; (10) non-profit business or corporate entities; (11) charter school operators; (12)
424 non-profit education management organizations; (13) non-profit private schools; (14)
425 educational collaboratives; (15) consortia of these groups; and (16) any entity authorized by the
426 commissioner.

427 Advantage/Alliance approval process – prospectus

428 (i) Any eligible applicant proposing to establish an Advantage or Alliance School
429 shall prepare a prospectus regarding such proposed school, subject to procedures established by
430 the commissioner. The prospectus shall include, but not be limited to, a description of: (1)
431 whether the school will be a new school or a conversion of an existing school; (2) if the school is
432 a new school, the proposed location of the school; (3) if the school is a conversion of an existing
433 school, the school that is being proposed for conversion; (4) whether the school will be an
434 Advantage School or an Alliance School; (5) the external partners, if any, that will be involved in
435 the school; (6) the number of students the school is anticipated to serve, and the number of staff
436 expected to be employed at the school; (7) the overall vision for the school, including with
437 respect to improving school performance and student achievement; (8) specific needs or
438 challenges the school will be designed to address; (9) a preliminary assessment of the autonomy
439 and flexibility under subsection (b) that the school will seek; (10) why such flexibility is
440 necessary to carry out the objectives of the school; (11) anticipated components of the school's
441 innovation plan; (12) a preliminary description of the process that will be used to involve
442 appropriate stakeholders in the development of the innovation plan; and (13) a proposed
443 timetable for development and establishment of the proposed school.

444 Advantage/Alliance approval process – screening committee

445 (j) Upon completion of the prospectus described in subsection (i), an eligible
446 applicant shall submit such prospectus to the applicable superintendent, who shall convene a
447 screening committee consisting of the superintendent or his designee; a school committee
448 member or a designee selected by the applicable school committee; and a teacher selected by the
449 applicable local teacher union from among volunteers in the district.

450 The screening committee shall review the prospectus for the overall purpose of
451 determining whether the prospectus: (1) presents a sound and coherent plan for improving school
452 performance and student achievement; (2) supports or enhances existing educational efforts in
453 the district; and (3) reasonably can be expanded into a comprehensive innovation plan. Within
454 30 days of receiving a prospectus, the screening committee shall decide, on the basis of a 2/3
455 vote, to accept, reject, or return the prospectus to the eligible applicant for revisions. In any case
456 in which a prospectus is rejected or returned, the screening committee shall submit a detailed
457 explanation for such decision to the eligible applicant. Any prospectus that is rejected or
458 returned pursuant to this subsection may be revised and resubmitted for subsequent
459 consideration.

460 Advantage/Alliance approval process – innovation plan committee

461 (k) Upon the acceptance of a prospectus by the screening committee under subsection
462 (j), an applicant shall form a planning committee, pursuant to the requirements of this subsection.
463 The purpose of the planning committee shall be to: (1) develop the innovation plan and
464 performance contract described in subsection (c); (2) assure that appropriate stakeholders are
465 represented in the development of the proposed Readiness School; and (3) provide meaningful
466 opportunities for such stakeholders to contribute to the development of such school. The size
467 and composition of the planning committee shall be determined by the applicant; provided,
468 however, that the planning committee shall include not less than: (1) the applicant; (2) the
469 superintendent or his designee; (3) a school committee member or his designee; (4) a parent who
470 has 1 or more children enrolled in the applicable school district; (5) a principal; and (6) 2
471 teachers. The applicant shall select the parent from among nominees submitted by parent-
472 teacher organizations or parent-teacher associations in the applicable district. If the district does

473 not contain a parent-teacher organization or parent-teacher association, or if such organization or
474 association does not submit nominees, the applicant shall select the parent from among
475 volunteers in the area or community the proposed school is expected to serve. The applicant
476 shall select the principal and 1 teacher from among volunteers in the applicable district, and 1
477 teacher from among nominees submitted by the applicable local teacher union.

