HOUSE DOCKET, NO. 445 FILED ON: 1/12/2017

HOUSE . . . . . No. 304

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 to promote autonomy and success in schools.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Alice Hanlon Peisch	*14th Norfolk*	*1/12/2017*
Patricia A. Haddad	*5th Bristol*	*2/3/2017*
Louis L. Kafka	*8th Norfolk*	*1/12/2017*
David Paul Linsky	*5th Middlesex*	*1/12/2017*
Christopher M. Markey	*9th Bristol*	*1/12/2017*
Kay Khan	*11th Middlesex*	*1/12/2017*
Denise C. Garlick	*13th Norfolk*	*1/12/2017*
Paul McMurtry	*11th Norfolk*	*1/12/2017*
Diana DiZoglio	*14th Essex*	*1/12/2017*
Kimberly N. Ferguson	*1st Worcester*	*1/12/2017*
David T. Vieira	*3rd Barnstable*	*1/12/2017*
James M. Kelcourse	*1st Essex*	*1/12/2017*
Steven Ultrino	*33rd Middlesex*	*1/12/2017*
Jeffrey N. Roy	*10th Norfolk*	*1/12/2017*
RoseLee Vincent	*16th Suffolk*	*1/12/2017*
Thomas M. Stanley	*9th Middlesex*	*1/12/2017*
Hannah Kane	*11th Worcester*	*1/12/2017*
Rady Mom	*18th Middlesex*	*1/12/2017*

Steven S. Howitt	*4th Bristol*	*1/12/2017*
Sheila C. Harrington	*1st Middlesex*	*1/12/2017*
Gailanne M. Cariddi	*1st Berkshire*	*1/12/2017*

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HOUSE . . . . . No. 304

By Ms. Peisch of Wellesley, a petition (accompanied by bill, House, No. 304) of Alice Hanlon Peisch and others relative to improving underperforming or chronically underperforming schools. Education.

The Commonwealth of Massachusetts

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

An Act to promote autonomy and success in 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. Section 1J of chapter 69 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following 2 subsections:-

(a) Prior to October 1, the commissioner of elementary and secondary education may, on the basis of student performance data collected pursuant to section 1I, a school or district review performed under section 55A of chapter 15, or regulations adopted by the board of elementary and secondary education, designate 1 or more schools in a school district other than a Horace Mann charter school as a priority, underperforming or chronically underperforming school. The board shall adopt regulations establishing standards for the commissioner to make such designations on the basis of data collected pursuant to section 1I or information from a school or district review performed under section 55A of chapter 15. Upon the release of the proposed regulations, the board shall file a copy thereof with the clerks of the house of representatives and

the senate who shall forward the regulations to the joint committee on education. Within 30 days of the filing, the committee may hold a public hearing and issue a report on the regulations and file the report with the board. The board, pursuant to applicable law, may adopt final regulations making revisions to the proposed regulations as it deems appropriate after consideration of the report and shall forthwith file a copy of the regulations with the chairpersons of the joint committee on education and, not earlier than 30 days from the filing, the board shall file the final regulations with the state secretary. Schools that score in the lowest 20 per cent statewide among schools serving common grade levels on a single measure developed by the department that takes into account student performance data and, beginning on July 1, 2011, improvement in student academic performance, shall be deemed eligible for designation as a priority, underperforming or chronically underperforming school, provided that any school designated as a priority school shall be drawn from those schools most likely to be designated as underperforming. Not more than 10 per cent of the total number of public schools may be designated as a priority, underperforming or chronically underperforming school at any given time.

In adopting regulations allowing the commissioner to designate a school as a priority, underperforming or chronically underperforming school, the board shall ensure that such regulations take into account multiple indicators of school quality in making such designations, including, but not limited to: student attendance rates, dismissal rates and exclusion rates, promotion rates, graduation rates or the lack of demonstrated significant improvement for 2 or more consecutive years in core academic subjects, either in the aggregate or among subgroups of students, including designations based on special education, low-income, English language proficiency and racial or ethnic classifications.

Before a school is designated chronically underperforming by the commissioner, a school must be designated underperforming and fail to improve.

A priority, underperforming or chronically underperforming school described in the following subsections shall operate in accordance with laws regulating other public schools, except as such provisions may conflict with this section or any turnaround plans created thereunder. A student who is enrolled in a school at the time it is designated as a priority, underperforming or chronically underperforming school shall be able to remain enrolled in the school while remaining a resident of the district if the student chooses to do so.

If a school district has one or more schools designated as underperforming or chronically underperforming, the commissioner may initiate the establishment of an Innovation Partnership Zone pursuant to section 92A of chapter 71 as an alternative to the requirements and procedures set forth in this section and section 1K. The commissioner may grant an exemption from any and all requirements of this section to an underperforming or chronically underperforming school that is a member of an Innovation Partnership Zone established pursuant to section 92A of chapter 71.

(a½)(1) Within 15 days of the commissioner designating a school as a priority school in accordance with the regulations developed pursuant to this section, the school committee and the local teachers union shall meet to negotiate a waiver agreement, if necessary, that identifies any provisions of the collective bargaining agreement that would be subject to a waiver upon a two-thirds vote of the teachers working at least 50 per cent of the time in the designated priority school. Such waivers shall be designed to permit the implementation of a turnaround plan developed pursuant to this subsection which may include provisions that are inconsistent with

the existing collective bargaining agreement. Such negotiations shall be completed within 30 days of the commissioner designating a school as a priority school, and shall not be subject to impasse provisions under section 9 of chapter 150E or unilateral implementation after impasse pursuant to chapter 150E. If the school committee and the union fail to reach an agreement, the process provided in this subsection shall be terminated and the commissioner may designate the school as underperforming pursuant to subsection (a).

