

SENATE No. 308

The Commonwealth of Massachusetts

PRESENTED BY:

Michael F. Rush

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 strengthening and investing in our educators, students, and communities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>	
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	
<i>James T. Welch</i>	<i>Hampden</i>	
<i>Daniel Cahill</i>	<i>10th Essex</i>	
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>1/26/2017</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>	<i>1/26/2017</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>1/26/2017</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>1/26/2017</i>
<i>Christopher M. Markey</i>	<i>9th Bristol</i>	<i>1/26/2017</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>1/26/2017</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	<i>1/26/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/26/2017</i>
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>1/26/2017</i>

<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	<i>1/26/2017</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>1/26/2017</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/26/2017</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	<i>1/26/2017</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>1/26/2017</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>	<i>1/26/2017</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>1/26/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/26/2017</i>
<i>Adrian Madaro</i>	<i>1st Suffolk</i>	<i>1/26/2017</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>1/26/2017</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>1/26/2017</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/26/2017</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>1/26/2017</i>
<i>Michael J. Finn</i>	<i>6th Hampden</i>	<i>1/26/2017</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/26/2017</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>1/26/2017</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>	<i>1/26/2017</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/26/2017</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>1/26/2017</i>
<i>John C. Velis</i>	<i>4th Hampden</i>	<i>1/26/2017</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	<i>1/30/2017</i>
<i>Solomon Goldstein-Rose</i>	<i>3rd Hampshire</i>	<i>1/30/2017</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>1/30/2017</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>1/30/2017</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/30/2017</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/30/2017</i>
<i>Paul Tucker</i>	<i>7th Essex</i>	<i>1/30/2017</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>1/30/2017</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>	<i>1/30/2017</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/30/2017</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/30/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/31/2017</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>1/31/2017</i>
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>	<i>1/31/2017</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>	<i>2/1/2017</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>2/1/2017</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/1/2017</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>2/1/2017</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	<i>2/1/2017</i>

<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/1/2017</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>2/1/2017</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>2/1/2017</i>
<i>Brian Murray</i>	<i>10th Worcester</i>	<i>2/1/2017</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/1/2017</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>	<i>2/1/2017</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>	<i>2/1/2017</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>2/1/2017</i>
<i>Joan Meschino</i>	<i>3rd Plymouth</i>	<i>2/1/2017</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>2/1/2017</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>	<i>2/2/2017</i>
<i>Gerard Cassidy</i>	<i>9th Plymouth</i>	<i>2/2/2017</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>2/2/2017</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>2/2/2017</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/2/2017</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>2/2/2017</i>
<i>Bud Williams</i>	<i>11th Hampden</i>	<i>2/2/2017</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>	<i>2/2/2017</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>	<i>2/2/2017</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>2/2/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/2/2017</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>2/2/2017</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/2/2017</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>	<i>2/2/2017</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>	<i>2/2/2017</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/2/2017</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>2/2/2017</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>2/3/2017</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>2/3/2017</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>2/3/2017</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	<i>2/3/2017</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/3/2017</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>	<i>2/3/2017</i>
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	<i>2/3/2017</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/3/2017</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	<i>2/3/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/3/2017</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>2/3/2017</i>

<i>William Driscoll</i>	<i>7th Norfolk</i>	<i>2/3/2017</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/3/2017</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>2/3/2017</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>	<i>2/3/2017</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>2/7/2017</i>
<i>Joseph F. Wagner</i>	<i>8th Hampden</i>	<i>2/7/2017</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	<i>2/7/2017</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/7/2017</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>	<i>2/27/2017</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>4/11/2017</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>	<i>5/9/2017</i>

SENATE No. 308

By Mr. Rush, a petition (accompanied by bill, Senate, No. 308) of Michael F. Rush, Marjorie C. Decker, James E. Timilty, Louis L. Kafka and other members of the General Court for legislation to strengthen and invest in our educators, students, and communities. Education.

The Commonwealth of Massachusetts

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

An Act strengthening and investing in our educators, students, and communities.

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 1B of Chapter 59 of the General Law, as appearing in the 2014
2 Official Edition, is hereby amended by inserting after the word “standards.”, in line 78, the
3 following words:-

4 Notwithstanding any other provision of the general or special laws, the board shall not
5 mandate any school district to include as part of an educator evaluation system or as a teacher
6 performance standard the use of student performance data that is intended to measure an
7 individual educator’s impact on student learning, growth, or achievement.

8 SECTION 2. Section 1 of chapter 69 of the General Laws, as appearing in the 2014
9 Official Edition, is hereby amended by striking out, in lines 3 and 4, the words “a limited English
10 proficient student” and inserting in place thereof the following words:- an English learner.

11 SECTION 3. Section 1A of said chapter 69, as so appearing, is hereby amended by
12 striking out, in line 57, the figure “3” and inserting in place thereof the following figure:- 2.

13 SECTION 4. Section 1G of Chapter 69 of the General Laws is hereby amended by
14 inserting at the end thereof the following new paragraph:-

15 All children in grades kindergarten through five attending public schools shall receive
16 one hundred minutes of supervised, safe, and unstructured free-play recess each week so that
17 there are at least twenty consecutive minutes of free-play recess per day. As used herein, the term
18 "free play" means an unstructured environment, but which is supervised by appropriate school
19 personnel or staff. Regulations promulgated by the department may not exclude recess from
20 structured learning time requirements for elementary school children and may not increase the
21 total number of hours required in the school year to meet the provisions of this subsection.

22 SECTION 5. Section 1I of said chapter 69, as so appearing, is hereby amended by
23 striking out, in line 283, the word "and".

24 SECTION 6. The nineteenth paragraph of said section 1I of said chapter 69, as so
25 appearing, is hereby amended by striking out clause (j) and inserting in place thereof the
26 following 6 clauses:-

27 (j) whether there were any complaints filed with a federal or state court or administrative
28 agency since the program's inception concerning compliance with federal or state minimum legal
29 requirements, the disposition of the complaint and the monitoring and evaluation of any
30 agreement or court order relative to the complaint;

31 (k) opportunities that the district makes available to English language learners for
32 instruction in maintaining or developing proficiency in a student's native language;

33 (l) a description of the school district's plan to evaluate the effectiveness of its English
34 language learner programs relative to:

35 (i) helping students attain English language proficiency and master academic standards;

36 (ii) measuring student readiness to join mainstream classrooms;

37 (iii) evaluations and measures provided in addition to department requirements; and

38 (iv) a description of the steps that the school district plans to take to address an identified
39 deficiency;

40 (m) a record of: (i) instances in which a parent or guardian requested to withdraw a
41 student from or refused a student's participation in an English learner program; and (ii) meetings
42 held with parents regarding a student who is not making satisfactory progress toward
43 participating and learning in an integrated classroom;

44 (n) a description of training provided by the district to staff who work with culturally and
45 linguistically diverse student populations; and

46 (o) documentation detailing the participation of English language learners in the district's
47 regular and advanced educational programs and extracurricular activities.

48 SECTION 7. Section 1J of said chapter 69, as so appearing, is hereby amended by
49 striking out subsection (a) and inserting in place thereof the following subsection:

50 (a)(1) Prior to October 1, the commissioner of elementary and secondary education may,
51 on the basis of (i) student performance data collected pursuant to section 1I; (ii) a school or
52 district review performed under section 55A of chapter 15; or (iii) regulations adopted by the
53 board of elementary and secondary education, designate 1 or more schools in a school district

54 other than a Horace Mann charter school as a underperforming or chronically underperforming
55 school. The board shall adopt regulations establishing standards for the commissioner to make
56 such designations on the basis of data collected pursuant to section 11 or information from a
57 school or district review performed under section 55A of chapter 15. Upon the release of the
58 proposed regulations, the board shall file a copy of the proposed regulations with the clerks of
59 the senate and house of representatives who shall forward the regulations to the joint committee
60 on education. Within 30 days of the filing, the joint committee may hold a public hearing and
61 issue a report on the regulations and file the report with the board. The board, pursuant to
62 applicable law, may adopt final regulations making revisions to the proposed regulations as it
63 deems appropriate after consideration of the report and shall immediately file a copy of the
64 regulations with the chairs of the joint committee on education. Not earlier than 30 days from
65 the filing, the board shall file the final regulations with the state secretary. Schools that score in
66 the lowest 10 per cent statewide among schools serving common grade levels on a single
67 measure developed by the department that takes into account student performance data and
68 improvement in student academic performance, shall be deemed eligible for designation as an
69 underperforming or chronically underperforming school.. Not more than 4 per cent of the total
70 number of public schools may be designated as an underperforming or chronically
71 underperforming school at any given time.

72 (2) In adopting regulations allowing the commissioner to designate a school as an
73 underperforming or chronically underperforming school, the board shall ensure that such
74 regulations take into account multiple indicators of school quality in making such designations,
75 including, but not limited to: student attendance rates, dismissal rates and exclusion rates,
76 promotion rates, graduation rates or the lack of demonstrated significant improvement for at least

77 2 consecutive years in core academic subjects, either in the aggregate or among subgroups of
78 students, including designations based on special education, low-income, English language
79 proficiency, and racial or ethnic classifications.

