

**HOUSE . . . . . No. 233**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Marjorie C. Decker*

*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 Level 4/5 Schools.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/19/2017</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>2/1/2017</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>2/2/2017</i>

**HOUSE . . . . . No. 233**

By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 233) of Marjorie C. Decker, Antonio F. D. Cabral and Chris Walsh relative to turnaround plans for underperforming schools. Education.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

An Act to promote collaboration at Level 4/5 Schools.

*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 1J of Chapter 69 of the general laws is hereby amended by striking  
2 out subsection (d) and inserting in place thereof the following subsection:-

3 (d) Notwithstanding any general or special law to the contrary, in creating the turnaround  
4 plan required in subsection (b), the superintendent may, after considering the recommendations  
5 of the group of stakeholders and consistent with the procedures set forth in this section: (1)  
6 expand, alter or replace the curriculum and program offerings of the school, including the  
7 implementation of research-based early literacy programs, early interventions for struggling  
8 readers and the teaching of advanced placement courses or other rigorous nationally or  
9 internationally recognized courses, if the school does not already have such programs or courses;  
10 (2) reallocate the uses of the existing budget of the school; (3) provide additional funds to the  
11 school from the budget of the district, if the school does not already receive funding from the  
12 district at least equal to the average per pupil funding received for students of the same

13 classification and grade level in the district; (4) provide funds, subject to appropriation and  
14 following consultation with applicable local unions, to increase the salary of any administrator,  
15 or teacher in the school, to attract or retain highly-qualified administrators, or teachers or to  
16 reward administrators, or teachers who work in underperforming schools that achieve the annual  
17 goals set forth in the turnaround plan; (5) expand the school day or school year or both of the  
18 school; (6) for an elementary school, add pre-kindergarten and full-day kindergarten classes, if  
19 the school does not already have such classes; (7) require the principal and, following  
20 consultation with applicable local unions, all administrators to reapply for their positions in the  
21 school, with full discretion vested in the superintendent regarding his consideration of and  
22 decisions on rehiring based on the reapplications. (8) limit, suspend or change 1 or more  
23 provisions of any contract or collective bargaining agreement, as the contract or agreement  
24 applies to the school; provided, that the superintendent shall not reduce the compensation of an  
25 administrator, teacher or staff member unless the hours of the person are proportionately reduced  
26 and further provided that no provision of a collective bargaining agreement shall be limited,  
27 suspended, or changed, nor shall any rights extended pursuant to sections 7(a) or 9 of chapter  
28 150E be diminished, unless the superintendent can demonstrate that (a) the school has  
29 implemented the steps identified by the superintendent in coordination with the secretaries of  
30 health and human services, labor and workforce development, public safety and other applicable  
31 state and local officials identified in clauses (1) through (6) in the second paragraph of this sub-  
32 section and (b) limiting, suspending or changing a provision or provisions of the bargaining  
33 agreement is reasonable and necessary to further the rapid academic achievement of students at  
34 the school; (9) limit, suspend or change 1 or more school district policies or practices, as such  
35 policies or practices relate to the school; (10) include a provision of job-embedded professional

36 development for teachers at the school, with an emphasis on strategies that involve teacher input  
37 and feedback; (11) provide for increased opportunities for teacher planning time and  
38 collaboration focused on improving student instruction; (12) establish a plan for professional  
39 development for administrators at the school, with an emphasis on strategies that develop  
40 leadership skills and use the principles of distributive leadership; (13) establish steps to assure a  
41 continuum of high-expertise teachers by aligning the following processes with a common core of  
42 professional knowledge and skill: hiring, induction, teacher evaluation, professional  
43 development, teacher advancement, school culture and organizational structure; (14) develop a  
44 strategy to search for and study best practices in areas of demonstrated deficiency in the school;  
45 (15) establish strategies to address mobility and transiency among the student population of the  
46 school; and (16) include additional components based on the reasons why the school was  
47 designated as underperforming and the recommendations of the group of stakeholders in  
48 subsection (b).

49         If the superintendent does not approve a reapplication submitted by an administrator  
50 pursuant to clause (7) for a position in the school or if an administrator does not submit a  
51 reapplication for a position in the school, the administrator shall retain such rights as may be  
52 provided under law or any applicable collective bargaining agreement in relation to the his  
53 ability to fill another position in the district; provided, however, that the administrator shall not  
54 have the right to displace any teacher with professional teacher status in any other school during  
55 a school year.

