

HOUSE No. 464

The Commonwealth of Massachusetts

PRESENTED BY:

Alice Hanlon Peisch

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 relative to improving student achievement.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>1/18/2013</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>	
<i>Matthew A. Beaton</i>	<i>11th Worcester</i>	
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	

HOUSE No. 464

By Ms. Peisch of Wellesley, a petition (accompanied by bill, House, No. 464) of Alice Hanlon Peisch and others relative to improving student achievement. Education.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to improving student achievement.

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 is hereby amended by inserting after
2 section II the following section:-

3 Section II ½. (a) The commissioner of elementary and secondary education may, on the
4 basis of student performance data collected pursuant to section II, a school or district review
5 performed under section 55A of chapter 15, or regulations adopted by the board of elementary
6 and secondary education, designate 1 or more schools in a school district other than a Horace
7 Mann charter school as focus schools. The board shall adopt regulations establishing standards
8 for the commissioner to make such designations on the basis of data collected pursuant to section
9 II or information from a school or district review performed under section 55A of chapter 15.
10 Schools that score in the lowest 20 per cent statewide among schools serving common grade
11 levels on a single measure developed by the department that do not otherwise meet the criteria
12 for designation as underperforming or chronically underperforming pursuant to section 1J, shall
13 be deemed eligible for designation as a focus school, provided that the commissioner makes such
14 designations, according to state regulations, for schools in which one or more subgroups in the
15 school are among the lowest performing 20 per cent of subgroups relative to all subgroups
16 statewide and their own subgroups and grade span or if they have persistently low graduation
17 rates.

18 In adopting regulations allowing the commissioner to designate a school as a focus
19 school, the board shall ensure that such regulations take into account multiple indicators of
20 school quality in making determinations regarding focus status, including but not limited to
21 student attendance, dismissal rates and exclusion rates, promotion rates, graduation rates or the
22 lack of demonstrated significant improvement for 2 or more consecutive years in core academic

23 subjects, either in the aggregate or among subgroups of students, including designations based on
24 special education, low-income, English language proficiency and racial classifications.

25 A school designated as a focus school shall operate in accordance with laws regulating
26 other public schools, except as such provisions may conflict with this section.

27 (b) Upon the designation of a school as a focus school in accordance with regulations
28 developed pursuant to this section, the commissioner shall direct the superintendent of the
29 district to convene a local stakeholder group for the purpose of developing a betterment plan for
30 the school. The local stakeholder group shall include: (1) the superintendent, or a designee; (2)
31 the chair of the school committee, or a designee; (3) the president of the local teachers' union, or
32 a designee; (4) an administrator from the school, who may be the principal, chosen by the
33 superintendent; (5) a teacher from the school chosen by the faculty of the school; and (6) a parent
34 member of the school council chosen by the school council. The superintendent shall convene
35 such group within 14 days of the commissioner designating a school as a focus school. Meetings
36 of the local stakeholder group shall be open to the public.

37 (c) In creating the betterment plan, the local stakeholder group shall include provisions
38 intended to maximize the rapid academic achievement of students at the school and shall, to the
39 extent practicable, base the plan on student outcome data, including, but not limited to: (1) data
40 collected pursuant to section 1I or information from a school or district review performed under
41 section 55A of chapter 15; (2) student achievement on the Massachusetts Comprehensive
42 Assessment System; (3) other measures of student achievement, approved by the commissioner,
43 (4) student promotion and graduation rates; (5) achievement data for different subgroups of
44 students, including low-income students as defined in chapter 70, limited English-proficient
45 students and students receiving special education; and (6) student attendance, dismissal rates and
46 exclusion rates.

47 The local stakeholder group shall also include in the creation of the betterment plan the
48 following, if applicable: (1) steps to address achievement gaps for limited English-proficient,
49 special education and low-income students; (2) alternative English language learning programs
50 for limited English proficient students, notwithstanding chapter 71A; and (3) a financial plan for
51 the school, including any additional funds to be provided by the district, commonwealth, federal
52 government or other sources.