80 (3) Before a school is designated as chronically underperforming by the commissioner, a
81 school shall have been designated as underperforming and failed to improve. Before a school
82 designation is updated to underperforming or to chronically underperforming, the commissioner
83 shall make funds available for at least three of the following services for a period of not less than
84 two years:

85 (i) Early childhood services including early childhood education, programs under the
86 federal Head Start Act, or child care services;

87 (ii) Academic support and enrichment activities, including expanded learning time,
88 summer or after-school enrichment and learning experiences;

89 (iii) Job training, internship, and apprenticeship opportunities and career counseling
90 services;

91 (iv) Programs that provide assistance to students who have been truant, suspended, or
92 expelled;

93 (v) GED programs for youth and community members;

94 (vi) programs to promote parental involvement, including family literacy programs,
95 parent professional development activities and parenting education activities;

96 (vii) Mental health counseling services; (viii) youth leadership development
97 opportunities;

- 98 (ix) juvenile crime prevention and rehabilitation programs;
- 99 (x) primary health and dental care;
- 100 (xi) adult education for parents, including instruction in English as a second language, or
- 101 (xii) homeless prevention services and mortgage revision services for parents.

102 (4) In determining which of the services in paragraph 3 of this subsection will be
103 provided, a superintendent shall convene a local stakeholder group of not more than 15
104 individuals, for the purpose of allocating and overseeing the funding provided by the department.
105 The group shall include:

- 106 (i) the commissioner, or a designee;
- 107 (ii) the chair of the school committee, or a designee;
- 108 (iii) the president of the local teacher's union, or a designee;
- 109 (iv) an administrator from the school, who may be the principal, chosen by the
110 superintendent;
- 111 (v) two teachers from the school chosen by the faculty of the school;
- 112 (vi) two parents from the school chosen by the local parent organization;
- 113 (vii) representatives of applicable state and local social service, health and child welfare
114 agencies, chosen by the superintendent;
- 115 (viii) as appropriate, representatives of state and local workforce development agencies,
116 chosen by the superintendent;

117 (ix) for elementary schools, a representative of an early education and care provider
118 chosen by the commissioner of the department of early education and care and, for middle
119 schools or high schools, a representative of the higher education community selected by the
120 secretary; and

121 (x) a member of the community appointed by the chief executive of the city or town. If
122 the school or district does not have a parent organization or if the organization does not select a
123 parent, the superintendent shall select a volunteer parent of a student from the school.

124 (5) Funds provided for these purposes shall supplement, not supplant, existing services
125 and funds. Funding provide shall equal two hundred fifty thousand dollars or two percent of the
126 district's net school spending per year, whichever is greater.

127 (6) An underperforming or chronically underperforming school described in the
128 following subsections shall operate in accordance with laws regulating other public schools,
129 except as such provisions may conflict with this section or any turnaround plans created
130 thereunder. A student who is enrolled in a school at the time it is designated as an
131 underperforming or chronically underperforming school may elect to remain enrolled in the
132 school while remaining a resident of the district if the student chooses to do so.

133 SECTION 8. Section 1J of Chapter 69 of the general laws is hereby amended by striking
134 out subsection (d) and inserting in place thereof the following subsection:-

135 (d) (1) Notwithstanding any general or special law to the contrary, in creating the
136 turnaround plan required in subsection (b), the superintendent may, after considering the
137 recommendations of the group of stakeholders and consistent with the procedures set forth in this
138 section:

139 (i) expand, alter or replace the curriculum and program offerings of the school, including
140 the implementation of research-based early literacy programs, early interventions for struggling
141 readers and the teaching of advanced placement courses or other rigorous nationally or
142 internationally recognized courses, if the school does not already have such programs or courses;

143 (ii) reallocate the uses of the existing budget of the school;

144 (iii) provide additional funds to the school from the budget of the district, if the school
145 does not already receive funding from the district at least equal to the average per pupil funding
146 received for students of the same classification and grade level in the district;

147 (iv) provide funds, subject to appropriation and following consultation with applicable
148 local unions, to increase the salary of any administrator, or teacher in the school, to attract or
149 retain highly-qualified administrators, or teachers or to reward administrators, or teachers who
150 work in underperforming schools that achieve the annual goals set forth in the turnaround plan;

151 (v) expand the school day or school year or both of the school;

152 (vi) for an elementary school, add pre-kindergarten and full-day kindergarten classes, if
153 the school does not already have such classes;

154 (vii) require the principal and, following consultation with applicable local unions, all
155 administrators to reapply for their positions in the school, with full discretion vested in the
156 superintendent regarding his consideration of and decisions on rehiring based on the
157 reapplications;

158 (viii) limit, suspend or change 1 or more provisions of any contract or collective
159 bargaining agreement, as the contract or agreement applies to the school; provided, that the

160 superintendent shall not reduce the compensation of an administrator, teacher or staff member
161 unless the hours of the person are proportionately reduced;

162 (ix) limit, suspend, or change any provision of a collective bargaining agreement or any
163 rights extended pursuant to sections 7(a) or 9 of chapter 150E, unless the superintendent can
164 demonstrate that the school has implemented the steps identified by the superintendent in
165 coordination with the secretaries of health and human services, labor and workforce
166 development, public safety and other applicable state and local officials identified in clauses 1
167 through 6 in the second paragraph of this sub-section and that limiting, suspending or changing a
168 provision or provisions of the bargaining agreement is reasonable and necessary to further the
169 rapid academic achievement of students at the school;

170 (x) limit, suspend or change 1 or more school district policies or practices, as such
171 policies or practices relate to the school;

172 (xi) include a provision of job-embedded professional development for teachers at the
173 school, with an emphasis on strategies that involve teacher input and feedback;

174 (xii) provide for increased opportunities for teacher planning time and collaboration
175 focused on improving student instruction;

176 (xiii) establish a plan for professional development for administrators at the school, with
177 an emphasis on strategies that develop leadership skills and use the principles of distributive
178 leadership;

179 (xiv) establish steps to assure a continuum of high-expertise teachers by aligning the
180 following processes with a common core of professional knowledge and skill: hiring, induction,

181 teacher evaluation, professional development, teacher advancement, school culture and
182 organizational structure;

183 (xv) develop a strategy to search for and study best practices in areas of demonstrated
184 deficiency in the school;

185 (xvi) establish strategies to address mobility and transiency among the student population
186 of the school; and

187 (xvii) include additional components based on the reasons why the school was designated
188 as underperforming and the recommendations of the group of stakeholders in subsection (b).

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

196 (3) A teacher with professional teacher status in a school declared underperforming or
197 chronically underperforming may be dismissed from the school, but not from the district, for
198 good cause; provided, however, that the teacher receives 5 days written notice of the decision to
199 terminate which shall include, without limitation, an explanation of the reason why the
200 superintendent is not retaining the teacher in the school; provided, further, that the teacher may
201 seek review of a termination decision within 5 days after receiving notice of the teacher's
202 termination by filing a petition for expedited arbitration with the commissioner; provided,

203 further, that except as otherwise provided herein section 42 of chapter 71 shall apply to a petition
204 filed pursuant to this section; provided, further, that the commissioner shall cause an arbitrator to
205 be selected pursuant to the procedures in section 42 of chapter 71 within 3 days of receipt of
206 petition and shall conduct and complete a hearing within 10 days of receipt of the petition;
207 provided, further, that in reviewing dismissal decisions, the arbitrator shall consider the
208 components of the turnaround plan and shall also consider any personnel evaluations conducted
209 that are consistent with the guidelines established pursuant to section 1B; and provided, further,
210 that the arbitrator's decision shall be issued within 10 days from the completion of the hearing.

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

215 SECTION 9. Section 1J of Chapter 69 of the general laws is hereby further amended by
216 striking out subsection (g), and inserting in place thereof the following subsection:-

217 (g) If, after considering the recommendations of the group of stakeholders and ensuring
218 that the steps identified in clauses (1) through (6) in the second paragraph of section (f) have
219 been implemented, the superintendent considers it reasonable and necessary to maximize the
220 rapid academic achievement of students at the applicable school by altering the compensation,
221 hours and working conditions of the administrators, teachers, principal and staff at the school or
222 by altering other provisions of a contract or collective bargaining agreement applicable to the
223 administrators, teachers, principal and staff, the superintendent shall notify the school committee
224 and the union of his determination, and the school committee and any union shall within 30 days

225 of said notice bargain or reopen the bargaining of the relevant collective bargaining agreement to
226 facilitate such achievement. The bargaining shall be conducted in good faith and completed not
227 later than 30 days from the point at which the parties commenced bargaining. The agreement
228 shall be subject to ratification within 10 business days by the bargaining unit members in the
229 school. If the parties are unable to reach an agreement within 30 days or if the agreement is not
230 ratified within 10 business days by the bargaining unit members of the school, the parties shall
231 submit remaining unresolved issues a joint resolution committee for dispute resolution process
232 on the next business day following the end of the 30-day bargaining period or failure to ratify.