478 Advantage/Alliance approval process – innovation plan

479 (l) Upon the formation of the innovation plan committee in subsection (k), such
480 committee shall develop the innovation plan for the proposed Readiness School, subject to
481 procedures established by the commissioner. The purpose of the innovation plan shall be to
482 comprehensively articulate the areas of autonomy and flexibility under subsection (b) that the
483 proposed school will utilize. The innovation plan shall include, but not be limited to: (1) a
484 curriculum plan, which shall include a detailed description of the curriculum and related
485 programs for the proposed school, and how such curriculum is expected to improve school
486 performance and student achievement; (2) a budget plan, which shall include a detailed
487 description of how funds will be used differently in the proposed school to support school
488 performance and student achievement; (3) a school schedule plan, which shall include a detailed
489 description of the ways, if any, the program or calendar of the proposed school will be enhanced
490 or expanded; (4) a staffing plan, which shall include a detailed description of how school
491 administrators and faculty will be recruited, employed, evaluated, and compensated, in the
492 proposed school, and any proposed waivers or exemptions from the local teacher contract; (5) a
493 policy and procedures plan, which shall include a detailed description of the unique operational
494 policies and procedures to be utilized by the proposed school, and how such procedures will
495 support school performance and student achievement.

496 Staffing plan – rule of construction

497 (m) The provisions of the local teacher contract shall be deemed to be in operation at a
498 Readiness School, except to the extent such provisions are expressly proposed for waiver or
499 exemption under the staffing plan in subsection (l), and such waivers or exemptions are approved
500 pursuant to the succeeding subsections.

501 Advantage/Alliance approval process – performance contract

502 (n) Upon completion of the innovation plan in subsection (l), the planning committee
503 shall develop a performance contract for the proposed Readiness School. The purpose of the
504 performance contract shall be to assess the proposed school across multiple measures of school
505 performance and student success, and shall include measurable annual goals regarding, but not
506 limited to, the following: (1) student attendance; (2) student safety and discipline; (3) student
507 promotion and graduation; (4) student achievement on the Massachusetts Comprehensive
508 Assessment System; (5) progress in areas of academic underperformance; (6) progress among
509 subgroups of students, including low-income students, English Language Learners, and students
510 receiving special education; (7) reduction of achievement gaps among different groups of
511 students; (8) student acquisition and mastery of 21st-century skills; (9) development of college
512 readiness, including at the elementary and middle school levels; (10) parent and family
513 engagement; (11) student health and wellness, including socio-emotional development; (12)
514 building a culture of academic success among students; and (13) building a culture of student
515 support and success among school faculty and staff.

516 Advantage/Alliance approval process – innovation plan & performance contract approval

517 (o) Upon completion of the innovation plan in subsection (l) and the performance
518 contract in subsection (n), the applicant shall, in the case of a new school, submit such plan and
519 contract to the local school committee for approval, subject to the requirements of subsection (p).
520 In the case of a school conversion, the applicant shall submit the innovation plan and
521 performance contract to teachers in the school that is proposed for conversion for approval by
522 secret ballot within 30 days. A simple majority vote of the teachers shall be required to approve
523 such plan and contract. Upon approval of an innovation plan and performance contract by the
524 teachers, the plan and contract shall be submitted immediately to the school committee. In any
525 case in which a simple majority vote is not achieved, the committee may revise the innovation
526 plan and performance contract, as necessary, and submit such revised plan and contract to the
527 teachers for a subsequent vote.

528 Advantage/Alliance approval process – final approval by school committee

529 (p) A school committee shall, upon receipt of an innovation plan and performance
530 contract regarding a Readiness School pursuant to subsection (o), hold not less than 1 public
531 hearing related to the establishment of such school. Subsequent to such public hearing, but not
532 later than 60 days after the receipt of the innovation plan and performance contract, the school
533 committee shall, on the basis of the quality of the plan and contract, and in consideration of
534 comments submitted by the public, undertake a final vote to authorize the Readiness School for a
535 period of not more than 5 years, subject to the provisions of subsection (q). Approval of the
536 majority of the school committee as fully constituted shall be required to authorize a Readiness
537 School. In any case in which such approval is not achieved, a planning committee may revise
538 the innovation plan and performance contract and: (1) in the case of a new school, submit such
539 revised plan and contract to the school committee for a subsequent vote; or (2) in the case of a

