SENATE DOCKET, NO. 1397 FILED ON: 1/21/2011

SENATE . . . . . No. 187

The Commonwealth of Massachusetts

PRESENTED BY:

Katherine M. Clark

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 in Horace Mann and innovation schools.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Katherine M. Clark	*Fifth Middlesex*
Joyce A. Spiliotis	*12th Essex*

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SENATE . . . . . No. 187

By Ms. Clark, a petition (accompanied by bill, Senate, No. 187) of Katherine M. Clark and Joyce A. Spiliotis for legislation to promote collaboration in Horace Mann and innovation schools. Education.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to promote collaboration in Horace Mann and innovation schools.

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

Section 1. Sec 89 of Chapter 71, as most recently amended by Section 7 of Chapter 12 of the Acts of 2010, is hereby amended in subsection (i), clause (1) by replacing the words:- "further, that if an agreement is not reached on the memorandum of understanding at least 30 days before the scheduled opening of the school, the charter school shall operate under the terms of its charter until an agreement is reached;"with the words:- "If the negotiations have not resulted in an agreement within 40 days, either party may petition the division of labor relations for the selection of an arbitrator. The division shall select an arbitrator within 3 days of the petition from a list submitted by the parties. The arbitrator shall conduct a hearing within 14 days of the arbitrator's selection. The arbitrator shall consider the parties' positions and the needs of the students in the district. The arbitrator's decision shall be consistent with the contents of the innovation plan developed by the applicant. The arbitrator shall, within 14 days of the close of the hearing, submit a decision which shall be final and binding on the parties."

Section 2. Sec 92 of Chapter 71, as added by Section 8 of Chapter 12 of the Acts of 2010, is hereby amended by rewriting subsection (l) as follows:-

(l) Upon the completion of the innovation plan in subsection (j), the applicant, a local union and the superintendent shall negotiate waivers or modifications to the applicable collective bargaining agreement necessary for the school to implement the innovation plan.

In the case of a school conversion, upon the conclusion of the negotiations, the innovation plan shall be submitted immediately to the teachers in the school that is proposed for conversion for approval by secret ballot within 30 days. A two-thirds vote of the teachers shall be required to approve the plan. If a two-thirds vote is not achieved, the local union and superintendent may revise the innovation plan as necessary and submit the revised plan to the teachers for a subsequent vote.

In the case of a new school or a school conversion, if the negotiations have not resulted in an agreement within 40 days, either party may petition the division of labor relations for the selection of an arbitrator. The division shall select an arbitrator within 3 days of the petition from a list submitted by the parties. The arbitrator shall conduct a hearing within 14 days of the arbitrator’s selection. The arbitrator shall consider the parties’ positions and the needs of the students in the district. The arbitrator’s decision shall be consistent with the contents of the innovation plan developed by the applicant. The arbitrator shall, within 14 days of the close of the hearing, submit a decision which shall be final and binding on the parties.