53 To assess the school across multiple measures of school performance and student
54 success, the betterment plan shall include measurable annual goals including, but not limited to:
55 (1) student attendance, dismissal rates and exclusion rates; (2) student safety and discipline; (3)
56 student promotion and graduation and dropout rates; (4) student achievement on the
57 Massachusetts Comprehensive Assessment System; (5) progress in areas of academic
58 underperformance; (6) progress among subgroups of students, including low-income students as
59 defined by chapter 70, limited English proficient students and students receiving special

60 education; (7) reduction of achievement gaps among different groups of students; (8) student
61 acquisition and mastery of twenty-first century skills; (9) development of college readiness,
62 including at the elementary and middle school levels; (10) parent and family engagement; (11)
63 building a culture of academic success among students; (12) building a culture of student support
64 and success among school faculty and staff; and (13) developmentally appropriate child
65 assessments from pre-kindergarten through third grade, if applicable.

66 (e) Notwithstanding any general or special law to the contrary, the local stakeholder
67 group may also include in betterment plan provisions that allow the superintendent to: (1)
68 reallocate the uses of the existing budget of the school for the purpose of expanding and
69 enhancing professional development opportunities for teachers and administrators of the school,
70 provided that said professional development opportunities are focused on improving curriculum
71 instruction and enhancing student achievement; (2) provide additional funds to the school from
72 the budget of the district, if the school does not already receive funding from the district at least
73 equal to the average per pupil funding received for students of the same classification and grade
74 level in the district, to redesign existing professional development programs in order to improve
75 collaboration and mentoring of administrators and teachers in the school; (3) provide funds,
76 subject to appropriation and following consultation with applicable local unions, to increase the
77 number of professional development hours required by administrators and teachers in the school;
78 (4) provide funds, subject to appropriation and following consultation with applicable local
79 unions, to expand the school day or school year or both of the school; (5) limit, suspend or
80 change 1 or more school district policies or practices, as such policies or practices relate to
81 improved student performance and achievement at the school; (6) include a provision of job-
82 embedded professional development for teachers at the school, with an emphasis on strategies
83 that involve teacher input and feedback; (7) provide for increased opportunities for teacher
84 planning time and collaboration, including professional learning communities, focused on
85 improving student instruction; (8) establish a plan for professional development for
86 administrators at the school, with an emphasis on strategies that develop leadership skills and use
87 the principles of distributive leadership; (9) redesign and refocus the use of existing teacher
88 preparation periods in the school to ensure that such preparation period is utilized to improve
89 student instruction with an emphasis of improved student performance and achievement at the
90 school; and (10) use formative and summative assessments to track student progress and to
91 inform the instructional strategies employed in the classroom.

92 For a school with limited English proficient students, the professional development and
93 planning time for teachers and administrators shall include specific strategies and content
94 designed to maximize the rapid academic achievement of limited English proficient students at
95 the school.

96 (e) The local stakeholder group shall submit an initial betterment plan to the school
97 committee and the commissioner within 30 days of its initial meeting. The school committee and
98 the commissioner may propose modifications to the betterment plan and shall submit any

99 proposed modifications to the local stakeholder group within 30 days of receiving the initial
100 plan. The local stakeholder group shall consider and may incorporate, alter, or reject the
101 proposed modifications submitted under this subsection. Within 30 days of receiving any
102 proposed modifications under this subsection, the superintendent shall issue a final betterment
103 plan for the school, as approved by the local stakeholder group, and shall make such plan
104 immediately available to the public. If the local stakeholder group fails to approve and submit a
105 final betterment plan within the time frame provided in this subsection, the commissioner will
106 create the betterment plan for the school.

