

# HOUSE . . . . . No. 555

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## The Commonwealth of Massachusetts

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PRESENTED BY:

*Alice Hanlon Peisch*

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to establishing flexibilities for school districts.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>1/18/2019</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>1/25/2019</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>1/25/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/1/2019</i>

# HOUSE . . . . . No. 555

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By Ms. Peisch of Wellesley, a petition (accompanied by bill, House, No. 555) of Alice Hanlon Peisch and others relative to the creation of partnership zones in certain school districts. Education.

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## The Commonwealth of Massachusetts

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**

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An Act relative to establishing flexibilities for school districts.

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

- 1        SECTION 1. Section 1J of chapter 69 of the General Laws, as appearing in the 2016
- 2        Official Edition, is hereby amended by inserting after the fourth paragraph the following
- 3        paragraph:-
  - 4            If a school district has one or more schools designated as underperforming or chronically
  - 5            underperforming, the commissioner may initiate the establishment of a Partnership Zone
  - 6            pursuant to section 92A of chapter 71 as an alternative to the requirements and procedures set
  - 7            forth in this section and section 1K. The commissioner may grant an exemption from any and all
  - 8            requirements of this section to an underperforming or chronically underperforming school that is
  - 9            a member of a Partnership Zone established pursuant to section 92A of chapter 71.
- 10        SECTION 2. Chapter 71 of the General Laws, as appearing in the 2016 Official Edition,
- 11        is hereby amended by inserting after section 92 the following section:-
  - 12            Section 92A. Partnership Zones.

13                   (a) The following words shall have the following meanings, unless the context clearly  
14          requires otherwise:

15                   “Board”, the board of elementary and secondary education.

16                   “Board of directors”, the board of directors of a Partnership Zone.

17                   “Commissioner”, the commissioner of elementary or secondary education.

18                   “Community-based members”, individuals who reside in the community or otherwise  
19          have significant ties to the community in which the Partnership Zone is located.

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

21                   “Teacher leadership team”, a group of teachers at a Partnership Zone school, a majority  
22          of whom are elected by their peers and at least one of whom is appointed by the principal, who  
23          are involved in the operational and instructional decisions of the Partnership Zone.

24                   (b) A Partnership Zone shall consist of at least two public schools, operating within a  
25          public school district, that is established for the purpose of improving school performance and  
26          student achievement through increased autonomy and flexibility. A Partnership Zone and its  
27          member schools shall have autonomy and flexibility in the following areas: (i) curriculum; (ii)  
28          budget; (iii) school schedule and calendar; (iv) staffing policies and procedures, including  
29          waivers from or modifications to, contracts or collective bargaining agreements; (v) professional  
30          development; and (vi) school district policies and procedures, including those related to  
31          procurement, human resources and operations. A student who is enrolled in a school at the time  
32          that it is established as a member school within a Partnership Zone shall retain the ability to

33 remain enrolled in the school if the student chooses to do so, and the overall student assignment  
34 system in the district shall be maintained in the Partnership Zone.

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

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

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

52 (d) A Partnership Zone shall be managed by a board of directors that includes at least five  
53 but no more than nine members, all of whom shall be community-based members as defined in  
54 subsection (a). The majority of the members of the board of directors shall be independent

55 members, defined as individuals who are not elected, appointed or employed by any municipal  
56 entity of the community in which the Partnership Zone is located. The board of directors shall  
57 also include at least one representative from the local school committee of the district in which  
58 the Partnership Zone is located as well as one educator from the community; provided, that said  
59 educator shall not be employed by the district in which the Partnership Zone is located. For a  
60 Partnership Zone initiated by a school district pursuant to clause (i) of subsection (b), the  
61 members of the board of directors shall be identified and listed in the prospectus developed  
62 under subsection (d). For a Partnership Zone initiated by the commissioner pursuant to clause (ii)  
63 of subsection (b), the members of the board of directors shall be appointed by the commissioner.  
64 The board of directors of a Partnership Zone shall be deemed to be public agents authorized by  
65 the commonwealth to operate and manage the Partnership Zone and member schools.