233 The joint resolution committee shall be comprised of 3 members, 1 of whom shall be
234 appointed by the employee organization within 3 business days following the submission of
235 unresolved issues to the joint resolution committee, 1 of whom shall be appointed by the school
236 committee within 3 business days following the submission of unresolved issues to the joint
237 resolution committee and 1 who shall be selected through the American Arbitration Association
238 who shall forthwith forward to the parties a list of 3 conciliators, each of whom shall have
239 professional experience in elementary and secondary education, from which the parties may
240 agree upon a single conciliator provided, however, that if the parties cannot select a conciliator
241 from among the 3 within 3 business days, the American Arbitration Association shall select a
242 conciliator from the remaining names. The joint resolution committee shall conduct a dispute
243 resolution process to be concluded within 10 business days of selection. This process shall be
244 conducted in accordance with the rules of the American Arbitration Association and consistent
245 with this section. The fee for the process shall be shared equally between the 2 parties involved.

246 The joint resolution committee shall determine whether the change or changes to the
247 collective bargaining agreement are reasonable and necessary to maximize the rapid academic

248 achievement of students. The burden shall be upon the superintendent to demonstrate by clear
249 and convincing evidence that such changes are reasonable and necessary. Notwithstanding any
250 other provision of this chapter, the decision of the joint resolution committee shall be dispositive
251 of all the issues in dispute and shall be submitted to the parties within 10 business days of the
252 completion of the process. Reasonable extensions of the foregoing timelines may be granted by
253 the joint resolution committee.

254 SECTION 10. Section 1J of Chapter 69 of the general laws is hereby further amended by
255 striking out subsection (o), and inserting in place thereof the following subsection:-

256 (o)(1) Notwithstanding any general or special law to the contrary, in creating the
257 turnaround plan required in subsection (m), the commissioner may, after considering the
258 recommendations of the group of stakeholders:

259 (i) expand, alter or replace the curriculum and program offerings of the school, including
260 the implementation of research-based early literacy programs, early interventions for struggling
261 readers and the teaching of advanced placement courses or other rigorous nationally or
262 internationally recognized courses, if the school does not already have such programs or courses;

263 (ii) reallocate the uses of the existing budget of the school;

264 (iii) provide additional funds to the school from the budget of the district, if the school
265 does not already receive funding from the district at least equal to the average per pupil funding
266 received for students of the same classification and grade level in the district;

267 (iv) provide funds, subject to appropriation, to increase the salary of an administrator ,or
268 teacher in the school, in order to attract or retain highly-qualified administrators or teachers or to

269 reward administrators, or teachers who work in chronically underperforming schools that
270 achieve the annual goals set forth in the turnaround plan;

271 (v) expand the school day or school year or both of the school;

272 (vi) for an elementary school, add pre-kindergarten and full-day kindergarten classes, if
273 the school does not already have such classes;

274 (vii) limit, suspend or change 1 or more provisions of any contract or collective
275 bargaining agreement, as the contract or agreement applies to the school; provided, that the
276 superintendent shall not reduce the compensation of an administrator, teacher or staff member
277 unless the hours of the person are proportionately reduced; provided further, that the
278 commissioner may require the school committee and any applicable unions to bargain in good
279 faith for 30 days before exercising authority pursuant to this clause;

280 (viii) limit, suspend, or change any provision of a collective bargaining agreement or any
281 rights extended pursuant to sections 7(a) or 9 of chapter 150E, unless the superintendent can
282 demonstrate that the school has implemented the steps identified by the superintendent in
283 coordination with the secretaries of health and human services, labor and workforce
284 development, public safety and other applicable state and local officials identified in clauses 1
285 through 6 in the second paragraph of this sub-section and that limiting, suspending or changing a
286 provision or provisions of the bargaining agreement is reasonable and necessary to further the
287 rapid academic achievement of students at the school;

288 (ix) following consultation with applicable local unions, require the principal and all
289 administrators, teachers and staff to reapply for their positions in the school, with full discretion
290 vested in the superintendent regarding his consideration of and decisions on rehiring based on the

291 reapplications, provided that a teacher or staff member may not be demoted or dismissed from
292 the school district except in accordance with the provisions of section forty-one of chapter thirty-
293 three or section forty-two of chapter seventy-one;

294 (x) limit, suspend or change 1 or more school district policies or practices, as such
295 policies or practices relate to the school;

296 (xi) include a provision of job-embedded professional development for teachers at the
297 school, with an emphasis on strategies that involve teacher input and feedback;

298 (xii) provide for increased opportunities for teacher planning time and collaboration
299 focused on improving student instruction;

300 (xiii) establish a plan for professional development for administrators at the school, with
301 an emphasis on strategies that develop leadership skills and use the principles of distributive
302 leadership;

303 (xiv) establish steps to assure a continuum of high expertise teachers by aligning the
304 following processes with the common core of professional knowledge and skill: hiring,
305 induction, teacher evaluation, professional development, teacher advancement, school culture
306 and organizational structure;

307 (xv) develop a strategy to search for and study best practices in areas of demonstrated
308 deficiency in the school;

309 (xvi) establish strategies to address mobility and transiency among the student population
310 of the school; and

311 (xvii) include additional components, at the discretion of the commissioner, based on the
312 reasons the school was designated as chronically underperforming and the recommendations of
313 the local stakeholder group in subsection (m).

314 (2) If the commissioner does not approve a reapplication submitted by an employee
315 pursuant to clause (7) for a position in the school or if an employee does not submit a
316 reapplication for a position in the school, the employee shall retain such rights as may be
317 provided under law or any applicable collective bargaining agreement, in relation to the
318 employee's ability to fill another position in the district; provided, however, that the employee
319 shall not have the right to displace any teacher with professional teacher status in any other
320 school during a school year.

321 (3) A teacher with professional teacher status in a school declared underperforming or
322 chronically underperforming may be dismissed for good cause from the school, but not from the
323 district; provided, however, that the teacher receives 5 days written notice of the decision to
324 terminate which shall include without limitation an explanation of the reason why the
325 commissioner or superintendent is not retaining the teacher in the school; provided, further, that
326 the teacher may seek review of a termination decision within 5 days after receiving notice of the
327 teacher's termination by filing a petition for expedited arbitration with the commissioner;
328 provided further, that except as otherwise provided herein section 42 of chapter 71 shall apply to
329 a petition filed pursuant to this section; provided further, that the commissioner shall cause an
330 arbitrator to be selected pursuant to the procedures in section 42 of chapter 71 within 3 days of
331 receipt of petition and shall conduct and complete a hearing within 10 days of receipt of the
332 petition; provided, further, that in reviewing dismissal decisions, the arbitrator shall consider the
333 components of the turnaround plan and shall also consider any personnel evaluations conducted

334 that are consistent with the guidelines established pursuant to section 1B; and provided, further,
335 that the arbitrator's decision shall be issued within 10 days from the completion of the hearing.

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

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

343 SECTION 11. Said chapter 69 is hereby amended by inserting after section 1P the
344 following section:-

345 Section 1Q. The commissioner shall develop criteria and guidelines for a state seal of
346 biliteracy to be awarded by school districts to recognize high school graduates who have met
347 academic benchmarks determined by the department in 1 or more languages in addition to
348 English.

349 The department shall develop an insignia to be affixed to the diploma or transcript of a
350 student who has been awarded a state seal of biliteracy and make the insignia available to school
351 districts in an electronic format for the preparation of diplomas. A school district that chooses to
352 award the state seal of biliteracy to qualifying students under this section shall maintain
353 appropriate records in order to identify students who have earned a state seal of biliteracy and
354 affix the appropriate insignia to the diploma or transcript of a student who earns a state seal of
355 biliteracy.

356 The commissioner shall annually issue a report to the chairs of the senate and house
357 committees on ways and means and the senate and house chairs of the joint committee on
358 education regarding use of the state seal of biliteracy not later than July 1. The report shall
359 include, but not be limited to: information on the school districts utilizing the state seal of
360 biliteracy; the number of students who have received the state seal of biliteracy from each school
361 district; and recommendations for expanding the use of the state seal of biliteracy to additional
362 school districts.

363 SECTION 12. Chapter 70 of the General Laws is hereby amended by striking out section
364 2, as appearing in the 2014 Official Edition, and inserting in place thereof the following section:-

365 Section 2. As used in this chapter and in chapters 15, 69 and 71, the following words
366 shall have the following meanings unless the context clearly requires otherwise:

367 "Administration allotment", the amounts allotted within a district's foundation budget for
368 administration in any fiscal year; provided, however, that the fiscal year 2017 administration
369 allotment, based on a sum of the following calculations, shall be the base year, with the dollar
370 rates adjusted annually by the foundation inflation index:

371 (i) \$188.56 multiplied by the foundation preschool enrollment and the foundation half-
372 day kindergarten enrollment;

373 (ii) \$377.10 multiplied by the foundation full-day kindergarten enrollment, the foundation
374 elementary enrollment, the foundation junior high or middle school enrollment, the foundation
375 high school enrollment, and the foundation vocational enrollment; and

376 (iii) \$2,602.67 multiplied by the assumed in-school special education enrollment and the
377 assumed tuitioned-out special education enrollment.

378 "Assumed in-school special education enrollment", 4 per cent of the total foundation
379 enrollment in a district not including vocational or preschool enrollment, plus 5 per cent of
380 vocational enrollment.