107 (f) Within 30 days of the issuance of a final betterment plan under subsection (e), a
108 school committee or local union may appeal to the commissioner regarding 1 or more
109 components of the plan, including the absence of 1 or more modifications proposed under
110 subsection (e). The commissioner may modify the plan if the commissioner determines that: (1)
111 such modifications would further promote the rapid academic achievement of students in the
112 applicable school; (2) a component of the plan was included, or a modification was excluded, on
113 the basis of demonstrably-false information or evidence; or (3) the local stakeholder group failed
114 to meet the requirements of subsections (b) to (e), inclusive. The decision of the commissioner
115 regarding an appeal under this subsection shall be made within 30 days and shall be final.

116 (g) Each betterment plan shall be authorized for a period of not more than 2 years, during
117 which time such schools may not be designated as underperforming or chronically
118 underperforming pursuant to subsections IJ. The superintendent shall develop annual goals for
119 each component of the plan, in a manner consistent with subsections (b) to (d) inclusive. The
120 superintendent, as applicable, shall be responsible for meeting the goals of the plan.

121 (h) Each school designated by the commissioner as a focus school under subsection (a)
122 shall be reviewed by the superintendent, in consultation with the principal of the school, at least
123 annually. The purpose of the review shall be to determine whether the school has met the annual
124 goals in its betterment plan and to assess the overall implementation of the plan. The review shall
125 be in writing and shall be submitted to the commissioner and the relevant school committee not
126 later than July 1 for the preceding school year. The review shall be submitted in a format
127 determined by the department of elementary and secondary education.

128 (i) Upon the expiration of a betterment plan, the commissioner shall conduct a review of
129 the school to determine whether the school has improved sufficiently, requires further
130 improvement or has failed to improve. On the basis of such review, the commissioner may
131 determine that: (1) the school has improved sufficiently for the designation of the school as a
132 focus school to be removed; (2) the school has improved, but has not improved sufficiently for
133 the designation of the school as a focus school to be removed, , in which case the superintendent
134 may, with the approval of the commissioner, renew the plan or create a new or modified plan for
135 an additional period of not more than 2 years, consistent with the requirements of subsections (b)
136 to (f); or (3) consistent with the requirements of subsection (a) of section 1J, the school is

137 underperforming or chronically underperforming. In carrying out this subsection, the
138 superintendent shall: (1) in the case of a renewal of a betterment plan, determine the subsequent
139 annual goals for each component of the plan with the input of the local stakeholder group as
140 defined in subsection (b); or (2) create a new or modified betterment plan as necessary,
141 consistent with the requirements of this section.

142 (j) The board of elementary and secondary education shall establish regulations
143 regarding the conditions under which a focus school shall no longer be designated as a focus
144 school. Such regulations shall include provisions to allow a school to retain measures adopted in
145 a betterment plan for a transitional period if, in the judgment of the commissioner, the measures
146 would contribute to the continued improvement of the school. Such regulations shall also include
147 provisions that clearly identify the conditions under which such a transitional period shall.

148 SECTION 2. Subsection (a) of section 1J of chapter 69, as appearing in the 2010 Official
149 Edition, is hereby amended by inserting after the word “thereunder.”, in line 45, the following:-

150 “Notwithstanding the provisions of section 38 of chapter 71, if the school committee and
151 collective bargaining representative of any district containing a school that scores in the lowest
152 20 per cent statewide as described in this subsection are unable to reach agreement on the terms
153 of an educator evaluation system after bargaining in good faith for 30 days, the school committee
154 may adopt the Department’s model evaluation system for educator evaluation. The provisions of
155 Chapter 30B and Chapter 30, section 51 and 52 shall not apply where a superintendent, receiver
156 or commissioner engages the services of an individual or non-profit entity to operate or assist in
157 operating a school that scored in the lowest 20 per cent statewide, as described in this
158 subsection.”

159 SECTION 3. Subsection (d) of section 1J of chapter 69 of the General Laws, as
160 appearing in the 2010 Official Edition, is hereby further amended by inserting after the word
161 “superintendent”, in line 169, the following:-“or, if one has been appointed pursuant to
162 subsection (h), the school’s receiver,”.

