

HOUSE No. 4754

The Commonwealth of Massachusetts

In the Year Two Thousand 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,
2 as appearing in the 2008 Official Edition, and inserting in place thereof the following paragraph:-

3 All personnel in a district whose positions are superseded by reason of the establishment
4 and operation of either a newly created regional school district or a regional school district
5 created through expansion or consolidation of existing regional school districts shall be elected
6 to serve in such district by the regional school district committee; provided, however, that there
7 is an available position which such person is qualified to fill. All such personnel employed by
8 the new regional school district committee shall be compensated not less than the compensation
9 received by such school personnel immediately prior to his employment by the new regional
10 school district committee. Such compensation shall remain in effect until the regional school
11 district committee and the appropriate exclusive bargaining representative for regional school
12 district employees reach a successor to the bargaining agreement or agreements previously
13 negotiated by the preceding school or regional school district committees. In any newly created,
14 expanded, or consolidated regional school district, the bargaining unit structure and questions

15 concerning representation, if any, shall be determined pursuant to chapter 150E. All other terms
16 and conditions of employment for personnel whose positions are superseded by reason of the
17 establishment and operation of a regional school district shall be subject to chapter 150E.
18 Personnel shall be given credit by the regional school district committee for all accumulated sick
19 leave, accumulated time towards service and accumulated sabbatical leave years of service, and
20 for terminal compensation due such school personnel on the termination of service.

21 SECTION 2. Section 1. There shall be a commission to examine efficient and effective
22 strategies to implement school district collaboration and regionalization. The commission shall
23 consist of 16 members: 2 of whom shall be the co-chairs of the Joint Committee on Education,
24 who shall serve as co-chairs of the commission; 1 of whom shall be a member of the house of
25 representatives appointed by the minority leader; 1 of whom shall be a member of the senate
26 appointed by the minority leader; 1 of whom shall be the secretary of education, or his designee;
27 1 of whom shall be the commissioner of the department of elementary and secondary education,
28 or his designee; 1 of whom shall be the executive director of the Massachusetts school building
29 authority, or her designee; 9 of whom shall be appointed by the secretary of education, 1 of
30 whom shall be selected from a list of 3 nominees offered by a representative of the
31 Massachusetts Association of School Superintendents, 1 of whom shall be selected from a list of
32 3 nominees offered by a representative of the Massachusetts Association of School Committees,
33 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Association
34 of Regional Schools, 1 of whom shall be selected from a list of 3 nominees offered by the
35 Massachusetts Teachers Association, 1 of whom shall be selected from a list of 3 nominees
36 offered by the American Federation of Teachers of Massachusetts, 1 of whom shall be selected
37 from a list of 3 nominees offered by the Massachusetts Association of School Business Officials,

38 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Business
39 Alliance for Education, 1 of whom shall be selected from a list of 3 nominees offered by the
40 Massachusetts Municipal Association, and 1 of whom shall be selected from a list of 3 nominees
41 offered by the Massachusetts Organization of Educational Collaboratives.

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

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

70 Section 2. Not later than 60 days after the submission of the report described in section 1,
71 the commissioner shall commence an expedited review of school districts for which
72 collaboration and/or regionalization plans have been developed as of the date of enactment of
73 this act. The collaboration and/or regionalization plan for each district or group of districts shall
74 be reviewed to examine the extent to which proposed strategies for increased collaboration or
75 regionalization result in: (1) increased academic and programmatic quality of the school
76 district(s); (2) increased effectiveness of the central office of the school district(s) in supporting
77 student achievement and the improvement of its schools; (3) increased fiscal viability and
78 efficiency of the school district(s); and (4) stronger sustainability of the school district(s) in
79 future years. The purpose of the review shall be to determine whether the collaboration and/or
80 regionalization plan for the district(s) is sufficient in such areas.

81 Section 3. Not later than 60 days after the submission of the report described in section 1
82 of this act, the commissioner of elementary and secondary education shall commence a review of
83 school districts with less than 1,000 students to examine: (1) the academic and programmatic

84 quality of the school district; (2) the capacity of the district, including the effectiveness of the
85 central office of the school district, to support high levels of student achievement; (3) the fiscal
86 viability and efficiency of the school district; and (4) the overall sustainability of the school
87 district in future years. The purpose of the review shall be to identify areas of need, if any, in
88 these four areas and determine whether those identified areas of need could be adequately
89 addressed through greater collaboration with another district, an educational collaborative, a city,
90 town, or other entity, or through the regionalization of such school district.