381 "Assumed tuitioned-out special education enrollment", 1 per cent of the total foundation
382 enrollment in a district, not including vocational or preschool enrollment.

383 "Base aid", in a fiscal year, the total amount of chapter 70 aid provided to a district in the
384 general appropriation act of the previous fiscal year.

385 "Board", the board of elementary and secondary education.

386 "Chapter 70 aid", the sum of a district's base aid, foundation aid increment, if any, and
387 minimum aid increment, if any, in a fiscal year; provided, however that no nonoperating district
388 shall receive chapter 70 aid in an amount greater than the district's foundation budget.

389 "Classroom and specialist teachers allotment", the amount allotted within a district's
390 foundation budget for classroom and specialist teachers in a fiscal year; provided, however, that
391 the fiscal year 2017 classroom and specialist teachers allotment, based on a sum of the following
392 calculations, shall be the base year, with the dollar rates adjusted annually by the foundation
393 inflation index:

394 (i) \$1,561.50 multiplied by the foundation preschool enrollment and the foundation half-
395 day kindergarten enrollment;

396 (ii) \$3,122.99 multiplied by the foundation full-day kindergarten enrollment;

- 397 (iii) \$3,122.95 multiplied by the foundation elementary enrollment;
- 398 (iv) \$2,748.21 multiplied by the foundation junior high or middle school enrollment;
- 399 (v) \$4,041.48 multiplied by the foundation high school enrollment;
- 400 (vi) \$8,588.16 multiplied by the assumed in-school special education enrollment; and
- 401 (vii) \$6,870.55 multiplied by the foundation vocational enrollment.

402 "Combined effort yield", the sum of a municipality's equalized property valuation
403 multiplied by the uniform property percentage and its income multiplied by the uniform income
404 percentage.

405 "Commissioner", the commissioner of elementary and secondary education.

406 "Department", the department of elementary and secondary education.

407 "District" or "School district", the school department of a city or town or a regional
408 school district.

409 "Effort reduction percentage", the percentage of excess effort to be reduced in any given
410 year.

411 "Employee benefits and fixed charges allotment", the amount allotted within a district's
412 foundation budget for employee benefits and fixed charges, equal to 1.29 times the sum of (a) the
413 employee health insurance rate multiplied by the number of active employees for whom the
414 district provides health insurance and (b) the retired employee health insurance rate multiplied by
415 the number of the district's retired employees.

416 “Employee health insurance rate”, the average group insurance commission premium for
417 all plans for the three previous fiscal years; provided, however, that the group insurance
418 commission shall annually, not later than June 30, provide the department with data necessary
419 for the determination of such rate or any increase thereof.

420 “English language learner enrollment”, the number of students enrolled in English
421 language learner programs established pursuant to chapter 71A, including students enrolled in
422 vocational and technical schools.

423 “English language learner expanded program increment”, the amount allotted within a
424 district’s foundation budget for additional services for English language learners, including those
425 enrolled in vocational and technical schools; provided, however, that the increment shall be
426 \$2,446 multiplied by the number of English language learners in the district for fiscal year 2017,
427 adjusted annually thereafter by the foundation inflation index.

428 “Enrollment categories”, any of the following categories in which a student, including
429 students enrolled in special education programs and students attending a school in another
430 district, pursuant to section 12B of chapter 76, who resides in the district and who attends either
431 a public school in that district or a school for which the district of residence pays tuition, is
432 placed; provided, however, that any such student shall be placed in only one enrollment category
433 depending on the grade and program to which the student is assigned; provided further, that
434 English language learners and low-income students shall be placed in one of the following
435 enrollment categories and shall be counted for the purposes of calculating the English language
436 learner increment and the low-income expanded program increment:

437 (i) “elementary enrollment”, number of students enrolled in grades 1 through 5 and not
438 enrolled in English language learner or vocational programs in a district;

439 (ii) “high school enrollment”, the number of students enrolled in grades 9 through 12 and
440 not enrolled in English language learner or vocational programs in a district;

441 (iii) “junior high or middle school enrollment”, the number of students enrolled in grades
442 6 to 8, inclusive, and not enrolled in English language learner or vocational programs in a
443 district;

444 (iv) “kindergarten enrollment”, the number of students enrolled in kindergarten and not
445 enrolled in English language learner or vocational programs in a district; provided, however, that
446 in any district in which kindergarten students attend school for a full day, the foundation
447 kindergarten enrollment used to calculate the foundation budget amount described in this section
448 shall be two times the kindergarten enrollment number that would otherwise be used for said
449 calculations;

450 (v) “preschool enrollment”, the number of students enrolled in preschool programs in a
451 district; and

452 (vi) “vocational enrollment”, the number of students enrolled in vocational, education
453 programs or an agricultural school in a district.

454 “Equalized property valuation”, the annual equalized property valuation for a
455 municipality as determined by the department of revenue pursuant to sections 9, 10 and 10C of
456 chapter 58.

457 "Excess effort", the positive difference, if any, between a municipality's target local
458 contribution and its preliminary contribution.

459 "Foundation aid", the positive difference between a district's foundation budget and its
460 required district contribution.

461 "Foundation aid increment", the positive difference, if any, between the foundation
462 budget and the sum of the required district contribution and base aid.

463 "Foundation budget", the sum of the administration allotment, instructional leadership
464 allotment, classroom and specialist teachers allotment, other teaching services allotment,
465 professional development allotment, instructional materials, equipment and technology
466 allotment, guidance and psychological allotment, pupil services allotment, operations and
467 maintenance allotment, employee benefits and fixed charges allotment and tuitioned-out special
468 education tuition allotment and the English language learner expanded program increment and
469 the low-income expanded program increment; provided, however, that the base year for
470 calculating the foundation budget shall be fiscal year 2017; provided further, that the base year
471 foundation budget shall be calculated according to the formulas in this section using foundation
472 enrollment as described in this section; and provided further that, for fiscal years thereafter, the
473 foundation budget shall be the base year foundation budget adjusted for enrollment and for
474 inflation as set forth in section 3.

475 "Foundation enrollment", the student enrollment of a district in any fiscal year; provided,
476 however, that the foundation enrollment shall be the sum of the foundation full-day
477 kindergarten, elementary, junior high or middle school, high school and vocational enrollment
478 plus one-half of the sum of the foundation preschool and half-day kindergarten enrollment,

479 including students enrolled in the program for the elimination of racial imbalance under section
480 12A of chapter 76; and provided further, that annually, not later than March 1 of each calendar
481 year, the department shall certify the foundation enrollment for the next fiscal year as the actual
482 enrollment as reported the previous October.

483 "Foundation inflation index", in fiscal year 2017, the foundation inflation index shall
484 equal 1.000; provided, however, that in fiscal year 2018 and in each fiscal year thereafter, the
485 foundation inflation index shall equal the prior year's foundation inflation index multiplied by the
486 minimum of: (i) the ratio of the value of the implicit price deflator for state and local government
487 purchases in the first quarter of the prior fiscal year to its value in the first quarter of the year two
488 years prior; or (ii) 1.045; provided that the index used as the base for the calculation of the
489 foundation inflation index in the following fiscal year shall be the index generated by applying
490 (i).

491 "General revenue sharing aid", the amount of assistance from the commonwealth to be
492 received by a city or town in a fiscal year from the following local aid programs: (i) payments in
493 lieu of taxes for state-owned lands distributed pursuant to section 17 of chapter 58; and (ii)
494 "Unrestricted General Government Aid" distributed through section 3 of the Commonwealth's
495 annual budget.

496 "Guidance and psychological allotment", the amount allotted within a district's
497 foundation budget for guidance and psychological services; provided, however, that the fiscal
498 year 2017 guidance and psychological allotment, based on a sum of the following calculations,
499 shall be the base year, with the dollar rates adjusted annually by the foundation inflation index:

500 (i) \$113.61 multiplied by the foundation preschool enrollment and the foundation half-
501 day kindergarten enrollment;

502 (ii) \$227.25 multiplied by the foundation full-day kindergarten enrollment and the
503 foundation elementary enrollment;

504 (iii) \$302.50 multiplied by foundation junior high or middle school enrollment; and

505 (iv) \$379.19 multiplied by the foundation high school enrollment and the foundation
506 vocational enrollment.

507 "Income", total income from all sources as reported by the residents of a municipality on
508 income tax returns submitted to the department of revenue for the most recent available calendar
509 year.

510 "Income percentage", the uniform percentage of each municipality's total income which
511 yields one-half of the statewide total of combined effort yields in any fiscal year.

512 "Instructional leadership allotment", the amounts allotted within a district's foundation
513 budget for instructional leadership in a fiscal year; provided, however, that for fiscal year 2017,
514 the "instructional leadership allotment" shall be the sum of the following rate calculations; and
515 provided further, that for subsequent fiscal years, the instructional leadership allotment shall be
516 the sum of the following calculations, with the dollar rates annually adjusted by the foundation
517 inflation index:

518 (i) \$340.55 multiplied by the foundation preschool enrollment and the foundation half-
519 day kindergarten enrollment; and

520 (ii) \$681.08 multiplied by the foundation full-day kindergarten enrollment, the foundation
521 elementary enrollment, the foundation junior high or middle school enrollment, the foundation
522 high school enrollment and the foundation vocational enrollment.