163 SECTION 4. Said subsection (d) of said section 1J of said chapter 69, as so appearing, is
164 hereby further amended by inserting after the word “superintendent”, in line 194, the following:-
165 “or receiver”.

166 SECTION 5. Said subsection (d) of said section 1J of said chapter 69, as so appearing, is
167 hereby further amended by inserting after the word “cause” in line 204, the following:- “by the
168 superintendent”.

169 SECTION 6. Said subsection (d) of said section 1J of said chapter 69, as so appearing, is
170 hereby further amended by inserting after the word “however,” in line 204, the following:-“that
171 if a receiver has been appointed pursuant to subsection (h), the receiver may recommend to the
172 superintendent that a teacher be dismissed. If the superintendent disagrees with the receiver’s

173 determination, the superintendent must transfer the teacher to a position in another district
174 school.”

175 SECTION 7. Said subsection (d) of said section 1J of said chapter 69, as so appearing, is
176 hereby further amended by inserting after the word “teacher”, in line 204, the following word:-
177 “shall”.

178 SECTION 8. Subsection (l) of said section 1J of said chapter 69, as so appearing, is
179 hereby further amended by inserting at the end thereof the following sentence:-“Until the
180 commissioner makes the determination required under this section, and any new or amended
181 turnaround plan is approved, the terms of the expired turnaround plan will remain in effect.”

182 SECTION 9. Subsection (o) of said section 1J of said chapter 69, as so appearing, is
183 hereby further amended by inserting after the word “and”, in line 497, the following:- “, if a
184 receiver has been appointed pursuant to subsection (r), the school’s receiver, and”.

185 SECTION 10. Said subsection (o) of said section 1J of said chapter 69, as so appearing,
186 is hereby further amended by inserting after the word “superintendent”, in line 501, the
187 following:- “or if a receiver has been appointed pursuant to subsection (r), the school’s receiver”.

188 SECTION 11. Said subsection (o) of said section 1J of said chapter 69, as so appearing,
189 is hereby further amended by striking the word “commissioner”, in line 523, and inserting in
190 place thereof the following:- “superintendent or, if a receiver has been appointed pursuant to
191 subsection (r), the school’s receiver”.

192 SECTION 12. Said subsection (o) of said section 1J of said chapter 69, as so appearing,
193 is hereby further amended by striking out the third paragraph and inserting in place thereof, the
194 following paragraph:-

195 A teacher with professional teacher status in a school declared underperforming or
196 chronically underperforming may be dismissed for good cause by the superintendent; provided,
197 however, that if a receiver has been appointed pursuant to subsection (r), the receiver may
198 recommend to the superintendent that a teacher be dismissed. If the superintendent disagrees
199 with the receiver’s determination, the superintendent must transfer the teacher to a position in
200 another district school. The teacher shall receive 5 days written notice of the decision to
201 terminate which shall include without limitation an explanation of the reason why the
202 superintendent or receiver is not retaining the teacher in the school; provided that the teacher
203 may seek review of a termination decision with 5 days after receiving notice of the teacher’s
204 termination by filing a petition for expedited arbitration with the commissioner; provided further,
205 that except as otherwise provided herein section 42 of chapter 71 shall apply to a petition filed
206 pursuant to this section; provided further, that the commissioner shall cause an arbitrator to be
207 selected pursuant to the procedures in section 42 of chapter 71 within 3 days of receipt of
208 petition and shall conduct and complete a hearing within 10 days of receipt of the petition;

209 provided, further, that in reviewing dismissal decisions, the arbitrator shall consider the
210 components of the turnaround plan and shall also consider any personnel evaluations conducted
211 that are consistent with the guidelines established pursuant to section 1B; and provided, further,
212 that the arbitrator’s decision shall be issued within 10 days from the completion of the hearing.

213 SECTION 13. Subsection (a) of section 1K of chapter 69, as appearing in the 2010
214 Official Edition, is hereby amended by inserting after the second sentence in the second
215 paragraph the following sentence:- “The selection and engagement of the receiver shall not be
216 subject to the provisions of sections 51 and 52 of chapter 30.