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

69           (e) For a Partnership Zone initiated by a public school district pursuant to clause (i) of  
70 subsection (c), the local school committee, superintendent, mayor and local teacher's union shall  
71 follow a process, consistent with this subsection and subsections (e) to (j), inclusive, by which a  
72 Partnership Zone shall be established within the district. This process shall require that the  
73 individual or entity proposing to establish the Partnership Zone prepare a prospectus regarding  
74 the proposed Partnership Zone. The prospectus shall include, but not be limited to, a description  
75 of: (i) the rationale for establishing the proposed Partnership Zone and the overall vision for the  
76 Partnership Zone, including improving school performance and student achievement; (ii) the  
77 names and accountability rankings of each school that will be included in the proposed

78 Partnership Zone and why these schools have been selected; (iii) the number of students that the  
79 Partnership Zone expects to serve; (iv) a preliminary assessment of the autonomy and flexibility  
80 under subsection (a) that the Partnership Zone will seek; (v) why such flexibility is desirable to  
81 carry out the objectives of the Partnership Zone; (vi) the external partners, if any, that will be  
82 involved in supporting the Partnership Zone and its member schools, and the services that such  
83 partners are expected to provide; (vii) a proposed timetable for establishing the Partnership  
84 Zone; and (viii) the names of the individuals who will be appointed to serve as the members of  
85 the board of directors for the Partnership Zone in accordance with the requirements in subsection  
86 (c).

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

92 The screening committee shall review the prospectus for the purpose of determining  
93 whether the prospectus: (i) presents a sound and coherent plan for improving student  
94 achievement; (ii) supports or enhances existing educational efforts in the district; and (iii)  
95 reasonably can be expanded into a comprehensive Partnership Zone plan. Within 30 days of  
96 receiving a prospectus, the screening committee shall decide, on the basis of a two-thirds vote, to  
97 accept, reject or return the prospectus for revisions. If a prospectus is rejected or returned, the  
98 screening committee shall provide a detailed explanation for the decision. A prospectus that is  
99 rejected or returned may be revised and resubmitted for subsequent consideration. By approving

100 the prospectus, the screening committee shall also approve the establishment of the board of  
101 directors for the proposed Partnership Zone.

102 (g) Upon the approval of the prospectus by the screening committee under subsection (e),  
103 the newly constituted board of directors shall develop a memorandum of understanding with the  
104 local school committee that includes, but is not limited to, the following: (i) a detailed  
105 description of the division of responsibilities between the board of directors of the Partnership  
106 Zone and the local school committee; (ii) the services that shall be provided by the public school  
107 district to member schools in the Partnership Zone and the amount of funding that shall be  
108 allocated by the local school committee to provide such services; (iii) a detailed budget and  
109 financial agreement, including the allocation of per-pupil funding for the Partnership Zone and  
110 its member schools; (iv) the necessary activities to successfully transfer the management of the  
111 member schools to the board of directors of the Partnership Zone; (v) a description of the  
112 anticipated process by which the composition of member schools may be altered as appropriate  
113 and necessary; (vi) a provision requiring that the board of directors meet with the local school  
114 committee at least 4 times per year; (vii) a process for renewal; and (viii) a provision establishing  
115 the procurement policy between the Partnership Zone and the local school committee. The  
116 memorandum of understanding shall be a public document and must be posted on the website of  
117 the school district in which the Partnership Zone is located.