Within 15 days of the completion of the waiver negotiation process, the superintendent shall convene a local stakeholder group for the purpose of developing a turnaround plan for the school. The local stakeholder group shall include: (i) the superintendent, or a designee; (ii) the chair of the school committee, or a designee; (iii) the president of the local teachers' union, or a designee; (iv) an administrator from the school, who may be the principal, chosen by the superintendent; (v) 2 educators chosen by the faculty of the school, 1 of whom shall be a classroom teacher and 1 of whom shall be a certified non-teaching professional from the school; and (vi) a parent member of the school council established pursuant to section 59C of chapter 71 to be chosen by the school council. Meetings of the local stakeholder group shall be open to the public.

(2) In creating the turnaround plan, the local stakeholder group shall, to the extent practicable, base the plan on student outcome data, including, but not limited to: (i) data collected pursuant to section 1I or information from a school or district review performed under section 55A of chapter 15; (ii) student achievement on the statewide assessment system approved by the board under section 1I of this chapter; (iii) other measures of student achievement, approved by the commissioner; (iv) student promotion and graduation rates; (v) achievement data for different subgroups of students, including low-income students as defined in chapter 70,

limited English-proficient students and students receiving special education; and (vi) student attendance, dismissal rates and exclusion rates.

The local stakeholder group shall also consider, in the creation of the turnaround plan, whether to include the following: (i) steps to address social service and health needs of students at the school and their families, to help students arrive and remain at school ready to learn; provided, however, that this may include mental health and substance abuse screening; (ii) steps to improve or expand child welfare services and, as appropriate, law enforcement services in the school community, in order to promote a safe and secure learning environment; (iii) steps to improve workforce development services provided to students and their families at the school, to provide students and families with meaningful employment skills and opportunities; (iv) steps to address achievement gaps for limited English-proficient, special education and low-income students; and (v) notwithstanding chapter 71A, alternative English language learning programs for limited English proficient students; provided that the school committee may retain said programs after the school is no longer designated as a priority school. The secretaries of health and human services, labor and workforce development, public safety, health and child welfare officials and other applicable state and local social services, shall coordinate with the superintendent to implement the strategies established pursuant to clauses (i) to (iii), inclusive, of this paragraph that are included in a final turnaround plan and shall, subject to appropriation, reasonably support the implementation, which shall be consistent with the requirements of all state and federal law applicable to the relevant programs to be administered. The secretary of education shall assist the superintendent in facilitating the coordination.

To assess the school across multiple measures of school performance and student success, the turnaround plan shall include measurable annual goals including, but not limited to:

(i) student attendance, dismissal rates and exclusion rates; (ii) student safety and discipline; (iii) student promotion and graduation and dropout rates; (iv) student achievement on the statewide assessment system approved by the board under section 1I; (v) progress in areas of academic underperformance; (vi) progress among subgroups of students, including low-income students as defined by chapter 70, limited English proficient students and students receiving special education; (vii) reduction of achievement gaps among different groups of students; (viii) student acquisition and mastery of twenty-first century skills; (ix) development of college and career readiness, including at the elementary and middle school levels; (x) parent and family engagement; (xi) building a culture of academic success among students; (xii) building a culture of student support and success among school faculty and staff; and (xiii) developmentally appropriate child assessments from pre-kindergarten through third grade, if applicable.

(3) The plan shall include provisions intended to maximize the rapid achievement of students at the school by addressing the conditions for school effectiveness as determined by the department. The plan shall identify the specific provisions of the collective bargaining agreement that must be waived in order to implement the plan in accordance with the process set forth in paragraph (1) of this subsection, and shall describe the process and schedule for seeking approval of the plan by the teachers in the school pursuant to paragraph (5) of this subsection.

Notwithstanding any general or special law to the contrary, the turnaround plan may also include provisions that allow the superintendent to: (i) expand, alter or replace the curriculum and program offerings of the school, including the implementation of research-based early literacy programs, early interventions for struggling readers and the teaching of advanced placement courses or other rigorous nationally or internationally recognized courses, if the school does not already have such programs or courses; (ii) reallocate the uses of the existing

budget of the school; (iii) provide additional funds to the school from the budget of the district, if the school does not already receive funding from the district at least equal to the average per pupil funding received for students of the same classification and grade level in the district; (iv) provide funds, subject to appropriation, to expand the school day or school year or both of the school; (v) limit, suspend or change 1 or more school district policies or practices that relate to improved student performance and achievement at the school; (vi) for an elementary school, add pre-kindergarten and full-day kindergarten classes, if the school does not already have such classes; (vii) include a provision of job-embedded professional development for teachers at the school, with an emphasis on strategies that involve teacher input and feedback; (viii) provide for increased opportunities for teacher planning time and collaboration, including professional learning communities, focused on improving student instruction; (ix) establish a plan for professional development for administrators at the school, with an emphasis on strategies that develop leadership skills and use the principles of distributive leadership; (x) redesign and refocus the use of existing teacher preparation periods in the school to ensure that such preparation period is utilized to improve student instruction with an emphasis on improved student performance and achievement at the school; (xi) develop a strategy to search for and study best practices in areas of demonstrated deficiency in the school; (xii) establish strategies to address student attendance, mobility and transiency among the student population of the school; and (xiii) use formative and summative assessments to track student progress and to inform the instructional strategies employed in the classroom. The plan may also include a financial plan for the school based on additional funds to be provided by the district, commonwealth, federal government, private foundations, or other sources to provide additional resources, and may include a process for modifying the plan.