540 conversion, submit such revised plan and contract to the teachers in the school that is proposed
541 for conversion for a vote, pursuant to the requirements of subsection (o) and, provided the plan
542 and contract meet the requirements for approval under subsection (o), submit such revised plan
543 and contract to the school committee for a subsequent vote. A school committee shall vote on a
544 revised plan and contract submitted pursuant to this subsection within 60 days of the receipt of
545 such plan and contract.

546 Advantage/Alliance approval process – evaluation

547 (q) All Readiness Schools authorized under subsection (p) shall be evaluated by the
548 superintendent on not less than an annual basis. The superintendent shall transmit such
549 evaluation to the school committee. The purpose of such evaluation shall be to determine
550 whether the school has met the annual goals in its performance contract and assess the
551 implementation of the innovation plan at the school. In any case in which the school committee
552 determines, on the advice of the superintendent, that the school has not met 1 or more goals in
553 the performance contract, and that the failure to meet such goals may be corrected through
554 reasonable modification of such contract, the school committee may amend the performance
555 contract as necessary. In any case in which the school committee determines, on the advice of
556 the superintendent, that the school has substantially failed to meet multiple goals in the
557 performance contract, the school committee may, on the advice of the superintendent: (1) limit 1
558 or more components of the innovation plan, as necessary; (2) suspend 1 or more components of
559 the innovation plan, as necessary; or (3) terminate the authorization of the school; provided,
560 however, that such limitation or suspension shall not take place before the completion of the
561 second full year of the operation of the school, and such termination may not take place before
562 the completion of the third full year of the operation of the school.

563 After the superintendent assesses the implementation of the innovation plan at the school,
564 the school committee may, on the advice of the superintendent, amend the plan if the school
565 committee determines that: (1) the failure of the school to meet 1 or more goals in the
566 performance contract is related to the 1 or more components of the innovation plan; or (2) such
567 amendment is necessary in view of subsequent changes in the district that affect 1 or more
568 components of the plan, including, but not limited to, changes to contracts, collective bargaining
569 agreements, or school district policies; provided, however, that any amendment involving a
570 subsequent change to a teacher contract shall first be approved by teachers at the school,
571 pursuant to the procedures in subsection (o).

572 Advantage/Alliance Schools – renewal

573 (r) At the end of the period of authorization of a Readiness School approved under
574 subsection (p), the leadership of such school may petition the school committee to extend the
575 authorization of the school for an additional period of not more than 5 years. Before submitting
576 such petition, the leadership of the school shall convene a selection of school stakeholders,
577 including, but not limited to, administrators, teachers, other school staff, parents, and external
578 partners, as applicable, to discuss whether the innovation plan and performance contract at the
579 school require revision, and to solicit recommendations as to such potential revisions. After
580 considering the recommendations of the stakeholder group, the leadership of the school and the
581 applicable superintendent shall jointly update the innovation plan and performance contract as
582 necessary; provided, however, that any proposal regarding a new waiver or exemption from the
583 local teacher contract shall be approved by teachers at the school, pursuant to the provisions of
584 subsection (o). Approval of the majority of the school committee as fully constituted shall be
585 required to extend the period of authorization of a Readiness School. In any case in which such

586 approval is not achieved, the leadership of the school and superintendent may jointly revise the
587 innovation plan and performance contract and submit such revised plan and contract to the
588 school committee for a subsequent vote.

589 Effective date – Advantage/Alliance School staffing plans

590 SECTION 4. With respect to local teacher contracts that are in effect on the date of
591 enactment of this Act, that portion of paragraph 4 of subsection (l) of section 91 of chapter 71 of
592 the General Laws, as appearing in section 3 of this act, only as it relates to potential waivers or
593 exemptions from the local teacher contract, shall not apply until the stated expiration date of the
594 applicable teacher contract.