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

123 the proposed Partnership Zone will be established, in the development of the plan. The  
124 Partnership Zone plan shall articulate the areas of autonomy and flexibility under subsection (a)  
125 that the proposed Partnership Zone will use, and shall include, but not be limited to, the  
126 following: (i) a copy of the prospectus developed under subsection (d); (ii) a copy of the  
127 memorandum of understanding approved by the board of directors and the local school  
128 committee; (iii) a description of the process by which the member schools will determine the  
129 uses of their autonomies and flexibility; (iv) a curriculum plan, which shall include a preliminary  
130 description of the curriculum and related programs that may be implemented in the member  
131 schools; (v) a proposed budget for the Partnership Zone, including a description of how funds  
132 will be used and distributed among the member schools; (vi) a school schedule plan, which shall  
133 include a preliminary description of the ways, if any, the programs or calendars of the member  
134 schools within the proposed Partnership Zone may be enhanced or expanded; (vii) a staffing  
135 plan, which shall include a description of how the principals, administrators, faculty, and staff  
136 will be recruited, employed, evaluated, and compensated in the member schools of the proposed  
137 Partnership Zone and any proposed waivers or modifications of collective bargaining  
138 agreements; (viii) a policy and procedures plan, which shall include a preliminary description of  
139 the operational policies and procedures that may be used by the member schools in the proposed  
140 Partnership Zone, which shall include a policy requiring the establishment of teacher leadership  
141 teams, as defined in subsection (a), within the member schools in the proposed Partnership Zone;  
142 and (ix) a professional development plan, which shall include a description of how the  
143 Partnership Zone may provide high-quality professional development to the administrators,  
144 teachers and staff working in the member schools of the proposed Partnership Zone.

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

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

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

167 the provisions are waived or modified under the Partnership Zone plan and such waivers or  
168 modifications are approved under subsection (h).

169 (i) Upon the completion of the Partnership Zone plan, the board of directors and local  
170 teachers union shall meet to negotiate waivers or modifications to the applicable collective  
171 bargaining agreement necessary for the implementation of the Partnership Zone plan. If the  
172 negotiations have not resulted in an agreement within 40 days, either party may petition the  
173 division of labor relations for the selection of an arbitrator. The division shall select an arbitrator  
174 within 3 days of the petition from a list submitted by the parties. The arbitrator shall conduct a  
175 hearing within 14 days of the arbitrator's selection. The arbitrator shall consider the parties'  
176 positions and the needs of the students in the district. The arbitrator's decision shall be consistent  
177 with the contents of the Partnership Zone plan developed by the board of directors. The arbitrator  
178 shall, within 14 days of the close of the hearing, submit a decision which shall be final and  
179 binding on the parties.

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

189           Upon final local approval of the plan, the commissioner shall, in writing, notify the  
190   board of directors of the formal establishment of the Partnership Zone and the board of directors  
191   shall have the authority to operate and manage the Partnership Zone and its member schools for a  
192   term of five years. The board of directors shall report annually to the local school committee.

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

199           (l) Pursuant to clause (ii) of subsection (b), the commissioner of elementary and  
200   secondary education may, on the basis of student performance data collected pursuant to section  
201   1I of chapter 69, a school or district review performed under section 55A of chapter 15, or  
202   regulations adopted by the board of elementary and secondary education, initiate the  
203   establishment of a Partnership Zone in a public school district that has one or more schools  
204   designated as underperforming or chronically underperforming pursuant to section 1J of chapter  
205   69. The commissioner may initiate the establishment of a Partnership Zone in a district  
206   designated as chronically underperforming following a period of receivership pursuant to section  
207   1K of chapter 69.

208           (m) For a Partnership Zone initiated by the commissioner, the commissioner and board of  
209   directors shall follow a process, consistent with this subsection and subsections (n) to (t),  
210   inclusive, by which a Partnership Zone shall be established within the district. This process shall

211 require that the commissioner present a recommendation to initiate the establishment of a  
212 Partnership Zone to the board of elementary and secondary education. At their first formal  
213 meeting following the presentation of the recommendation of the commissioner, the members of  
214 the board of elementary and secondary education shall vote to authorize the commissioner to  
215 initiate the establishment of the proposed Partnership Zone.