523 "Instructional materials, equipment and technology allotment", the amount allotted within
524 a district's foundation budget for instructional materials, equipment and technology; provided,
525 however, that the fiscal year 2017 instructional materials, equipment and technology allotment,
526 based on a sum of the following calculations, shall be the base year, with the dollar rates
527 adjusted annually by the foundation inflation index:

528 (i) \$226.01 multiplied by the foundation preschool enrollment and the foundation half-
529 day kindergarten enrollment;

530 (ii) \$452.01 multiplied by the foundation full-day kindergarten enrollment, the foundation
531 elementary enrollment and the foundation junior high or middle school enrollment;

532 (iii) \$723.22 multiplied by the foundation high school enrollment;

533 (iv) \$361.61 multiplied by the assumed in-school special education enrollment; and

534 (v) \$1,265.62 multiplied by the foundation vocational enrollment.

535 "Low-income enrollment", the number of children attending school in a district regardless
536 of residence or tuition-paying status, with a family income at or below 185 per cent of the federal
537 poverty level; provided, however, that a low-income child or low-income student shall mean a
538 child who meets these eligibility standards; and provided further, that in determining the total
539 number of low-income students, the department shall use the preceding year's actual number of
540 low-income full-day kindergarten, elementary, junior high or middle school, high school and

541 vocational students and one-half of the preceding year's actual number of low-income preschool
542 and half-day kindergarten students.

543 "Low-income expanded program increment", the amount allotted within a district's
544 foundation budget for each student with a family income at or below 185 per cent of the federal
545 poverty level; provided, however, that the department shall rank each district with respect to its
546 low income percentage of total foundation enrollment and divide the districts into septiles;
547 provided further, that each district shall be assigned a low-income septile based on its low
548 income percentage; provided further, that each septile shall be assigned a low-income rate where
549 the rate for the lowest percentage septile shall be \$3,591 and each subsequent septile shall
550 increase by equal amounts up to the highest percentage septile rate of \$8,455; and provided
551 further, that the fiscal year 2017 rates for each septile shall be the base year rates and shall be
552 adjusted annually thereafter by the foundation inflation index.

553 "Minimum aid", the positive difference between a district's foundation aid increment and
554 \$25 multiplied by the district foundation enrollment.

555 "Maximum local contribution", 82.5 per cent of a municipality's foundation budget.

556 "Municipal foundation budget", a city or town's local district's foundation budget plus the
557 sum of its share of the foundation budgets at regional districts or at agricultural schools of which
558 it is a member; provided, however, that a city or town's share of the foundation budget at
559 regional districts or at agricultural schools shall be based upon its share of the total foundation
560 enrollment from all member municipalities at those districts and schools.

561 "Municipal revenue growth factor", the change in local general revenues calculated by
562 subtracting 1 from the quotient calculated by dividing the sum of: (i) the maximum levy for the

563 fiscal year estimated by multiplying the levy limit of the prior fiscal year by a factor equal to
564 102.5 per cent plus the average of the percentage increases in the levy limit due to new growth
565 adjustments over the last three available years as certified by the department of revenue or as
566 otherwise estimated by the division of local services in the department of revenue where it
567 appears that a municipality may not be entitled to increase its minimum levy limit by 2.5 per
568 cent; provided, however, that if the highest percentage during such three years exceeds the
569 average of the other two years' percentages by more than two percentage points, then the lowest
570 three of the last four years shall be used for such calculation; (ii) the amount of general revenue
571 sharing aid for the fiscal year; and (iii) other budgeted recurring receipts not including user fees
572 or other charges determined by the division of local services to be associated with the provision
573 of specific municipal services for the prior fiscal year, by the sum of: (1) the actual levy limit for
574 the prior fiscal year; (2) the amount of general revenue sharing aid received for the prior fiscal
575 year; and (3) other recurring receipts not including user fees or other charges determined by the
576 division of local services to be associated with the provision of specific municipal services
577 budgeted by the municipality for the fiscal year preceding the prior fiscal year, if any; provided
578 further, that for the purposes of this calculation, the levy limit shall exclude any amounts
579 generated by overrides applicable to any year after the fiscal year ending June 30, 1993; provided
580 further, that in the absence of an actual levy limit for the prior fiscal year, the actual levy limit
581 for the prior fiscal year shall be estimated by multiplying the actual levy limit of the fiscal year
582 preceding the prior fiscal year by a factor equal to 102.5 per cent plus the average of the
583 percentage increases in the levy limit due to new growth as specified above; and provided
584 further, that in making any of these required calculations, the division of local services may
585 substitute more current information or such other information as would produce a more accurate

586 estimate of the change in a municipality's general local revenues and the department shall use
587 such growth factor to calculate preliminary contribution, required local contribution and any
588 other factors that directly or indirectly use the municipal growth factor.

589 "Net school spending", the total amount spent for the support of public education,
590 including the amortization of teacher salary deferrals and tuition payments for children residing
591 in the district who attend a school in another district or other approved facility, determined
592 without regard to whether such amounts are regularly charged to school or nonschool accounts
593 by the municipality for accounting purposes; provided, however, that net school spending shall
594 not include any spending for long-term debt service, and shall not include spending for school
595 lunches and student transportation; provided further that "net school spending" shall also not
596 include spending from tuition revenue or revenue from activity, admission, other charges or any
597 other revenue attributable to public education, or from state or federal grants; provided further,
598 that such revenue shall be made available to the school district which generated the revenue in
599 addition to any financial resources made available by municipalities or state assistance; provided
600 further, that the department, in consultation with the department of revenue, shall promulgate
601 regulations to ensure a uniform method of determining which municipal expenditures shall be
602 appropriated for the support of public education and which revenues are attributable to public
603 education in accordance with this section; and provided further, that the regulations shall include
604 provisions for resolving disputes which may arise between municipal and school officials.

605 "Operations and maintenance allotment", the amount allotted within a district's
606 foundation budget for operations and maintenance; provided, however, that the fiscal year 2017
607 operations and maintenance allotment, based on a sum of the following calculations, shall be the
608 base year, with the dollar rates adjusted annually by the foundation inflation index:

609 (i) \$433.61 multiplied by the foundation preschool enrollment and the foundation half-
610 day kindergarten enrollment;

611 (ii) \$867.21 multiplied by the foundation full-day kindergarten enrollment and the
612 foundation elementary enrollment;

613 (iii) \$940.18 multiplied by foundation junior high or middle school enrollment;

614 (iv) \$911.60 multiplied by the foundation high school enrollment;

615 (v) \$2,907.31 multiplied by the assumed in-school special education enrollment; and

616 (vi) \$1,706.08 multiplied by the foundation vocational enrollment.

617 “Other teaching services allotment”, the amount allotted within a district's foundation
618 budget for other teaching services; provided, however, that the fiscal year 2017 other teaching
619 services allotment, based on a sum of the following calculations, shall be the base year, with the
620 dollar rates adjusted annually by the foundation inflation index:

621 (i) \$400.48 multiplied by the foundation preschool enrollment and the foundation half-
622 day kindergarten enrollment;

623 (ii) \$800.98 multiplied by the foundation full-day kindergarten enrollment and the
624 foundation elementary enrollment;

625 (iii) \$576.58 multiplied by the foundation junior high or middle school enrollment;

626 (iv) \$480.01 multiplied by the foundation high school enrollment and the foundation
627 vocational enrollment;

628 (v) \$8,018.64 multiplied by the assumed in-school special education enrollment; and

629 (vi) \$39.76 multiplied by the assumed tuitioned-out special education enrollment.

630 “Preliminary contribution”, the product of: (i) a municipality's required local contribution
631 for the prior fiscal year; and (ii) 1 plus the municipal revenue growth factor for the current year;
632 provided, however, that if a municipality's preliminary local contribution as a percentage of its
633 foundation budget is more than 2.5 percentage points lower than the target local share, the
634 preliminary contribution shall be recalculated using the municipality's revenue growth factor plus
635 1 percentage point; and provided further, that if a municipality's preliminary contribution as a
636 percentage of its foundation budget is more than 7.5 percentage points lower than the target local
637 share, the preliminary contribution shall be recalculated using the municipality's revenue growth
638 factor plus 2 percentage points.

639 “Professional development allotment”, the amount allotted within a district's foundation
640 budget for professional development; provided, however, that the fiscal year 2017 professional
641 development allotment, based on a sum of the following calculations, shall be the base year, with
642 the dollar rates adjusted annually by the foundation inflation index:

643 (i) \$61.76 multiplied by the foundation preschool enrollment and the foundation half-day
644 kindergarten enrollment;

645 (ii) \$123.57 multiplied by the foundation full-day kindergarten enrollment;

646 (iii) \$123.59 multiplied by the foundation elementary enrollment;

647 (iv) \$133.97 multiplied by the foundation junior high or middle school enrollment;

648 (v) \$129.90 multiplied by the foundation high school enrollment;

649 (vi) \$414.29 multiplied by the assumed in-school special education enrollment; and

650 (vii) \$214.77 multiplied by the foundation vocational enrollment.