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

97 In reviewing the academic and programmatic quality of the school district, the
98 commissioner shall examine multiple indicators, which may include the following factors: (1)
99 student performance on the Massachusetts Comprehensive Assessment System; (2)
100 accountability status under state performance measures; (3) accountability status under the
101 Elementary and Secondary Education Act, including for the district, individual schools, and
102 subgroups of students; (4) the percentage of teachers licensed in their teaching assignment; (5)
103 attendance rates; (6) student promotion and graduation rates; (7) student discipline and
104 suspension and expulsion rates; (8) the availability and variety of academic classes, including
105 enrichment classes and electives, as applicable; (9) the availability and variety of honors,
106 Advanced Placement, and International Baccalaureate classes, as applicable, and the

107 participation of diverse groups of students in such classes; (10) scheduling flexibility in order to
108 access the available and diverse array of electives and educational options; (11) the availability
109 of extracurricular, arts, and athletic activities for students and the participation of diverse groups
110 of students in such activities; (12) school building capacity and facilities; (13) the quality of
111 school leaders and staff; and (14) possible in-district collaborations between school buildings,
112 including consolidating buildings, programs, school building and central office administration,
113 special education and food service.

114 In reviewing the effectiveness of the central office of the school district to support high
115 levels of student achievement, the commissioner shall examine multiple indicators, which may
116 include the following factors: (1) the number of staff members in the central office; (2) the
117 number of such staff members whose primary responsibility involves academic and instructional
118 support for schools, faculty, and students; (3) the extent to which the central office uses data and
119 analysis of such data to tailor effective educational improvement strategies for district schools;
120 (4) the overall provision of services by the district to special populations of students, including,
121 but not limited to, low-income students, English Language Learners, and students with
122 disabilities; (5) the provision of targeted programs by the district to address identified areas of
123 academic need in one or more schools; (6) the provision of professional development programs
124 and activities to improve teacher quality; and (7) the extent of inter-district collaborations and
125 partnerships with outside organizations focused on school performance and student academic
126 achievement.

127 In reviewing the fiscal viability and efficiency of the school district, the commissioner
128 shall examine multiple indicators, which may include the following factors: (1) the overall
129 budget of the school district; (2) the percentage of such budget expended on instructional

130 purposes; (3) the percentage of such budget expended on non-instructional or operational
131 purposes; (4) the extent of inter-district collaborations, arrangements with educational
132 collaboratives, or partnerships with cities or towns for the purpose of generating economic
133 efficiencies; and (5) in-district collaboration between school buildings, programs, services and
134 administration.

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

144 In conducting any review or concurrent review, the commissioner shall provide ample
145 opportunity for a district or districts to present data or evidence that, in the judgment of the
146 district, is relevant to the review. At the request of the district, the commissioner shall make any
147 and all data or evidence being used in the review available to the district or districts under
148 review. At the request of the commissioner, the district or districts under review shall make all
149 existing data or evidence reasonably needed to conduct the review available to the commissioner.

150 Section 4. Not later than 60 days after commencing a review, a concurrent review, or an
151 expedited review, the commissioner shall publicly release a report containing detailed findings of

152 the review. The commissioner shall, on the basis of one or more such findings and the model
153 approaches recommended by the commission in section 1 of this act, recommend options for the
154 district, including but not limited to: (1) collaborate with one or more districts, an educational
155 collaborative, a city, town, or other entity to address one or more areas of need identified in the
156 review, (2) form a regional school district to address one or more areas of need identified in the
157 review, or (3) continue to operate with no changes in its level of collaboration or governance
158 structure.

159 A district or districts shall, within 60 days of receiving recommendations from the
160 commissioner submit a report to the commissioner that shall identify which, if any, option will
161 be pursued by the district or districts. If a district declines to pursue the commissioner's
162 recommendations, it shall submit a detailed report to the commissioner explaining why his
163 recommendations have been rejected. If a district agrees to pursue one or more of the
164 commissioner's recommendations, said report shall also include specific strategies that will be
165 implemented by the district or districts.

166 In the case of a recommendation for increased collaboration, the report shall include, but
167 not be limited to: (1) identification of partners and strategies for engaging those partners in
168 increased collaboration, (2) programs and services that will be affected by increased
169 collaboration, (3) a description of how the aforementioned programs and services will be
170 administered more effectively or efficiently due to increased collaboration, and (4) how
171 increased collaboration will improve the overall capacity, academic performance, and fiscal
172 viability and sustainability of the district or districts.

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

184 The commissioner shall assess district reports based on the likelihood of their success in
185 addressing the areas of need included in the commissioner’s review of the applicable districts,
186 and shall provide written agreement with the report or propose amendments to such report within
187 30 days.

188 The school committee or committees may make further amendments prior to approving
189 its plan. In such cases, the committee or committees shall provide the commissioner with a
190 detailed statement explaining why the amendments are necessary for success in addressing the
191 areas of need identified in the commissioner’s review and subsequent report. In such cases, the
192 district or districts shall amend its plan according to the school committee or committees’
193 statement.

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

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