

HOUSE No. 4166

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

AN ACT TO REFORM EDUCATION IN PUBLIC SCHOOLS THROUGH THE CREATION OF IN-DISTRICT CHARTER SCHOOLS WITH PAY-FOR-PERFORMANCE..

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

1 CHAPTER 69A. Measures to Improve Underperforming Schools.

2 Section 1. As used in this chapter, the following words shall have the following
3 meanings, unless the context requires otherwise:

4 “Educator,” any teacher, principal, vice or assistant principal, director, guidance
5 counselor, school psychologist, school adjustment counselor, school social worker, school nurse,
6 library media specialist, school business administrator, or other personnel required to hold a
7 provisional or standard teaching certificate.

8 “Eligible applicants,” the following persons and entities shall be eligible applicants for
9 the purposes of establishing an in-district charter school: (1) parents; (2) educators; (3)
10 principals; (4) superintendents; (5) colleges and universities; (6) community-based
11 organizations; (7) non-profit business or corporate entities; (8) charter school operators; (9)
12 education management organizations; (10) private schools; (11) educational collaboratives; and
13 (12) any person or entity authorized by the school committee.

14 “In-District Charter School,” a conversion of an underperforming school or a new school
15 proposed by eligible applicants.

16 “Pay for Performance,” a monetary incentive that may implemented by the
17 superintendent and offered to teams of educators at In-District Charter Schools.

18 “Performance contract,” a contract between school leadership and the school committee
19 designed to assess In-District Charter Schools across multiple measures of school performance
20 and student success. The performance contract shall include measurable annual goals and
21 objectives that may include but are not limited to the following: (1) student attendance; (2)
22 student safety and discipline; (3) student promotion and graduation; (4) student achievement on
23 the Massachusetts Comprehensive Assessment System; (5) progress in areas of academic
24 performance; (6) progress among subgroups of students, including low-income students,
25 English-Language Learners, and students receiving special education; (7) reduction of
26 achievement gaps among different groups of students; (8) student acquisition and mastery of
27 21st – century skills; (9) development of college readiness, including at the elementary and
28 middle school levels; (10) professional development for educators; (11) parent and family
29 engagement; (12) student health and wellness, including socio-emotional development; (13)
30 building a culture of academic success among students; and (14) building a culture of student
31 support and success among faculty and staff.

32 “School committee,” any school committee of any city or town or any regional district
33 school committee, elected or appointed.

34 “Underperforming school,” a school that consistently fails to improve the academic
35 performance of its students in accordance with regulations devised by local school committee.

36 Section 2. Notwithstanding any general or special law to the contrary, the local
37 school committee shall be authorized to establish regulations for determining when a school is
38 underperforming.

39 Section 3. Upon a determination by the superintendent that a school is
40 underperforming, the superintendent may, subject to the formal approval of the school committee
41 and in consultation with the commissioner of elementary and secondary education, designate
42 said underperforming school as an In-District Charter School for the purpose of promoting rapid
43 academic improvement.

44 Upon designation, the superintendent shall issue guidelines for the submission of In-
45 District charter proposals for the conversion of underperforming schools to In-District Charter
46 Schools;

47 In-District charter proposals may be submitted by any eligible applicants and shall
48 include a proposed performance contract as well as a detailed charter that articulates a statement
49 of its mission, a description of its educational approach, and an outline of goals it will be held
50 accountable for through its performance contract;

51 In-District charter proposals may include plans for pay for performance implementation
52 as well as a governance scheme that promotes flexibility and autonomy;

53 In-District charter proposals may include a plan to collaborate with before and after-
54 school service providers and other external partners for the purpose of furthering the In-District
55 Charter School mission;

56 In-District charter proposals shall be submitted to the superintendent for review in
57 accordance with the established guidelines;

58 Proposals meeting the guidelines established by the superintendent may be forwarded to
59 the school committee for final approval;

60 The school committee will accept or reject these nominations through a simple majority
61 vote.

62 Section 4. The superintendent may accept proposals for new In-District Charter
63 Schools.

64 Section 5. In-District Charter Schools shall be subject to a performance contract.

65 The performance contracts shall include specific goals for student achievement and
66 engagement, parental involvement, and professional development for educators.

67 The superintendent shall evaluate and report to the school committee on the progress of
68 the schools toward achieving the goals set forth in these performance contracts at regular
69 intervals.

70 If an In-District Charter School fails to meet the goals of the contract, the school
71 committee may close the school.

72 Subject to the approval of the school committee, the superintendent will create specific
73 guidelines for performance contracts before granting approval to any In-District Charter Schools.

74 Performance contracts shall be resubmitted for approval by request of the Superintendent,
75 which shall occur at least every five years from the date of initial approval.

76 Section 6. An In-District Charter School shall be a public school, operating within
77 the local public school district.

78 (1) As such, In-District Charter Schools shall be funded through the existing local
79 public school’s budget process.

80 Section 7. Distinct from Commonwealth Charter Schools and Horace Mann Charter
81 Schools, there is no specific limit to the number of In-District Charter Schools. The number of
82 In-District Charter Schools will be determined by the number of underperforming schools.

83 Section 8. The Superintendent shall, subject to the approval of the local school
84 committee, adopt one or more extraordinary measures to promote the rapid improvement of In-
85 District Charter Schools, including:

86 (1) removal of the principal, other administrators, or teachers, as applicable, without
87 any regard to the provisions of Sections 41 and 42 of Chapter 71 of the General Laws, or the
88 provisions of any collective bargaining agreement;

89 (2) the limitation, suspension, or termination of all or part of any contract or
90 collective bargaining agreement, as such contract or collective bargaining agreement applies to
91 the school; or

92 (3) such other actions contained in the performance contract to promote rapid
93 improvement.

94 Section 9. The superintendent, in consultation with the commissioner of elementary
95 and secondary education and subject to the approval of the local school committee, may
96 implement a “pay for performance” initiative for In-District Charter Schools.

97 “Pay for performance” is designed to encourage teachers to further their knowledge and
98 instructional skills with the ultimate goal of improving student performance in underperforming
99 schools.

100 Notwithstanding the requirements set forth above, the structure of “pay for performance”
101 may otherwise be specifically tailored in each In-District Charter school proposal to the
102 superintendent.

103 The school committee shall promulgate regulations created by the superintendent
104 governing the eligibility and distribution of pay for performance funds; pay for performance
105 shall be included in performance contracts for in-district charter schools.

106 Section 10. This section shall only take effect in a city or town accepting the provisions
107 of this section by a majority vote of the city council with the approval of the mayor, in the case
108 of a city with a Plan A, Plan B, or Plan F charter; by a majority vote of the city council, in the
109 case of a city with a Plan C, Plan D, or Plan E charter; by a majority vote of the annual town
110 meeting or a special meeting called for the purpose, in the case of a municipality with a town
111 meeting form of government; or by a majority vote of the town council, in the case of a
112 municipality with a town council form of government. The provisions of this section shall take
113 effect on the first day of the calendar quarter following thirty days after such acceptance, or on
114 the first day of such later calendar quarter as the city or town may designate.