651 "Property percentage", the uniform percentage of each municipality's total equalized
652 property valuation which yields one-half of the statewide total of combined effort yields in any
653 fiscal year.

654 "Pupil services allotment", the amount allotted within a district's foundation budget for
655 pupil services; provided, however, that the fiscal year 2017 pupil services allotment, based on a
656 sum of the following rate calculations, shall be the base year, with the dollar rates adjusted
657 annually by the foundation inflation index:

658 (i) \$45.19 multiplied by the foundation preschool enrollment and the foundation half-day
659 kindergarten enrollment;

660 (ii) \$90.41 multiplied by the foundation full-day kindergarten enrollment;

661 (iii) \$135.61 multiplied by the foundation elementary enrollment and the foundation
662 English learner, full-day enrollment;

663 (iv) \$221.50 multiplied by foundation junior high or middle school enrollment; and

664 (v) \$510.77 multiplied by the foundation high school enrollment and the foundation
665 vocational enrollment.

666 "Required district contribution", a local district's share of the municipality's required local
667 contribution or, in a regional district or agricultural school, the sum of the member

668 municipalities' required local contributions apportioned to that regional district or agricultural
669 school.

670 "Required local contribution", the municipality's preliminary contribution minus the
671 product of its excess effort, if any, multiplied by the effort reduction percentage; provided,
672 however, that the required local contribution shall be apportioned to each district to which the
673 municipality belongs, in proportion to the municipality's foundation budget at those districts.

674 "Retired employee", an employee of a school district who retired while employed by that
675 district and who receives health insurance benefits through that district.

676 "Retired employee health insurance rate", the average group insurance commission
677 premium for all retiree plans for the three previous fiscal years; provided, however, that the
678 group insurance commission shall annually, not later than June 30, provide the department with
679 data necessary for the determination of such rate or any increase thereof.

680 "Statewide target local share", the sum of all municipalities' target local contribution, as a
681 percentage of the sum of all municipal foundation budgets, which shall be set at 59 per cent.

682 "Target aid share", for a local district, 100 per cent minus the municipality's target local
683 share; provided, however, that for a regional district or agricultural school, the "target aid share"
684 shall be 100 per cent minus each member municipality's target local share, multiplied by each
685 municipality's share of the regional district's enrollment, summed for all members of the district.

686 "Target local contribution", the lesser of a municipality's combined effort yield and its
687 maximum local contribution.

688 "Target local share", a municipality's target local contribution as a percentage of its
689 municipal foundation budget.

690 "Tuitioned-out special education allotment", the product of the tuitioned-out special
691 education rate and the assumed tuitioned-out special education enrollment.

692 "Tuitioned-out special education rate", three times the statewide foundation budget per-
693 pupil amount.

694 "Wage adjustment factor", an adjusted difference between the average annual wage for
695 all jobs in the labor market area in which a municipality is located and the average annual wage
696 in the commonwealth; provided, however, that average annual wage figures shall be published
697 annually by the division of employment and training; provided further, that the wage adjustment
698 factor shall be the sum of 1 plus a fraction, the numerator of which shall be the product of $\frac{1}{3}$
699 and the difference resulting from subtracting the average annual wage in the commonwealth
700 from the average annual wage of the municipality, and the denominator of which shall be the
701 average annual wage in the commonwealth; and provided further, that for the purposes of this
702 definition, the average annual wage of the municipality shall be the sum of:

703 (i) .8 multiplied by the average annual wage for all jobs in the labor market area in which
704 the municipality is located; and

705 (ii) .2 multiplied by the average annual wage of the municipality; provided, however, the
706 wage adjustment factor in any community shall not be less than 1.

707 SECTION 13. The third paragraph of section 3 of said chapter 70, as so appearing, is
708 hereby amended by striking out the last sentence and inserting in place thereof the following 2
709 sentences:-

710 The factors to be inflated by the foundation inflation index shall be the monetary values
711 for the administration allotment, the instructional leadership allotment, the classroom and
712 specialist teachers allotment, the other teaching services allotment, the professional development
713 allotment, the instructional materials, equipment and technology allotment, the guidance and
714 psychological allotment, the pupil services allotment, the operations and maintenance allotment,
715 the English language learner expanded program increment and the low-income student expanded
716 program increment.

717 The rates established in section 2 shall serve as the basis for the implementation schedule
718 established annually under section 5B1/2 of chapter 29.

719 SECTION 14. Section 5 of said chapter 70 is hereby repealed.

720 SECTION 15. Section 6 of said chapter 70, as appearing in the 2014 Official Edition, is
721 hereby amended by striking out, in line 6, the word "minimum".

722 SECTION 16. Said section 6 of said chapter 70, as so appearing, is hereby further
723 amended by striking out, in line 8, the words "but not including equity aid,".

724 SECTION 17. Section 7 of said chapter 70 is hereby repealed.

725 SECTION 18. Section 9 of said chapter 70 is hereby repealed.

726 SECTION 19. Said chapter 70 is hereby further amended by striking out section 10, as
727 appearing in the 2014 Official Edition, and inserting in place thereof the following section:-

728 Section 10. Subject to appropriation, the amount of state aid to be paid to each
729 municipality in each fiscal year under this chapter shall be the sum of the base aid, the
730 foundation aid increment and the minimum aid to which the municipality may be entitled under
731 this chapter

732 SECTION 20. Section 38 of Chapter 71 of the General Law, as appearing in the 2014
733 Official Edition, is hereby amended by inserting after the word “The”, in line 37, the following
734 words:-

735 “principles and” and is hereby further amended by striking out, in line 77, the words
736 “regulations of the board” and inserting in place thereof the following words:- “with this section
737 and chapter 150E”

738 SECTION 21. Section 42 of Chapter 71 of the General Laws is hereby amended by
739 striking out the third paragraph in place thereof the following paragraph:-

740 A teacher with professional teacher status, pursuant to section forty-one, shall not be
741 dismissed except for just cause, including inefficiency, incompetency, incapacity, conduct
742 unbecoming a teacher, insubordination or failure on the part of the teacher to satisfy teacher
743 performance standards developed pursuant to section thirty-eight of this chapter.

744 SECTION 22. Section 42 of Chapter 71 of the general laws is hereby further amended in
745 the fifth paragraph by striking the second sentence and inserting the following:-

746 In determining whether just cause exists for dismissal, the arbitrator shall have the
747 authority to consider whether the grounds, if proven, warrant dismissal or a lesser measure of
748 discipline based on such factors including, but not limited to, whether the proven misconduct or

749 shortcoming justifies dismissal and whether the decision to dismiss is consistent with
750 fundamental fairness as expressed in a collective bargaining agreement or through established
751 disciplinary practices in the district.

752 SECTION 23. Section 42 of Chapter 71 of the general laws is hereby further amended in
753 the sixth paragraph by striking the sixth sentence and inserting the following:-

754 With the exception of other remedies provided by statute, an arbitrator hearing a
755 dismissal pursuant to this section shall be limited to awarding the aforementioned remedies.

756 SECTION 24. Section 59C of chapter 71 of the General Laws, as appearing in the 2014
757 Official Edition, is hereby amended by striking out, in line 44, the figure “3” and inserting in
758 place thereof the following figure:- 4.

759 SECTION 25. The fifth paragraph of said section 59C of said chapter 71, as so appearing,
760 is hereby amended by inserting after the first sentence the following sentence:-

761 In school districts with English language learners, the plan to improve student
762 performance shall include a description of the educational program models and approaches
763 offered by the school district to ensure the progress of English language learners in attaining
764 English speaking, reading, writing and oral comprehension skills and in meeting academic
765 standards under section 1D of chapter 69 and curriculum frameworks under section 1E of said
766 chapter 69.

767 SECTION 26. Chapter 71A of the General Laws is hereby amended by striking out
768 sections 1 to 8, inclusive, as so appearing, and inserting in place thereof the following 8
769 sections:-

770 Section 1. For the purposes of this section, the following words shall have the following
771 meanings unless the context clearly indicates otherwise:

772 “Commissioner”, the commissioner of elementary and secondary education.

773 “Department”, the department of elementary and secondary education.

774 "Dual language education" or “2-way bilingual”, a program that integrates language
775 learning and academic instruction for native speakers of English and native speakers of another
776 language with the goals of high academic achievement, first and second academic language
777 proficiency and cross-cultural understanding.

778 “English language development” or “English as a second language”, a specially designed
779 course of study that focuses on the acquisition of the English language consistent with a student's
780 English proficiency, performance and developmental level.

781 “English learner”, a student who does not speak English or whose native language is not
782 English and who is not currently able to perform ordinary classroom work in English.

783 “Foreign language”, a language other than English, which shall include American sign
784 language.

785 “Language acquisition program”, an instructional program that includes English language
786 acquisition for English learners as a component, but shall not be limited to a single program
787 design or pedagogical style.

788 “Sheltered English immersion”, a program composed of the following 2 instructional
789 components: (i) sheltered content instruction that focuses on teaching academic content with

790 language support, using English as the primary language of instruction; and (ii) English language
791 development instruction.

