

**HOUSE . . . . . No. 531**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Martha M. Walz*

*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 passage of the accompanying bill:

An Act enhancing educational opportunities.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Martha M. Walz*

*8th Suffolk*

*Kay Khan*

*11th Middlesex*

**HOUSE . . . . . No. 531**

By Ms. Walz of Boston, a petition (accompanied by bill, House, No. 531) of Martha M. Walz and Kay Khan relative to contracts for charter schools and innovation schools. Education.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act enhancing educational opportunities.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to improve the educational opportunities available throughout the Commonwealth, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

□

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 1 of chapter 30B of the General Laws, as appearing in the 2010  
2 Official Edition, is hereby amended by striking out, in line 108, the word “or”.

3 SECTION 2. Said section 1 of said chapter 30B, as so appearing, is hereby further  
4 amended by striking out paragraph (34) and inserting in place thereof the following:-

5 (34) a contract made in accordance with section 5 of chapter 111C;

6 (35) a contract for the operation or management of a Horace Mann charter school made  
7 in accordance with section 89 of chapter 71;

8 (36) a contract for the operation or management of an innovation school or a contract  
9 with an external partner made in accordance with section 92 of chapter 71; or

10 (37) a contract for the operation or management of a school designated as needs  
11 improvement or underperforming made in accordance with section 1J of chapter 69.

12 SECTION 3. Section 12 of said chapter 30B, as so appearing, is hereby amended by  
13 adding the following subsection:-

14 (g) Notwithstanding the provisions of subsection (b) or any contrary provision of any  
15 municipal law or provisions of any municipal charter, a school district may enter into a contract  
16 for a term not to exceed 5 years, including any renewal, extension, or option, for the full or  
17 partial operation or management of a Horace Mann charter school under section 89 of chapter  
18 71, an innovation school under section 92 of chapter 71, or a school designated as needs  
19 improvement or underperforming under section 1J of chapter 69.

20 SECTION 4. Chapter 69 is hereby amended by striking out section 1J, as so appearing,  
21 and inserting in place thereof the following section:-

22 Section 1J. (a) The commissioner of elementary and secondary education may, on the  
23 basis of student performance data collected under section 1I, a school or district review  
24 performed under section 55A of chapter 15, or regulations adopted by the board of elementary  
25 and secondary education, designate 1 or more schools in a school district other than a Horace  
26 Mann charter school as needs improvement, underperforming or chronically underperforming.  
27 The board shall adopt regulations establishing standards for the commissioner to make such  
28 designations on the basis of data collected under section 1I or information from a school or  
29 district review performed under section 55A of chapter 15. Upon the release of the proposed  
30 regulations, the board shall file a copy thereof with the clerks of the house of representatives and  
31 the senate who shall forward the regulations to the joint committee on education. Within 30 days  
32 of the filing, the committee may hold a public hearing and issue a report on the regulations and  
33 file the report with the board. The board, under applicable law, may adopt final regulations  
34 making revisions to the proposed regulations as it deems appropriate after consideration of the  
35 report and shall forthwith file a copy of the regulations with the chairpersons of the joint  
36 committee on education and, not earlier than 30 days of the filing, the board shall file the final  
37 regulations with the state secretary.

38 In adopting regulations allowing the commissioner to designate a school as needs  
39 improvement, underperforming or chronically underperforming, the board shall ensure that such  
40 regulations take into account multiple indicators of school quality in making determinations  
41 regarding the designation of a school, such as student attendance, dismissal rates and exclusion  
42 rates, promotion rates, graduation rates or the lack of demonstrated significant improvement for  
43 2 or more consecutive years in core academic subjects, either in the aggregate or among  
44 subgroups of students, including designations based on special education, low-income, English  
45 language proficiency and racial classifications.

46 Before a school is designated chronically underperforming by the commissioner, a school  
47 must be designated as needs improvement or underperforming and fail to improve.

48 A school designated as needs improvement, underperforming or chronically  
49 underperforming shall operate in accordance with laws regulating other public schools, except as  
50 such provisions may conflict with this section or any improvement or turnaround plans created

51 thereunder. A student who is enrolled in a school at the time it is designated as needs  
52 improvement, underperforming or chronically underperforming shall retain the ability to remain  
53 enrolled in the school while remaining a resident of the district if the student chooses to do so.