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

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

226 (p) Upon the completion of the memorandum of understanding, the board of directors  
227 shall develop a comprehensive Partnership Zone plan for the proposed Partnership Zone. The  
228 board of directors shall engage district and community representatives, including but not limited  
229 to school administrators, teachers, students, parents and family members, municipal leaders and  
230 other members of the community in which the proposed Partnership Zone will be established, in  
231 the development of the plan. The Partnership Zone plan shall articulate the areas of autonomy

232 and flexibility under subsection (a) that the proposed Partnership Zone will use, and shall  
233 include, but not be limited to, the components listed under subsection (g).

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

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

242 The bargaining shall be conducted in good faith and completed within 30 days. The  
243 agreement shall be subject to ratification within 10 business days by the bargaining unit members  
244 employed in the Partnership Zone member schools at the time of negotiation. If the parties are  
245 unable to reach an agreement within 30 days or if the agreement is not ratified within 10 business  
246 days by the bargaining unit members employed in the Partnership Zone member schools at the  
247 time of negotiation, the parties shall submit remaining unresolved issues to a joint resolution  
248 committee for dispute resolution process on the next business day following the end of the 30  
249 day bargaining period or failure to ratify. Said dispute resolution process shall be conducted  
250 according to the procedures and requirements set forth in subsection (e) of section 1K of chapter  
251 69.

252 (r) Upon completion of the negotiation process under subsection (q), the board of  
253 directors shall undertake a final vote to approve the Partnership Zone plan developed under

254 subsection (p) and shall submit the plan to the commissioner. Within 45 days of receipt, the  
255 commissioner shall accept, reject or request revisions to the plan. The commissioner shall  
256 present specific requests for information or data if revisions are required, and shall provide  
257 detailed feedback if the plan has been rejected. The board of directors shall submit a revised plan  
258 to the commissioner within 30 days of receiving the request, and within 15 days of receipt, the  
259 commissioner shall accept the revised document or request additional revisions. The board of  
260 directors may submit a new plan if the original plan is rejected.

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

275 (t) Upon approval of the establishment of the Partnership Zone by the board of  
276 elementary and secondary education, the commissioner shall, in writing, notify the board of

277 directors of the formal establishment of the Partnership Zone and the board of directors shall  
278 have the authority to operate and manage the Partnership Zone and its member schools for a term  
279 of five years. The board of directors shall report annually to the local school committee.

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

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

298                         (w) Notwithstanding this section or any other general or special law to the contrary, for  
299                         the purposes of chapter 268A and chapter 30B: (i) a Partnership Zone shall be deemed to be a  
300                         state agency; and (ii) the appointing official of a member of the board of directors of a  
301                         Partnership Zone shall be deemed to be the commissioner. Members of boards of directors of  
302                         Partnership Zones operating under this section shall file a disclosure annually with the state  
303                         ethics commission, the department and the city or town clerk wherein such Partnership Zone is  
304                         located. The disclosure is in addition to the requirements of said chapter 268A and a member of a  
305                         board of directors must also comply with the disclosure and other requirements of said chapter  
306                         268A. The form of the disclosure shall be prescribed by the ethics commission and shall be  
307                         signed under penalty of perjury. Such form shall be limited to a statement in which members of  
308                         the board of directors shall disclose any financial interest that they or a member of their  
309                         immediate families, as defined in section 1 of said chapter 268A, have in any Partnership Zone  
310                         or Partnership Zone member school located in the commonwealth or in another state or with a  
311                         person doing business with a Partnership Zone or Partnership Zone member school.

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

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

322                   (y) Notwithstanding this section or any general or special law to the contrary, the name of  
323 the Partnership Zone may be determined by the community or school district in which the Zone  
324 is located.

325                   SECTION 3. The board of elementary and secondary education shall promulgate rules  
326 and regulations to implement the provisions of this act. Such regulations shall, at a minimum,  
327 address the appropriate level of per-pupil funding to be allocated by the local school committee  
328 to the board of directors of a Partnership Zone established pursuant to section 92A of chapter 71.