792 “Transitional bilingual education”, an English learner program that follows a bilingual
793 approach to learning in which the native language of the English learner is used to support a
794 student’s development of English and content learning and then is gradually phased out of
795 instruction as a student’s English proficiency increases to assist a student in attaining oral
796 comprehension, speaking, reading and writing skills in English and in meeting academic
797 standards of curriculum frameworks established under sections 1D and 1E of chapter 69.

798 Section 2. A school district shall annually identify the number of English learners within
799 the school district in grades pre-kindergarten to grade 12, inclusive, for districts that have a pre-
800 kindergarten program and in grades kindergarten to grade 12, inclusive, for districts that do not
801 have a pre-kindergarten program, and shall classify an English learner according to: (i) grade
802 level: (ii) the language in which English learner possesses a primary speaking ability; and (iii)
803 the type of English learner program in which the English learner is enrolled. The information
804 shall be made publicly available for each school and the school district on the district’s website.
805 A school district shall also track the academic performance of the students who have exited an
806 English learner program to assess the academic achievement of English learners and the
807 effectiveness of language acquisition programs.

808 Section 3. An English learner enrolled in a public school, including a charter school, shall
809 be educated through a comprehensive, research-based instructional program that includes subject
810 matter content and an English language acquisition component. Programs for English learners
811 may include sheltered English immersion, dual language education or transitional bilingual

812 education but shall not be limited to a specific program or instructional design. A school district
813 may choose 1 or more programs that meet the requirements of this section based on best
814 practices in the field, linguistic and educational needs and the demographic characteristics of
815 English learners in the school district. A school district may incorporate opportunities for
816 students to develop and maintain native language proficiency as part of a formal or
817 extracurricular academic program.

818 An English learner shall receive English language development instruction at a level and
819 frequency that is appropriate for the English learner's level of English language proficiency and
820 educational need and shall be instructed by teachers qualified under state law. Each school
821 district shall employ a sufficient amount of teachers of English as a second language for
822 identified English learners; provided, however, that a school district shall employ at least 1
823 teacher licensed in English as a second language.

824 A student who has exited an English learner program and attained English proficiency
825 shall have access to English language support or development instruction, as needed, in order to
826 perform grade level classwork.

827 Schools may place English learners of different ages in the same classroom if the level of
828 English proficiency for those English learners is similar. Schools shall be encouraged to integrate
829 English learners from different native-language groups who have the same level of English
830 proficiency in the same classroom. If an English learner reaches proficiency in English, is able to
831 do grade level classwork in English and achieves a score of proficient or higher on the statewide
832 evaluation of English language proficiency under section 7, the student shall no longer be
833 classified as an English learner.

834 Section 4. The parent or legal guardian of a student eligible to enroll in an English learner
835 program may select any available English language learner program offered by the school
836 district.

837 A parent or legal guardian may refuse to enroll a student or may remove a student from
838 an English learner program. The parent or legal guardian shall provide written confirmation of
839 the decision, which shall be retained in the student's cumulative folder. The student shall
840 continue to be designated as an English learner, receive the support necessary to overcome
841 language barriers within the general academic program setting and retain the right to enter into
842 an English learner program at any time.

843 A school district may join with other school districts to provide an English learner
844 program under this chapter.

845 If a school district or charter school receives a request from the parents or legal guardians
846 of not less than 20 students to implement a specific program to provide language instruction in
847 that school district or charter school, the school district or charter school shall, within 90 days of
848 receiving the request, respond and provide: (i) a plan for implementation of the requested
849 program; or (ii) a denial of the request, in writing, that includes an explanation of the denial.

850 A school district operating a language acquisition program for English learners serving
851 more than 100 English learners or in which English learners are more than 5 per cent of the
852 district's student population, whichever is less, shall establish an English learner parent advisory
853 council. The parent advisory council shall be composed of parents or legal guardians of students
854 who are or have been identified as an English learners. The duties of the parent advisory council
855 shall include, but not be limited to: advising the school district, school committee or board of

856 trustees on matters that pertain to English learners; meeting regularly with school officials to
857 participate in the planning and development of programs designed to improve educational
858 opportunities for English learners; and participating in the review of school or district
859 improvement plans established under section 59C of chapter 71 as they relate to English learners.
860 A parent advisory council may meet at least once annually with each school council within the
861 school district or the board of trustees of the charter school. The parent advisory council shall
862 establish by-laws regarding officers and operational procedures. In the course of its duties under
863 this section, the parent advisory council shall receive assistance from the director of language
864 acquisition programs for the school district or other appropriate school personnel as designated
865 by the superintendent.

866 Section 5. Communication to the parents and legal guardians of English learners by the
867 school district shall, at least annually, inform the parents or legal guardians of their rights to
868 choose a language acquisition program among those offered by the school district including, but
869 not limited to, sheltered English immersion, transitional bilingual education and 2-way bilingual
870 or dual language education, to request a new language acquisition program under section 4 or to
871 withdraw a student from a language acquisition program. Notice shall be sent by mail not later
872 than 10 days after the enrollment of the student in the school district. The notice shall, to the
873 extent possible:

- 874 (i) be in a language that is understandable to the parents or legal guardians;
- 875 (ii) contain a simple, easy to understand description of the purpose, method and content
876 of the available programs;

877 (iii) inform the parent or legal guardian of the right to visit an English learner program in
878 the school district; and

879 (iv) inform the parent or legal guardian of available conferences or meetings to learn
880 about the English learner programs.

881 If the school district recommends placing an English learner in an English learner
882 program, the parent or legal guardian of the student shall have the right, at the time of the
883 original notification under this section or at the close of any marking period, to withdraw the
884 student from a program by sending written notice of the decision by mail or electronic
885 communication to the school authority designated by the school district in which the student is
886 enrolled.

887 Section 6. Each English learner shall participate in the statewide assessment system
888 adopted pursuant to section 11 of chapter 69.

889 A statewide standardized criterion-referenced test of English language proficiency that
890 assesses the achievement of English language oral and literacy skills shall be administered
891 annually to students who are English learners in kindergarten to grade 12, inclusive, and enrolled
892 in a public school, including a charter school.

893 Assessment scores of individual students shall be confidentially provided to a parent or
894 legal guardian of the student. Aggregated assessment data for schools and school districts shall
895 be made publicly available online in machine readable format. Scores of students classified as
896 English learners shall be separately sub-aggregated and made publicly available, with the scores
897 further sub-aggregated based on the English learner program in which the student is enrolled.

898 Results of assessments shall be used as evidence of the efficacy of an English learner
899 program offered by a school district. The results of an annual assessment of English proficiency
900 under this section shall not be the sole basis for evaluation of a district, school, English learner
901 program or individual educator.

902 The district shall send report cards and progress reports including, but not limited to,
903 progress in becoming proficient in using the English language and other school communications,
904 to the parents or legal guardians of students in the English learners programs. Such report cards
905 and progress reports shall be completed in the same manner and with the same frequency as
906 report cards and progress reports to other students enrolled in the district. The report cards and
907 progress reports shall, to the maximum extent possible, be written in a language understandable
908 to the parent or legal guardian of a student.

909 Section 7. The department shall conduct an on-site visit in every school district at least
910 once every 6 years to evaluate the effectiveness of programs serving English learners. The
911 evaluation shall include, but not be limited to, a review of the individual student records of
912 English learners, a review of the programs and services provided to English learners and a
913 review of the dropout, graduation, discipline and special education incidence rates of the English
914 learner population in the district. Using the best available data, the department shall provide a
915 monitoring report the dropout, graduation, discipline and special education rates of English
916 learners who exited the English learner education program within the 3 school years preceding
917 the on-site visit for that 3-year period. The report shall also include a description of the processes
918 by which school-based teams, consisting of educators, administrators and support staff, monitor
919 the progress of English learners and former English learners, a review of the amount, frequency
920 and effectiveness of English as a second language instruction and a review of the administration

921 and coordination of English learner education programs. The advisory council for bilingual
922 education established under section 1G of chapter 15 shall annually review the results of the
923 department's monitoring of English learner programs in school districts.

924 If, based on factors including, but not limited to, the assessment scores of English
925 learners under section 6, a significant number of students in a school district fail to demonstrate
926 progress in English language proficiency, as determined by the department, the department shall
927 recommend ways to improve instructional programs for the school district's English learner
928 population. Nothing in this section shall prevent the department from conducting an evaluation
929 of a language acquisition program at any time.

930 Section 8. Teachers and administrators assigned to a language acquisition program shall
931 be properly qualified under state law for the program type. A core academic teacher of English
932 learners, including a core academic teacher in a vocational-technical education program under
933 chapter 74, shall meet the requirements under section 38G of chapter 71 and relevant regulations
934 for certification in the teacher's subject area and endorsement or certification in content
935 instruction of English learners.

936 The department shall create an endorsement for educators who have completed
937 coursework and field-based experience to provide instruction within dual-language programs.

938 SECTION 27. Chapter 131 of the Acts of 2012, is hereby amended by striking out
939 section 3.

940 SECTION 28. (a) Notwithstanding subsection (i) of section one D of chapter 69, during
941 the next three full school years following the effective date of this act, the requirement that a
942 student must demonstrate mastery of a common core of skills, competencies and knowledge as

943 measured by MCAS or another standardized test shall not be required as a condition for high
944 school graduation.