56

57           A teacher with professional teacher status in a school declared underperforming or  
58 chronically underperforming may be dismissed from the school, but not from the district, for  
59 good cause; provided, however, that the teacher receives 5 days written notice of the decision to  
60 terminate which shall include, without limitation, an explanation of the reason why the  
61 superintendent is not retaining the teacher in the school; provided, further, that the teacher may  
62 seek review of a termination decision within 5 days after receiving notice of the teacher's  
63 termination by filing a petition for expedited arbitration with the commissioner; provided,  
64 further, that except as otherwise provided herein section 42 of chapter 71 shall apply to a petition  
65 filed pursuant to this section; provided, further, that the commissioner shall cause an arbitrator to  
66 be selected pursuant to the procedures in section 42 of chapter 71 within 3 days of receipt of  
67 petition and shall conduct and complete a hearing within 10 days of receipt of the petition;  
68 provided, further, that in reviewing dismissal decisions, the arbitrator shall consider the  
69 components of the turnaround plan and shall also consider any personnel evaluations conducted  
70 that are consistent with the guidelines established pursuant to section 1B; and provided, further,  
71 that the arbitrator's decision shall be issued within 10 days from the completion of the hearing.

72           For a school with limited English-proficient students, the professional development and  
73 planning time for teachers and administrators identified in clauses (10) to (12), inclusive, shall  
74 include specific strategies and content designed to maximize the rapid academic achievement of  
75 limited English-proficient students at the school.

76           SECTION 2. Section 1J of Chapter 69 of the general laws is hereby further amended by  
77 striking out subsection (g), and inserting in place thereof the following subsection:-

78 (g) If, after considering the recommendations of the group of stakeholders and ensuring  
79 that the steps identified in clauses (1) through (6) in the second paragraph of section (f) have  
80 been implemented, the superintendent considers it reasonable and necessary to maximize the  
81 rapid academic achievement of students at the applicable school by altering the compensation,  
82 hours and working conditions of the administrators, teachers, principal and staff at the school or  
83 by altering other provisions of a contract or collective bargaining agreement applicable to the  
84 administrators, teachers, principal and staff, the superintendent shall notify the school committee  
85 and the union of his determination, and the school committee and any union shall within 30 days  
86 of said notice bargain or reopen the bargaining of the relevant collective bargaining agreement to  
87 facilitate such achievement. The bargaining shall be conducted in good faith and completed not  
88 later than 30 days from the point at which the parties commenced bargaining. The agreement  
89 shall be subject to ratification within 10 business days by the bargaining unit members in the  
90 school. If the parties are unable to reach an agreement within 30 days or if the agreement is not  
91 ratified within 10 business days by the bargaining unit members of the school, the parties shall  
92 submit remaining unresolved issues a joint resolution committee for dispute resolution process  
93 on the next business day following the end of the 30-day bargaining period or failure to ratify.

94 The joint resolution committee shall be comprised of 3 members, 1 of whom shall be  
95 appointed by the employee organization within 3 business days following the submission of  
96 unresolved issues to the joint resolution committee, 1 of whom shall be appointed by the school  
97 committee within 3 business days following the submission of unresolved issues to the joint  
98 resolution committee and 1 who shall be selected through the American Arbitration Association  
99 who shall forthwith forward to the parties a list of 3 conciliators, each of whom shall have  
100 professional experience in elementary and secondary education, from which the parties may

101 agree upon a single conciliator provided, however, that if the parties cannot select a conciliator  
102 from among the 3 within 3 business days, the American Arbitration Association shall select a  
103 conciliator from the remaining names. The joint resolution committee shall conduct a dispute  
104 resolution process to be concluded within 10 business days of selection. This process shall be  
105 conducted in accordance with the rules of the American Arbitration Association and consistent  
106 with this section. The fee for the process shall be shared equally between the 2 parties involved.

107         The joint resolution committee shall determine whether the change or changes to the  
108 collective bargaining agreement are reasonable and necessary to maximize the rapid academic  
109 achievement of students. The burden shall be upon the superintendent to demonstrate by clear  
110 and convincing evidence that such changes are reasonable and necessary. Notwithstanding any  
111 other provision of this chapter, the decision of the joint resolution committee shall be dispositive  
112 of all the issues in dispute and shall be submitted to the parties within 10 business days of the  
113 completion of the process. Reasonable extensions of the foregoing timelines may be granted by  
114 the joint resolution committee.

115         SECTION 3. Section 1J of Chapter 69 of the general laws is hereby further amended by  
116 striking out subsection (o), and inserting in place thereof the following subsection:-

117         (o) Notwithstanding any general or special law to the contrary, in creating the turnaround  
118 plan required in subsection (m), the commissioner may, after considering the recommendations  
119 of the group of stakeholders: (1) expand, alter or replace the curriculum and program offerings of  
120 the school, including the implementation of research-based early literacy programs, early  
121 interventions for struggling readers and the teaching of advanced placement courses or other  
122 rigorous nationally or internationally recognized courses, if the school does not already have