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

(4) The local stakeholder group shall submit an initial turnaround plan to the school committee within 30 days of its initial meeting. The school committee may propose modifications to the turnaround plan and shall submit any proposed modifications to the superintendent within 10 days of receiving the initial plan. The superintendent shall consider and may incorporate, alter or reject the proposed modifications submitted by the school committee, and may propose additional modifications to the plan. Within 15 days of receiving any proposed modifications from the school committee, the superintendent shall issue the final turnaround plan for the school; provided, however, that if the plan requires any waiver of provisions of the collective bargaining agreement beyond those authorized by the negotiated agreement pursuant to paragraph (1) of this subsection, the school committee and the local teachers union shall meet to negotiate additional waivers. Such negotiations shall be completed within 15 days and shall not be subject to impasse provisions under section 9 of chapter 150E or unilateral implementation after impasse pursuant to chapter 150E. If the school committee and the union fail to reach an agreement, the process provided in this subsection shall be terminated and the commissioner may designate the school as underperforming pursuant to subsection (a).

(5) The superintendent shall submit the final turnaround plan to the school committee and the teachers in the school for approval, and shall forward a copy of said plan to the commissioner. A two-thirds vote of the teachers shall be required to approve the plan and shall be conducted by the local teachers union. A copy of the plan shall be provided to the faculty at

least 5 days in advance of an informational meeting which shall be held at least 5 days in advance of the vote. The vote shall be by secret ballot. For the purposes of this vote, a teacher is any person working at least 50 per cent of the time in the designated priority school under a license listed in 603 CMR 7.04 (3) (a), (b) or (d). A teacher on an approved leave at the time of the election may vote in such election. A teacher who has prior to such vote given notice to leave the school the following year because of: (i) retirement; (ii) resignation; (iii) voluntary transfer; or (iv) any other reason or who has received notice to leave the school the following year because of involuntary transfer, dismissal or any other reason, shall not be eligible to vote to approve the plan. If a final turnaround plan is not approved within the time frame provided in this subsection, the process provided in this subsection shall be terminated and the commissioner may designate the school as underperforming pursuant to subsection (a). Each turnaround plan shall be authorized for a period of not more than 2 years. The superintendent, as applicable, shall be responsible for meeting the goals of the plan.

(6) Each school designated by the commissioner as a priority school pursuant to this subsection shall be reviewed by the superintendent, in consultation with the principal of the school, at least annually. The purpose of the review shall be to determine whether the school has met the annual goals in its turnaround plan and to assess the overall implementation of the plan. The review shall be in writing and shall be submitted to the relevant school committee not later than July 1 for the preceding school year and shall be available to the public on the school district’s website.

If the superintendent, in consultation with the principal of the school, determines that the school has met the annual performance goals stated in the turnaround plan, the review shall be considered sufficient and the implementation of the turnaround plan shall continue. If the

superintendent determines that the school has not met 1 or more goals in the turnaround plan and that the failure to meet the goals may be corrected through reasonable modification of the plan, the superintendent may reconvene the local stakeholder group which may amend the turnaround plan in a manner consistent with the requirements of paragraphs (1) to (5), inclusive; provided, however, that if a turnaround plan includes a process for modifying the plan, such modifications shall be implemented in accordance with the provisions of the plan.

(7) At a point not more than 2 years after the designation of a school as a priority school, the commissioner shall determine whether the school has improved sufficiently, requires further improvement or has failed to improve. The commissioner may determine that: (i) the school has improved sufficiently for the designation of the school as a priority school to be removed; (ii) the school has improved, but has not improved sufficiently for the designation of the school as a priority school to be removed, in which case the superintendent may, with the approval of the commissioner, reconvene the local stakeholder group for the purposes of renewing the plan or creating a new or modified plan for an additional period of not more than 2 years, consistent with the requirements of paragraphs (1) to (5), inclusive; or (iii) consistent with the requirements of subsection (a), the school is underperforming.

SECTION 2. Said section 1J of said chapter 69, as so appearing, is hereby amended by inserting after the word “System”, in lines 101, 144, 451 and 492, the following words:- , or any successor statewide assessment system approved by the board pursuant to section 1I.

SECTION 3. Said section 1J of said chapter 69, as so appearing, is hereby further amended by inserting after the words “chapter 71A”, in line 123, the following words:- ,

provided that the school committee may retain said programs after the school is no longer designated as underperforming.

SECTION 4. Said section 1J of said chapter 69, as so appearing, is hereby further amended by inserting after the word “government”, in lines 125 and 475, the following words:- , private foundations,.

SECTION 5. Said section 1J of said chapter 69, as so appearing, is hereby further amended by striking out, in line 217, the words “or chronically underperforming”.

SECTION 6. Said section 1J of said chapter 69, as so appearing, is hereby further amended by inserting after the word “issues”, in line 290, the following word:- to.