945 (b) Notwithstanding the provisions of any general law, special law, regulation, or
946 collective bargaining agreement to the contrary, during the next three full school years following
947 the effective date of this act, the results from student learning measures that inform the educator
948 plan or self-assessment shall not be used, in whole or in part, in an educator's formative or
949 summative evaluation or in determining an educator's impact on student learning rating.

950 (c) During the next three full school years following the effective date of this act, and
951 notwithstanding the provisions of section 1J and 1K of chapter 69 or any other general or special
952 law to the contrary, the department shall not use student achievement measures on the MCAS
953 assessment or any successor test or use student growth measures based on standardized tests for
954 the purpose of assessing the performance of any public school or school district.

955 SECTION 29. (a) An Education Reform Review Task Force shall be convened no later
956 than September 1, 2017, for the purpose of:

957 (i) reviewing the use of MCAS or any mandated state assessments, the implementation of
958 the educator evaluation framework established pursuant to section 1I of chapter 69, and the use
959 of student data on standardized tests as a student high school graduation requirement or in
960 evaluating educators, schools, and districts and

961 (ii) determining whether these mechanisms advance the paramount goal of the
962 commonwealth established by the Education Reform Act of 1993, as amended by section 1 of
963 this Act and, if not, should be eliminated or modified.

964 (b)The task force shall consist of the following stakeholders:

965 (i) the commissioner of elementary and secondary education, or the commissioner’s
966 designee;

967 (ii) the secretary of education, or the secretary’s designee;

968 (iii) the Senate president or a designee, the Speaker of the House or a designee, and the
969 two chairs of the Joint Committee on Education or their designees;

970 (iv) one member chosen by the Governor from a list of three names submitted by the
971 Massachusetts Teachers Association

972 (v) one member chosen by the Governor from a list of three names submitted by the
973 American Federation of Teachers/Massachusetts

974 (v) one member chosen by the Governor from a list of three names submitted by the
975 Massachusetts Association of School Superintendents

976 (vi) one member chosen by the Governor from a list of three names submitted by the
977 Massachusetts Association of School Committees

978 (vii) one member chosen by the Governor from a list of three names submitted by the
979 Massachusetts Elementary School Principals Association

980 (viii) one member chosen by the Governor from a list of three names submitted from the
981 Massachusetts Secondary School Administrators Association

982 (ix) one member chosen by the Governor from a list of three names submitted by the
983 Massachusetts Parent Teachers Association; and

984 (x) the president of the Massachusetts Teachers Association and the president of the
985 American Federation of Teachers/Massachusetts;

986 (xi) three parents jointly selected by the Massachusetts Teachers Association, the
987 American Federation of Teachers/Massachusetts, and the Parent Teachers Association, one of
988 whom is a parent or guardian of a student enrolled in a public school that is in a school district in
989 what has been designated as a “gateway city,” as defined by section 3A of chapter 23A, one of
990 whom is a parent or guardian of a student enrolled in a public school that is located in a suburban
991 school district in the commonwealth, and one of whom is the parent or guardian of a student
992 enrolled in a public school that is located in a rural school district in the commonwealth.

993 (xii) in accordance Section 1E of Chapter 15 one or more students from the Student
994 Advisory Council shall serve on this task force.

995 (c) the initial meeting of the Task Force will be solely for the purpose of naming
996 additional parent community representatives. The communities to be represented will include
997 but not be limited to, the ELL, SPED, and minority communities

998 (d) Appointments to the task force shall be made within 60 days of the effective date of
999 this act. Vacancies in the membership of the task force shall be filled in the same manner as the
1000 original appointments. Members of the task force shall serve without compensation.

1001 (e) The task force shall organize as soon as practicable following the appointment of its
1002 members, but no later than 60 days after the appointment of its members. There shall be two co-
1003 chairs, one elected by the members designated in sub-sections b (i), (ii) and (iii) and the second
1004 elected by the members in sub-sections b (iv) through (x).

1005 SECTION 30. (a)The Task Force established in section 29 of this act will examine the
1006 purpose and varieties of testing that are currently used in classroom, schools, and districts to
1007 determine whether, in assessing students, teachers, schools, and districts, the components of the
1008 system of assessment, individually and collectively, advance the goal set forth in section 1 of
1009 chapter 69, as amended.

1010 (b)The Task Force shall evaluate the use of standardized assessments, the implementation
1011 of the educator evaluation framework established pursuant to section 11 of chapter 69, and the
1012 use of student data on standardized tests for the purpose of evaluating students, educators,
1013 schools, and school districts and shall, without limitation of other relevant factors, consider and
1014 make findings regarding the following:

1015 (i) whether the system of assessments currently in use or under consideration are
1016 effectuating the goal of providing a quality public education system in which (1) all pupils are
1017 engaged fully in learning as an inherently meaningful and enjoyable activity without threats to
1018 their sense of security or self-esteem and (2) the processes for establishing and achieving specific
1019 educational performance goals for pupils, for monitoring progress toward those goals, and for
1020 fully engaging educators in these processes are effective and do not detract from the goals set
1021 forth in section 1 of chapter 69.

1022 (ii) an analysis of (1) the time and cost dedicated to federal, state, and district mandated
1023 testing in the commonwealth’s classrooms, (2) the impact of mandated testing on effective
1024 teaching and learning, and (3) the availability and feasibility of mechanisms other than such
1025 standardized assessments to assess student, teacher, school, and district progress toward
1026 achieving the goals of section 1 of chapter 69, as amended;

1027 (iii) a review of the use and efficacy of technology to achieve the goals and intentions set
1028 forth in chapter 69, section 1, as amended, in relation to classroom instruction and assessment,
1029 the current capacity of school districts in relation to the use of technology in classroom
1030 instruction and assessment, and the cost of achieving a level of technology capacity in school
1031 districts sufficient to achieve the goals and intentions set forth in chapter 69, section 1, as
1032 amended;

1033 (iv) a study of the validity of using student growth percentiles as a component of the
1034 educator evaluation framework, and a review of how school districts use, misuse, or plan to use
1035 measures of student learning including standardized test scores in the evaluation framework;

1036 (v) a study assessing the efficacy and impacts of the requirement in subsection (i) of
1037 section one D of chapter 69 that, as a condition for high school graduation.

1038 SECTION 31. The department of elementary and secondary education will make all
1039 information requested by any member of the task force created in section 29 of this act readily
1040 available in a timely manner with due diligence. The task force shall issue a final report to the
1041 general court by filing same with the clerks of the senate and house of representatives no later
1042 than eighteen months after the task force organizes. Prior to issuing its final report, the task force
1043 shall hold at least six public hearings, in which members of the task force shall be present, in
1044 locations that provide opportunities for residents from all geographic regions of the
1045 commonwealth to testify. The commissioner shall provide a summary of the transcribed
1046 hearings.

1047 SECTION 32. The department shall consider the recommendations of the language
1048 opportunity coalition in developing the guidelines for the state seal of biliteracy under section 1Q
1049 of chapter 69 of the General Laws.

1050 SECTION 33. Notwithstanding any general or special law to the contrary, the department
1051 of elementary and secondary education shall report on the teaching of civics in secondary or
1052 intermediate public school districts. The report shall include, but not be limited to, the number of
1053 school districts requiring the completion of a civics section before graduation.

1054 The report shall be submitted to the clerks of the house and senate and the senate and
1055 house chairs of the joint committee on education by July 1, 2017.

1056 SECTION 34. Notwithstanding any general or special law to the contrary, the department
1057 of elementary and secondary education shall report on the teaching of United States history in
1058 secondary or intermediate public school districts. The report shall include, but not be limited to,
1059 the number of school districts requiring the completion of a United States history section before
1060 graduation.

1061 The report shall be submitted to the clerks of the house and senate and the senate and
1062 house chairs of the joint committee on education not later than July 1, 2017.

1063 SECTION 35. Not later than September 1, 2017, the department of elementary and
1064 secondary education shall establish guidelines for school districts to assist in supporting English
1065 learners who do not meet anticipated benchmarks in attaining English proficiency. The
1066 guidelines shall include: (i) ways for school districts to provide individualized goals and plans
1067 for English learners who are not meeting anticipated benchmarks in attaining English
1068 proficiency; (ii) best practices for ensuring that English learners meet individualized goals and

1069 plans to meet benchmarks in attaining English proficiency; and (iii) ways for school districts to
1070 share best practices among each other in assisting English learners in gaining English
1071 proficiency.

1072 School districts shall provide a copy of the guidelines to the parent or guardian of each
1073 English learner, in the parent's or guardian's primary language, at the beginning of each school
1074 year or upon enrollment of the student in an English learner program if the enrollment is not
1075 concurrent with the beginning of the school year.

1076 SECTION 36. Notwithstanding any general or special law to the contrary, a school
1077 district with an on-site visit scheduled for the 2016-2017 school year shall not have the on-site
1078 visit rescheduled due to this act.

1079 SECTION 37. Sections 6, 11, 25 and 26 of this act shall apply to school years beginning
1080 on and after the 2019-2020 school year.

1081 SECTION 38. Sections 12 through 19 of this act shall take effect on July 1, 2019.