

HOUSE No. 1588

The Commonwealth of Massachusetts

PRESENTED BY:

Christine E. Canavan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to promote collaboration at designated schools and districts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>	<i>1/20/2011</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/22/2011</i>
<i>Alice K. Wolf</i>	<i>25th Middlesex</i>	<i>1/28/2011</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>	<i>2/2/2011</i>
<i>Geraldine M. Creedon</i>	<i>11th Plymouth</i>	<i>2/3/2011</i>
<i>Sean Curran</i>	<i>9th Hampden</i>	<i>2/3/2011</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/4/2011</i>
<i>Joyce A. Spiliotis</i>	<i>12th Essex</i>	<i>2/3/2011</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>	<i>2/3/2011</i>
<i>Cheryl A. Coakley-Rivera</i>	<i>10th Hampden</i>	<i>2/3/2011</i>

HOUSE No. 1588

By Ms. Canavan of Brockton, a petition (accompanied by bill, House, No. 1588) of Christine E. Canavan and others relative to collective bargaining of certain school employees in response to "rapid academic achievement," so-called. Public Service.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to promote collaboration at designated schools and districts.

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 most recently amended by Chapter 12 of
2 the Acts of 2010, is hereby amended in Section 1J by deleting subsection (g), and replacing it
3 with a new subsection (g) as follows :-

4 (g) If, after considering the recommendations of the group of stakeholders, the
5 superintendent considers it necessary to maximize the rapid academic achievement of students at
6 the applicable school by altering the compensation, hours and working conditions of the
7 administrators, teachers, principal and staff at the school or by altering other provisions of a
8 contract or collective bargaining agreement applicable to the administrators, teachers, principal
9 and staff, the superintendent shall request that the school committee and any union bargain or
10 reopen the bargaining of the relevant collective bargaining agreement to negotiate such
11 alterations.

Section 2. Chapter 69 of the General Laws, as most recently amended by Chapter 12 of the Acts of 2010, is hereby amended in Section 1J by inserting a new subsection (q) to read as follows :-

(q)(1) If, after considering the recommendations of the group of stakeholders, the commissioner considers it necessary to maximize the rapid academic achievement of students at the applicable school by altering the compensation, hours and working conditions of the administrators, teachers, principal and staff at the school or by altering other provisions of a contract or collective bargaining agreement applicable to the administrators, teachers, principal and staff, the commissioner may request that the school committee and any union bargain or reopen the bargaining of the relevant collective bargaining agreement to facilitate such achievement. The bargaining shall be conducted in good faith and completed not later than 60 days from the point at which the commissioner requested that the parties bargain. The agreement shall be subject to ratification within 10 business days by the bargaining unit members in the school. If the parties are unable to reach an agreement within 60 days or if the agreement is not ratified within 10 business days by the bargaining unit members of the school, the parties shall submit remaining unresolved issues a joint resolution committee for dispute resolution process on the next business day following the end of the 60-day bargaining period or failure to ratify.

The joint resolution committee shall be comprised of 3 members, 1 of whom shall be appointed by the employee organization within 3 business days following the submission of unresolved issues to the joint resolution committee, 1 of whom shall be appointed by the school committee within 3 business days following the submission of unresolved issues to the joint resolution committee and 1 who shall be selected through the American Arbitration Association who shall forthwith forward to the parties a list of 3 conciliators, each of whom shall have

professional experience in elementary and secondary education, from which the parties may agree upon a single conciliator provided, however, that if the parties cannot select a conciliator from among the 3 within 5 business days, the American Arbitration Association shall select a conciliator from the remaining names. The joint resolution committee shall conduct a dispute resolution process to be concluded within 30 business days of selection. This process shall be conducted in accordance with the rules of the American Arbitration Association and consistent with this section. The fee for the process shall be shared equally between the 2 parties involved.

The joint resolution committee shall consider the positions of the parties, the designation of the school as chronically underperforming and the needs of the students in the school. Notwithstanding any other provision of this chapter, the decision of the joint resolution committee shall be dispositive of all the issues in dispute and shall be submitted to the parties within 10 business days of the completion of the process.

Section 3. Chapter 69 of the General Laws, as most recently amended by Chapter 12 of the Acts of 2010, is hereby amended in Section 1K by deleting subsection (e), and replacing it with a new subsection (e) as follows :-

(e) If, after considering the recommendations of the group of stakeholders, the commissioner considers it necessary to maximize the rapid academic achievement of students in the applicable school district by altering the compensation, hours and working conditions of the administrators, teachers, principal and staff in the school district, or by altering other provisions of a contract or collective bargaining agreement applicable to the administrators, teachers, principal and staff, the commissioner may request that the school committee and any union bargain or reopen the bargaining of the relevant collective bargaining agreement to facilitate

such achievement. The bargaining shall be conducted in good faith and completed not later than 60 days from the point at which the commissioner requested that the parties bargain. The agreement shall be subject to ratification within 10 business days by the bargaining unit members in the school. If the parties are unable to reach an agreement within 60 days, the parties shall submit remaining unresolved issues to a joint resolution committee for dispute resolution process within 3 business days following the end of the 60-day bargaining period.

The joint resolution committee shall be comprised of 3 members, 1 of whom shall be appointed by the employee organization within 3 business days following the submission of unresolved issues to the joint resolution committee, 1 of whom shall be appointed by the school committee within 3 business days following the submission of unresolved issues to the joint resolution committee and 1 who shall be selected through the American Arbitration Association who shall forthwith forward to the parties a list of 3 conciliators, each of whom shall have professional experience in elementary and secondary education, from which the parties may agree upon a single conciliator provided, however, that if the parties cannot select a conciliator from among the 3 within 5 business days, the American Arbitration Association shall select a conciliator from the remaining names. The joint resolution committee shall conduct a dispute resolution process to be concluded within 30 business days of selection. This process shall be conducted in accordance with the rules of the American Arbitration Association and consistent with this section. The fee for the process shall be shared equally between the 2 parties involved.

The joint resolution committee shall consider the positions of the parties, the designation of the school as chronically underperforming and the needs of the students in the school. Notwithstanding any other provision of this chapter, the decision of the joint resolution

79 committee shall be dispositive of all the issues in dispute and shall be submitted to the parties
80 within 10 business days of the completion of the process.