SECTION 7. Subsection (j) of said section 1J of said chapter 69, as so appearing, is hereby amended by inserting after the second sentence the following sentence:- “If a superintendent or external receiver wishes to authorize a turnaround plan, adopted pursuant to subsections (b) to (g) inclusive, with elements that exceed three years in duration those elements must be approved by the commissioner and the commissioner may enter into an agreement with the district to provide for the continuation of those elements under any immediately subsequent turnaround plans adopted pursuant to this section, or during a transitional period under subsection (y).”

SECTION 8. Subsection (l) of said section 1J of said chapter 69, as so appearing, is hereby amended by adding the following sentence:- Until the commissioner makes the determination required under this section, and any new or amended turnaround plan is approved, the terms of the expired turnaround plan shall remain in effect.

SECTION 9. Said section 1J of said chapter 69, as so appearing, is hereby further amended by inserting after the words “chapter 71A”, in line 473, the following words:- , provided that the school committee may retain said programs after the school is no longer designated as chronically underperforming.

SECTION 10. Said section 1J of said chapter 69, as so appearing, is hereby further amended by inserting after the word “superintendent”, in line 536, the following words:- or, if one has been appointed pursuant to subsection (r), the school’s receiver.

SECTION 11. Said section 1J of said chapter 69, as so appearing, is hereby further amended by striking out, in line 558, the word “commissioner” and inserting in place thereof the following words:- superintendent or, if one has been appointed pursuant to subsection (r), the school’s receiver.

SECTION 12. Said section 1J of said chapter 69, as so appearing, is hereby further amended by striking out, in line 559, the figure “(7)” and inserting in place thereof the following figure:- (8).

SECTION 13. Said section 1J of said chapter 69, as so appearing, is hereby further amended by striking out, in line 568, the words “underperforming or”.

SECTION 14. Said section 1J of said chapter 69, as so appearing, is hereby further amended by striking out, in lines 571-572, the words “commissioner or superintendent” and inserting in place thereof the following words:- superintendent or receiver.

SECTION 15. Subsection (s) of said section 1J of said chapter 69, as so appearing, is hereby amended by adding the following 2 sentences:- Following the annual appropriation of the

school district's operating budget, the amount approved for the operation of each chronically underperforming school shall be available for expenditure by the superintendent or the external receiver for any lawful purpose. A chronically underperforming school shall not expend or incur obligations in excess of its budget; provided, however, that a chronically underperforming school may spend federal and state grants and other funds received independently of its operating budget without approval from the school committee or by the superintendent if a receiver has been appointed.

SECTION 16. Subsection (t) of said section 1J of said chapter 69, as so appearing, is hereby amended by inserting after the second sentence the following sentence:-"The commissioner may approve elements of a turnaround plan that exceed three years in duration and may enter into an agreement with the district to provide for the continuation of those elements under any immediately subsequent turnaround plans adopted pursuant to this section."

SECTION 17. Said section 1J of said chapter 69, as so appearing, is hereby further amended by striking out subsection (y) and inserting in place thereof the following subsection:-

(y) The board of elementary and secondary education shall adopt regulations regarding: (1) the conditions under which a priority, underperforming or chronically underperforming school shall no longer be designated as a priority, underperforming or chronically underperforming school; and (2) the transfer of the operation of an underperforming or a chronically underperforming school from a superintendent or an external receiver, as applicable, to the school committee. The regulations shall include provisions to allow a school to retain measures adopted in a turnaround plan for a transitional period if, in the judgment of the commissioner, the measures would contribute to the continued improvement of the school. Such

regulations shall also include provisions that clearly identify the conditions under which such a transitional period shall end and the powers granted to the commissioner and board under this section shall cease to apply to a school previously designated as underperforming or chronically underperforming.

SECTION 18. Said section 1J of said chapter 69, as so appearing, is hereby further amended by striking out, in line 769, the word “underperforming” and inserting in place thereof the following words:- priority, underperforming.

SECTION 19. The second paragraph of subsection (a) of section 1K of said chapter 69, as so appearing, is hereby amended by adding the following sentence:- At the request of the commissioner, the secretary of administration and finance shall appoint a chief procurement officer for a district designated as chronically underperforming.

SECTION 20. Said section 1K of said chapter 69, as so appearing, is hereby further amended by striking out, in line 54, the word “an” and inserting in place thereof the following word:- a.

SECTION 21. Said section 1K of said chapter 69, as so appearing, is hereby further amended by inserting after the word “System”, in lines 99 and 140, the following words:- , or any successor statewide assessment system approved by the board pursuant to section 1I.

SECTION 22. Said section 1K of said chapter 69, as so appearing, is hereby further amended by inserting after the words “chapter 71A”, in line 121, the following words:- , provided that the school committee may retain said programs after the district is no longer designated as chronically underperforming.

SECTION 23. Said section 1K of said chapter 69, as so appearing, is hereby further amended by striking out, in line 129, the word “an” and inserting in place thereof the following word:- a.

SECTION 24. Said section 1K of said chapter 69, as so appearing, is hereby further amended by striking out, in lines 181-182, the words “reapplications. turnaround plan” and inserting in place thereof the following word:- reapplications.

SECTION 25. Said section 1K of said chapter 69, as so appearing, is hereby further amended by striking out, in lines 204 and 240, the word “commissioner” and inserting in place thereof, in each instance, the following word:- receiver.