217 SECTION 14. Subsection (a) of section 1K of said chapter 69, as so appearing, is hereby
218 amended by inserting after the word “commissioner”, in line 24, the following:-“The selection
219 and engagement of the receiver shall not be subject to the provisions of Chapter 30, sections 51
220 and 52.”

221 SECTION 15. Said subsection (a) of said section 1K of said chapter 69, as so appearing,
222 is hereby further amended by inserting at the end of the second paragraph, the following
223 sentence:- “The provisions of chapter 30B shall not apply where a receiver engages the services
224 of an individual or non-profit entity to operate or assist in operating a school.”

225 SECTION 16. Subsection (b) of said section 1K of said chapter 69 of the General Laws,
226 as so appearing, is hereby amended by inserting after the word “1J”, in line 46, the following
227 words:-

228 And may include any changes to existing school turnaround plans as the commissioner
229 and receiver consider necessary. The plan shall also focus on”;

230 And by striking out, in line 46, the word “and”.

231 SECTION 17. Subsection (d) of said section 1K of said chapter 69 of the General Laws,
232 as appearing in the 2010 Official Edition, is hereby amended by inserting after the word “the”,
233 the first time it appears in line 156, the following words:-

234 provisions of section (e) below shall apply to any change in the compensation or benefits
235 of an administrator, teacher, or staff member,

236 And by striking out, in line 156, the words “the commissioner” and inserting in place
237 thereof the following:-

238 ;

239 And by striking out, in lines 156 through 158, the following words:-

240 shall not reduce the compensation of an administrator, teacher, or staff member unless the
241 hours of the person are proportionately reduced

242 And by striking out, in line 164 the following words:-
243 , as such policies or practices related to the underperforming schools in the district;
244 And by striking out the second paragraph of subsection (d) of section 1K of chapter 69.
245 And by striking in paragraph three of subsection (d) lines 192 and 193 the following:-
246 School declared underperforming or chronically underperforming
247 And by adding in line 193 the following:-
248 District declared chronically underperforming
249 And by striking in the same paragraph line 196 “commissioner/superintendent” and by
250 adding in place thereof the following:- receiver
251 And by striking in line 197 the word “school” and inserting in place thereof the following
252 word:-
253 district
254 SECTION 18. Subsection (e) of said section 1K of said chapter 69 of the General Laws,
255 as appearing in the 2010 Official Edition, is hereby amended by striking out, in line 218, the
256 word “commissioner” and inserting in place thereof the following word:-
257 receiver
258 And by striking out, in lines 219 and 220, the words “at an underperforming or
259 chronically underperforming school” and inserting in place thereof the following words:-
260 in a chronically underperforming district
261 And by inserting after the word “compensation”, in line 221, the following words:-
262 or benefits
263 And by striking out, in line 222, the words “at the school” and inserting in place thereof
264 the following words:-
265 in the district, including any underperforming and chronically underperforming schools
266 And by striking out, in line 225, the words “school committee”, and inserting in place
267 thereof the following word:-
268 receiver

269 And by striking out, in line 231, the word “school” and inserting in place thereof the
270 following word:-

271 district

272 And by striking out, in line 223, the words “of the school” and inserting in place thereof
273 the following words:-

274 in the district

275 And by striking out, in line 240, the word “school committee” and inserting in place
276 thereof the following word:-

277 receiver

278 And by striking out, in line 257, the words “the designation of the school as
279 underperforming or chronically underperforming”

280 And by striking out, in line 259, the word “school” and inserting in place thereof the
281 following word:-

282 district

283 SECTION 19. Subsection (i)(1) of section 89 of said chapter 71 of the General Laws, as
284 appearing in the 2010 Official Edition, is hereby amended by striking out, in line 154, the word
285 “new”.

286 And by inserting after the last sentence in line 173 the following sentence:-

287 Applications to establish the 14 Horace Mann charter schools pursuant to this clause may
288 be submitted and granted at any time during the year.