123 such programs or courses; (2) reallocate the uses of the existing budget of the school; (3) provide  
124 additional funds to the school from the budget of the district, if the school does not already  
125 receive funding from the district at least equal to the average per pupil funding received for  
126 students of the same classification and grade level in the district; (4) provide funds, subject to  
127 appropriation, to increase the salary of an administrator ,or teacher in the school, in order to  
128 attract or retain highly-qualified administrators or teachers or to reward administrators,. or  
129 teachers who work in chronically underperforming schools that achieve the annual goals set forth  
130 in the turnaround plan; (5) expand the school day or school year or both of the school; (6) for an  
131 elementary school, add pre-kindergarten and full-day kindergarten classes, if the school does not  
132 already have such classes; (7) limit, suspend, or change 1 or more provisions of any contract or  
133 collective bargaining agreement, as the contract or agreement applies to the school; provided,  
134 however, that the commissioner shall not reduce the compensation of an administrator, teacher or  
135 staff member unless the hours of the person are proportionately reduced; and provided further,  
136 that the commissioner may require the school committee and any applicable unions to bargain in  
137 good faith for 30 days before exercising authority pursuant to this clause; and provided further,  
138 that no provision of a collective bargaining agreement shall be limited, suspended, or changed,  
139 nor shall any rights extended pursuant to sections 7(a) or 9 of chapter one hundred fifty E be  
140 diminished, unless the superintendent can demonstrate that (a) the school has implemented the  
141 steps identified by the superintendent in coordination with the secretaries of health and human  
142 services, labor and workforce development, public safety and other applicable state and local  
143 officials identified in clauses (1) through (6) in the second paragraph of the section n and (b)  
144 limiting, suspending or changing a provision or provisions of the bargaining agreement is  
145 reasonable and necessary to further the rapid academic achievement of students at the school (8)



146 following consultation with applicable local unions, require the principal and all administrators,  
147 teachers and staff to reapply for their positions in the school, with full discretion vested in the  
148 superintendent regarding his consideration of and decisions on rehiring based on the  
149 reapplications, provided that a teacher or staff member may not be demoted or dismissed from  
150 the school district except in accordance with the provisions of section forty-one of chapter thirty-  
151 three or section forty-two of chapter seventy-one; (9) limit, suspend or change 1 or more school  
152 district policies or practices, as such policies or practices relate to the school; (10) include a  
153 provision of job-embedded professional development for teachers at the school, with an  
154 emphasis on strategies that involve teacher input and feedback; (11) provide for increased  
155 opportunities for teacher planning time and collaboration focused on improving student  
156 instruction; (12) establish a plan for professional development for administrators at the school,  
157 with an emphasis on strategies that develop leadership skills and use the principles of distributive  
158 leadership; (13) establish steps to assure a continuum of high expertise teachers by aligning the  
159 following processes with the common core of professional knowledge and skill: hiring,  
160 induction, teacher evaluation, professional development, teacher advancement, school culture  
161 and organizational structure; (14) develop a strategy to search for and study best practices in  
162 areas of demonstrated deficiency in the school; (15) establish strategies to address mobility and  
163 transiency among the student population of the school; and (16) include additional components,  
164 at the discretion of the commissioner, based on the reasons the school was designated as  
165 chronically underperforming and the recommendations of the local stakeholder group in  
166 subsection (m).

167           If the commissioner does not approve a reapplication submitted by an employee pursuant  
168 to clause (7) for a position in the school or if an employee does not submit a reapplication for a

169 position in the school, the employee shall retain such rights as may be provided under law or any  
170 applicable collective bargaining agreement, in relation to the employee's ability to fill another  
171 position in the district; provided, however, that the employee shall not have the right to displace  
172 any teacher with professional teacher status in any other school during a school year.

173 A teacher with professional teacher status in a school declared underperforming or  
174 chronically underperforming may be dismissed for good cause from the school, but not from the  
175 district; provided, however, that the teacher receives 5 days written notice of the decision to  
176 terminate which shall include without limitation an explanation of the reason why the  
177 commissioner or superintendent is not retaining the teacher in the school; provided, further, that  
178 the teacher may seek review of a termination decision within 5 days after receiving notice of the  
179 teacher's termination by filing a petition for expedited arbitration with the commissioner;  
180 provided further, that except as otherwise provided herein section 42 of chapter 71 shall apply to  
181 a petition filed pursuant to this section; provided further, that the commissioner shall cause an  
182 arbitrator to be selected pursuant to the procedures in section 42 of chapter 71 within 3 days of  
183 receipt of petition and shall conduct and complete a hearing within 10 days of receipt of the  
184 petition; provided, further, that in reviewing dismissal decisions, the arbitrator shall consider the  
185 components of the turnaround plan and shall also consider any personnel evaluations conducted  
186 that are consistent with the guidelines established pursuant to section 1B; and provided, further,  
187 that the arbitrator's decision shall be issued within 10 days from the completion of the hearing.

188 For a school with limited English-proficient students, the professional development and  
189 planning time for teachers and administrators identified in clauses (10) to (12), inclusive, shall  
190 include specific strategies and content designed to maximize the rapid academic achievement of  
191 the limited English-proficient students.

192           If the commissioner proposes to reallocate funds to the school from the budget of the  
193 district under clause (3), the commissioner shall notify the school committee, in writing, of the  
194 amount of and rationale for the reallocation.