SECTION 26. Said section 1K of said chapter 69, as so appearing, is hereby further amended by striking out, in lines 217-218, the word “commissioner/superintendent” and inserting in place thereof the following word:- receiver.

SECTION 27. Said section 1K of said chapter 69, as so appearing, is hereby further amended by striking out, in line 239, the word “if” and inserting in place thereof the following word:- If.

SECTION 28. Said section 1K of said chapter 69, as so appearing, is hereby further amended by striking out, in lines 293 and 303, the words “subsection (g)” and inserting in place thereof, in each instance, the following words:- subsection (h).

SECTION 29. Subsection (f) of said section 1K of said chapter 69, as so appearing, is hereby further amended by inserting after the second sentence the following sentence:- “The commissioner may approve elements of a turnaround plan that exceed three years in duration and

may enter into an agreement with the district to provide for the continuation of those elements under any immediately subsequent turnaround plans adopted pursuant to this section."

SECTION 30. Said section 1K of said chapter 69, as so appearing, is hereby amended by striking out, in lines 338-339, the following words:- for a transitional period.

SECTION 31. Said section 1K of said chapter 69, as so appearing, is hereby further amended by striking out, in line 355, the words "subsection (h)" and inserting in place thereof the following words:- subsection (i).

SECTION 32. Chapter 71 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after section 92 the following section:-

Section 92A. Innovation Partnership Zones.

(a) An Innovation Partnership Zone shall consist of at least two public schools, operating within a public school district, that is established for the purpose of improving school performance and student achievement through increased autonomy and flexibility. An Innovation Partnership Zone and its member schools shall have autonomy and flexibility in the following areas: (i) curriculum; (ii) budget; (iii) school schedule and calendar; (iv) staffing policies and procedures, including waivers from or modifications to, contracts or collective bargaining agreements; (v) professional development; and (vi) school district policies and procedures, including those related to procurement, human resources and operations. A student who is enrolled in a school at the time that it is established as a member school within an Innovation Partnership Zone shall retain the ability to remain enrolled in the school if the student chooses to do so, and the overall student assignment system in the district shall be maintained in the Innovation Partnership Zone.

All member schools in an Innovation Partnership Zone shall operate in accordance with state and federal laws regulating other public schools, except as the law conflicts with this section.

(b) An Innovation Partnership Zone established under this section shall operate according to an Innovation Partnership Zone Plan and a memorandum of understanding between the board of directors of the Innovation Partnership Zone and the local school committee. The establishment of an Innovation Partnership Zone may be initiated by: (i) a public school district that has one or more schools that score in the lowest 20 per cent statewide among schools serving common grade levels on a single measure developed by the department that takes into account student performance data and improvement in student academic performance; or (ii) the commissioner of elementary and secondary education in a district that has one or more schools designated as underperforming or chronically underperforming pursuant to section 1J of chapter 69 or in a district designated as chronically underperforming following a period of receivership pursuant to section 1K of chapter 69.

A local school committee, superintendent, or local teacher's union shall have the authority to initiate the establishment of an Innovation Partnership Zone pursuant to clause (i) of this subsection, subject to the approval of the school committee. An Innovation Partnership Zone initiated by the commissioner pursuant to clause (ii) of this subsection shall be subject to the approval of the board of elementary and secondary education.

(c) An Innovation Partnership Zone shall be managed by a board of directors that includes at least five but no more than nine members. The majority of the members of the board of directors shall be independent members, defined as individuals who are not elected, appointed

or employed by any municipal entity of the community in which the Innovation Partnership Zone is located. The board of directors shall also include at least three members who reside in the community in which the Innovation Partnership Zone is located. Individuals who are serving in elected or appointed positions in the school district or community in which the Innovation Partnership Zone is located may serve as designated ex officio members of the board of directors. For an Innovation Partnership Zone initiated by a school district pursuant to clause (i) of subsection (b), the members of the board of directors shall be identified and listed in the prospectus developed under subsection (d). For an Innovation Partnership Zone initiated by the commissioner pursuant to clause (ii) of subsection (b), the members of the board of directors shall be appointed by the commissioner. The board of directors of an Innovation Partnership Zone shall be deemed to be public agents authorized by the commonwealth to operate and manage the Innovation Partnership Zone and member schools.

The board of directors shall have full managerial and operational control of the Innovation Partnership Zone and its member schools; provided, however, that the school district in which the Innovation Partnership Zone is located shall remain the employer of record for all other purposes.

(d) For an Innovation Partnership Zone initiated by a public school district pursuant to clause (i) of subsection (b), the local school committee, superintendent, and local teacher's union shall follow a process, consistent with this subsection and subsections (e) to (j), inclusive, by which an Innovation Partnership Zone shall be established within the district. This process shall require that the individual or entity proposing to establish the Innovation Partnership Zone prepare a prospectus regarding the proposed Innovation Partnership Zone. The prospectus shall include, but not be limited to, a description of: (i) the rationale for establishing the proposed

Innovation Partnership Zone and the overall vision for the Innovation Partnership Zone, including improving school performance and student achievement; (ii) the names and accountability rankings of each school that will be included in the proposed Innovation Partnership Zone and why these schools have been selected; (iii) the number of students that the Innovation Partnership Zone expects to serve; (iv) a preliminary assessment of the autonomy and flexibility under subsection (a) that the Innovation Partnership Zone will seek; (v) why such flexibility is desirable to carry out the objectives of the Innovation Partnership Zone; (vi) the external partners, if any, that will be involved in supporting the Innovation Partnership Zone and its member schools, and the services that such partners are expected to provide; (vii) a proposed timetable for establishing the Innovation Partnership Zone; and (viii) the names of the individuals who will be appointed to serve as the members of the board of directors for the Innovation Partnership Zone in accordance with the requirements in subsection (c).

(e) Upon completion of the prospectus under subsection (d), the individual or entity proposing to establish the Innovation Partnership Zone shall submit the prospectus to the superintendent, who shall within 30 days convene a screening committee consisting of the superintendent or a designee, the chair of the local school committee or a designee and a representative from the leadership of the local teacher's union.

The screening committee shall review the prospectus for the purpose of determining whether the prospectus: (i) presents a sound and coherent plan for improving student achievement; (ii) supports or enhances existing educational efforts in the district; and (iii) reasonably can be expanded into a comprehensive Innovation Partnership Zone plan. Within 30 days of receiving a prospectus, the screening committee shall decide, on the basis of a two-thirds vote, to accept, reject or return the prospectus for revisions. If a prospectus is rejected or

returned, the screening committee shall provide a detailed explanation for the decision. A prospectus that is rejected or returned may be revised and resubmitted for subsequent consideration. By approving the prospectus, the screening committee shall also approve the establishment of the board of directors for the proposed Innovation Partnership Zone.

(f) Upon the approval of the prospectus by the screening committee under subsection (e), the newly constituted board of directors shall develop a memorandum of understanding with the local school committee that includes, but is not limited to, the following: (i) a detailed description of the division of responsibilities between the board of directors of the Innovation Partnership Zone and the local school committee; (ii) the services that shall be provided by the public school district to member schools in the Innovation Partnership Zone and the amount of funding that shall be allocated by the local school committee to provide such services; (iii) a detailed budget and financial agreement, including the allocation of per-pupil funding for the Innovation Partnership Zone and its member schools; (iv) the necessary activities to successfully transfer the management of the member schools to the board of directors of the Innovation Partnership Zone; and (v) a description of the anticipated process by which the composition of member schools may be altered as appropriate and necessary. The memorandum of understanding shall be a public document and must be posted on the website of the school district in which the Innovation Partnership Zone is located.

(g) Upon the approval of the memorandum of understanding by the board of directors and local school committee, the board of directors shall develop a comprehensive Innovation Partnership Zone plan for the proposed Innovation Partnership Zone. The board of directors shall engage district and community representatives, including but not limited to school administrators, teachers, students, parents and family members, municipal leaders and other

members of the community in which the proposed Innovation Partnership Zone will be established, in the development of the plan. The Innovation Partnership Zone plan shall articulate the areas of autonomy and flexibility under subsection (a) that the proposed Innovation Partnership Zone will use, and shall include, but not be limited to, the following: (i) a copy of the prospectus developed under subsection (d); (ii) a copy of the memorandum of understanding approved by the board of directors and the local school committee; (iii) a description of the process by which the member schools will determine the uses of their autonomies and flexibility; (iv) a curriculum plan, which shall include a preliminary description of the curriculum and related programs that may be implemented in the member schools; (v) a proposed budget for the Innovation Partnership Zone, including a description of how funds will be used and distributed among the member schools; (vi) a school schedule plan, which shall include a preliminary description of the ways, if any, the programs or calendars of the member schools within the proposed Innovation Partnership Zone may be enhanced or expanded; (vii) a staffing plan, which shall include a description of how the principals, administrators, faculty, and staff will be recruited, employed, evaluated, and compensated in the member schools of the proposed Innovation Partnership Zone and any proposed waivers or modifications of collective bargaining agreements; (viii) a policy and procedures plan, which shall include a preliminary description of the operational policies and procedures that may be used by the member schools in the proposed Innovation Partnership Zone; and (ix) a professional development plan, which shall include a description of how the Innovation Partnership Zone may provide high-quality professional development to the administrators, teachers and staff working in the member schools of the proposed Innovation Partnership Zone.

To the extent practicable, the Innovation Partnership Zone plan shall be based on student outcome data, including, but not limited to: (i) student achievement on the Massachusetts Comprehensive Assessment System, or any successor statewide assessment system approved by the board of elementary and secondary education pursuant to section 1I of chapter 69; (ii) other measures of student achievement, approved by the commissioner, as appropriate; (iii) student promotion, graduation rates and dropout rates; (iv) achievement data for different subgroups of students, including low-income students as defined by chapter 70, limited English-proficient students and students receiving special education; and (v) student attendance, dismissal rates and exclusion rates.

In order to assess the proposed Innovation Partnership Zone and its member schools across multiple measures of school performance and student success, the Innovation Partnership Zone plan shall include measurable annual goals including, but not limited to, the following: (i) student attendance; (ii) student safety and discipline; (iii) student promotion and graduation and dropout rates; (iv) student achievement on the Massachusetts Comprehensive Assessment System, or any successor statewide assessment system approved by the board of elementary and secondary education pursuant to section 1I of chapter 69; (v) progress in areas of academic underperformance; (vi) progress among subgroups of students, including low-income students as defined by chapter 70, limited English-proficient students and students receiving special education; and (vii) reduction of achievement gaps among different groups of students.

The provisions of the collective bargaining agreements applicable to the administrators, teachers and staff employed in the district in which the Innovation Partnership Zone is located shall be considered to be in operation at the member schools in the Innovation Partnership Zone,

except to the extent the provisions are waived or modified under the Innovation Partnership Zone plan and such waivers or modifications are approved under subsection (h).

(h) Upon the completion of the Innovation Partnership Zone plan, the board of directors and local teachers union shall meet to negotiate waivers or modifications to the applicable collective bargaining agreement necessary for the implementation of the Innovation Partnership Zone plan. 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 Partnership Zone plan developed by the board of directors. The arbitrator shall, within 14 days of the close of the hearing, submit a decision which shall be final and binding on the parties.

(i) Upon completion of the negotiation process under subsection (h), the board of directors shall undertake a final vote to approve the Innovation Partnership Zone plan developed under subsection (g) and shall submit the plan to the commissioner. Within 45 days of receipt, the commissioner shall accept, reject or request revisions to the plan. The commissioner shall present specific requests for information or data if revisions are required, and shall provide detailed feedback if the plan has been rejected. The board of directors shall submit a revised plan to the commissioner within 30 days of receiving the request, and within 15 days of receiving the revised document, the commissioner shall accept the document or request additional revisions. The board of directors may submit a new plan if the original plan is rejected.

(j) Upon approval of the plan, the commissioner shall, in writing, notify the board of directors of the formal establishment of the Innovation Partnership Zone and the board of directors shall have the authority to operate and manage the Innovation Partnership Zone and its member schools for a term of five years.

(k) At the end of each five-year term, if the Innovation Partnership Zone and its member schools have substantively achieved academic and other goals and have fulfilled all material responsibilities articulated in the Innovation Partnership Zone plan, the term for the Innovation Partnership Zone may be renewed for another five years, subject to the approval of the local school committee. The board of directors and local school committee may mutually agree to terminate the Innovation Partnership Zone at any point during a five-year term or at the end of the term.

(l) Pursuant to clause (ii) of subsection (b), the commissioner of elementary and secondary education may, on the basis of student performance data collected pursuant to section 1I of chapter 69, a school or district review performed under section 55A of chapter 15, or regulations adopted by the board of elementary and secondary education, initiate the establishment of an Innovation Partnership Zone in a public school district that has one or more schools designated as underperforming or chronically underperforming pursuant to section 1J of chapter 69. The commissioner may initiate the establishment of an Innovation Partnership Zone in a district designated as chronically underperforming following a period of receivership pursuant to section 1K of chapter 69.

(m) For an Innovation Partnership Zone initiated by the commissioner, the commissioner and board of directors shall follow a process, consistent with this subsection and subsections (n)

to (t), inclusive, by which an Innovation Partnership Zone shall be established within the district. This process shall require that the commissioner present a recommendation to initiate the establishment of an Innovation Partnership Zone to the board of elementary and secondary education. At their first formal meeting following the presentation of the recommendation of the commissioner, the members of the board of elementary and secondary education shall vote to authorize the commissioner to initiate the establishment of the proposed Innovation Partnership Zone.

(n) Upon the approval of the board of elementary and secondary education, the commissioner shall, in consultation with representatives from the local school district and community in which the proposed Innovation Partnership Zone shall operate, select and appoint the members of the board of directors for the Innovation Partnership Zone in accordance with the requirements set forth in subsection (c).

(o) The newly constituted board of directors shall develop a memorandum of understanding with the local school committee that includes, but is not limited to the components listed in subsection (f). The commissioner shall serve as a signatory for the memorandum of understanding. The memorandum of understanding shall be a public document and must be posted on the website of the school district in which the Innovation Partnership Zone is located.

(p) Upon the completion of the memorandum of understanding, the board of directors shall develop a comprehensive Innovation Partnership Zone plan for the proposed Innovation Partnership Zone. The board of directors shall engage district and community representatives, including but not limited to school administrators, teachers, students, parents and family members, municipal leaders and other members of the community in which the proposed

Innovation Partnership Zone will be established, in the development of the plan. The Innovation Partnership Zone plan shall articulate the areas of autonomy and flexibility under subsection (a) that the proposed Innovation Partnership Zone will use, and shall include, but not be limited to, the components listed under subsection (g).

The provisions of the collective bargaining agreements applicable to the administrators, teachers and staff employed in the district in which the Innovation Partnership Zone is located shall be considered to be in operation at the member schools in the Innovation Partnership Zone, except to the extent the provisions are waived or modified under the Innovation Partnership Zone plan and such waivers or modifications are approved under subsection (q).

(q) Upon the completion of the Innovation Partnership Zone plan, the board of directors and local teachers union shall meet to negotiate waivers or modifications to the applicable collective bargaining agreement necessary for the implementation of the Innovation Partnership Zone plan.

The bargaining shall be conducted in good faith and completed within 30 days. The agreement shall be subject to ratification within 10 business days by the bargaining unit members employed in the Innovation Partnership Zone member schools at the time of negotiation. If the parties are unable to reach an agreement within 30 days or if the agreement is not ratified within 10 business days by the bargaining unit members employed in the Innovation Partnership Zone member schools at the time of negotiation, the parties shall submit remaining unresolved issues to a joint resolution committee for dispute resolution process on the next business day following the end of the 30 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 board of directors 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 3 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 10 business days of selection. This process shall be conducted in accordance with the rules of the American Arbitration Association and consistent with this section; provided however, that all members of the joint resolution committee must agree to any resolution. The fee for the process shall be shared equally between the 2 parties involved.

Notwithstanding any other provision of this chapter, the unanimous 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. In the event that a unanimous decision is not submitted to the parties within 10 business days, the commissioner will resolve all outstanding issues. The commissioner may extend any deadline as needed.

(r) Upon completion of the negotiation process under subsection (q), the board of directors shall undertake a final vote to approve the Innovation Partnership Zone plan developed under subsection (p) and shall submit the plan to the commissioner. Within 45 days of receipt,

the commissioner shall accept, reject or request revisions to the plan. The commissioner shall present specific requests for information or data if revisions are required, and shall provide detailed feedback if the plan has been rejected. The board of directors shall submit a revised plan to the commissioner within 30 days of receiving the request, and within 15 days of receipt, the commissioner shall accept the revised document or request additional revisions. The board of directors may submit a new plan if the original plan is rejected.

(s) Upon approving the plan, the commissioner shall present a recommendation to establish the Innovation Partnership Zone to the board of elementary and secondary education. At their first formal meeting following the presentation of the recommendation of the commissioner, the members of the board of elementary and secondary education shall vote on the establishment of the Innovation Partnership Zone in accordance with criteria developed by the board of elementary and secondary education. By a vote of the majority, the board of elementary and secondary education may approve the establishment of the Innovation Partnership Zone, request additional information or data, or reject the recommendation of the commissioner. The commissioner and board of directors of the proposed Innovation Partnership Zone shall respond to any requests for information and data within 30 days, and the members of the board of elementary and secondary education shall vote on the establishment of the Innovation Partnership Zone at a subsequent meeting selected by the chair of the board of elementary and secondary education. If the recommendation to establish the Innovation Partnership Zone is rejected, the chair of the board of elementary and secondary education shall present detailed feedback to the commissioner and the board of directors of the proposed Innovation Partnership Zone.

(t) Upon approval of the establishment of the Innovation Partnership Zone by the board of elementary and secondary education, the commissioner shall, in writing, notify the board of directors of the formal establishment of the Innovation Partnership Zone and the board of directors shall have the authority to operate and manage the Innovation Partnership Zone and its member schools for a term of five years.

(u) At the end of each five-year term, if the Innovation Partnership Zone and its member schools have substantively achieved academic and other goals and have fulfilled all material responsibilities articulated in the Innovation Partnership Zone plan, the term for the Innovation Partnership Zone may be renewed for another five years, subject to the approval of the commissioner and the board of elementary and secondary education. The board of directors and commissioner may mutually agree to terminate the Innovation Partnership Zone at any point during a five-year term or at the end of the term.

(v) The commissioner shall report annually to the joint committee on education, the house and senate committees on ways and means, the speaker of the house of representatives and the senate president on the implementation and fiscal impact of this section. The report shall include, but not be limited to, the following: (i) a list of all Innovation Partnership Zones and their member schools, descriptions of academic and career themes as applicable and student enrollment, retention and demographic data; (ii) information about the uses of autonomy and flexibility in the Innovation Partnership Zones and how they are enabling the Zones and the member schools to achieve academic and other goals; (iii) student achievement and school performance data, including achievement data by student subgroup; (iv) information about the instructional, operational, fiscal and other implications of the Innovation Partnership Zones; and (v) information about the establishment of future Innovation Partnership Zones as applicable.

(w) Notwithstanding this section or any other general or special law to the contrary, for the purposes of chapter 268A and chapter 30B: (i) an Innovation Partnership Zone shall be deemed to be a state agency; and (ii) the appointing official of a member of the board of directors of an Innovation Partnership Zone shall be deemed to be the commissioner. Members of boards of directors of Innovation Partnership Zones operating under this section shall file a disclosure annually with the state ethics commission, the department and the city or town clerk wherein such Innovation Partnership Zone is located. The disclosure is in addition to the requirements of said chapter 268A and a member of a board of directors must also comply with the disclosure and other requirements of said chapter 268A. The form of the disclosure shall be prescribed by the ethics commission and shall be signed under penalty of perjury. Such form shall be limited to a statement in which members of the board of directors shall disclose any financial interest that they or a member of their immediate families, as defined in section 1 of said chapter 268A, have in any Innovation Partnership Zone or Innovation Partnership Zone member school located in the commonwealth or in another state or with a person doing business with an Innovation Partnership Zone or Innovation Partnership Zone member school.

Each member of a board of directors of an Innovation Partnership Zone shall file such disclosure for the preceding calendar year with the commission within 30 days of becoming a member of the board of directors, by September 1 of each year thereafter that the person is a member of the board of directors and by September 1 of the year after the person ceases to be a member of the board of directors; provided, however, that no member of a board of directors shall be required to file a disclosure for the year in which he or she ceases to be a member of the board of directors if he served less than 30 days in that year.

(x) Nothing in this section shall prohibit the commissioner of elementary and secondary education from exercising the right to designate schools as underperforming or chronically underperforming pursuant to subsections 1J and 1K of chapter 69.

SECTION 33. The board of elementary and secondary education shall promulgate rules and regulations to implement the provisions of this act. Such regulations shall, at a minimum, address the appropriate level of per-pupil funding to be allocated by the local school committee to the board of directors of an Innovation Partnership Zone established pursuant to section 92A of chapter 71.