54 (b) Upon the designation of a school as needs improvement or as an underperforming  
55 school in accordance with regulations developed under this section, the superintendent of the  
56 district, with approval by the commissioner, shall create an improvement or turnaround plan for  
57 the school, under subsections (b) to (e), inclusive. The commissioner may allow for an expedited  
58 turnaround plan for schools that have been previously designated as underperforming and where  
59 the district has a turnaround plan that has had a public comment period and approval of the local  
60 school committee

61 Before the superintendent creates the improvement or turnaround plan required in this  
62 subsection, the superintendent shall convene a local stakeholder group of not more than 13  
63 individuals, for the purpose of soliciting recommendations on the content of such plan to  
64 maximize the rapid academic achievement of students at the school. The superintendent shall  
65 provide due consideration to the recommendations of the stakeholder group. The group shall  
66 include: (1) the commissioner, or a designee; (2) the chair of the school committee, or a  
67 designee; (3) the president of the local teacher's union, or a designee; (4) an administrator from  
68 the school, who may be the principal, chosen by the superintendent; (5) a teacher from the school  
69 chosen by the faculty of the school; (6) a parent from the school chosen by the local parent  
70 organization; (7) representatives of applicable state and local social service, health and child  
71 welfare agencies, chosen by the superintendent; (8) as appropriate, representatives of state and  
72 local workforce development agencies, chosen by the superintendent; (9) for elementary schools,  
73 a representative of an early education and care provider chosen by the commissioner of the  
74 department of early education and care and, for middle schools or high schools, a representative  
75 of the higher education community selected by the secretary; and (10) a member of the  
76 community appointed by the chief executive of the city or town. If the school or district does not  
77 have a parent organization or if the organization does not select a parent, the superintendent shall  
78 select a volunteer parent of a student from the school. The superintendent shall convene such  
79 group within 30 days of the commissioner designating a school as needs improvement or  
80 underperforming and the group shall make its recommendations to the superintendent within 45  
81 days of its initial meeting. Meetings of the local stakeholder group shall be open to the public  
82 and the recommendations submitted to the superintendent under this subsection shall be publicly  
83 available immediately upon their submission.

84 (c) In creating the improvement or turnaround plan in subsection (b) the superintendent  
85 shall include, after considering the recommendations of the local stakeholder group, provisions  
86 intended to maximize the rapid academic achievement of students at the school, including, but  
87 not limited to, a regular school day schedule that has not less than 1 additional hour of structured  
88 learning time as defined in 603 CMR 27.00. The superintendent shall, to the extent practicable,  
89 base the plan on student outcome data, including, but not limited to: (1) data collected under

90 section II or information from a school or district review performed under section 55A of  
91 chapter 15; (2) student achievement on the Massachusetts Comprehensive Assessment System;  
92 (3) other measures of student achievement, approved by the commissioner; (4) student  
93 promotion, graduation and drop out rates; (5) achievement data for different subgroups of  
94 students, including low-income students as defined in chapter 70, limited English-proficient  
95 students and students receiving special education; and (6) student attendance, dismissal and  
96 exclusion rates.

97         The superintendent shall also include in the creation of the improvement or turnaround  
98 plan, after considering the recommendations of the local stakeholder group, the following: (1)  
99 steps to address social service and health needs of students at the school and their families, to  
100 help students arrive and remain at school ready to learn; provided, however, that this may  
101 include mental health and substance abuse screening; (2) steps to improve or expand child  
102 welfare services and, as appropriate, law enforcement services in the school community, in order  
103 to promote a safe and secure learning environment; (3) steps to improve workforce development  
104 services provided to students and their families at the school, to provide students and families  
105 with meaningful employment skills and opportunities; (4) steps to address achievement gaps for  
106 limited English-proficient, special education and low-income students; (5) alternative English  
107 language learning programs for limited English proficient students, notwithstanding chapter  
108 71A; and (6) a financial plan for the school, including any additional funds to be provided by the  
109 district, commonwealth, federal government or other sources.

110         The secretaries of health and human services, labor and workforce development, public  
111 safety and other applicable state and local social service, health and child welfare officials shall  
112 coordinate with the superintendent regarding the implementation of strategies under clauses (1)  
113 to (3), inclusive, of the second paragraph that are included in a final turnaround plan and shall,  
114 subject to appropriation, reasonably support such implementation consistent with the  
115 requirements of state and federal law applicable to the relevant programs that each such official  
116 is responsible for administering. The secretary of education and the commissioner of elementary  
117 and secondary education shall assist the superintendent in facilitating the coordination.

118         To assess the school across multiple measures of school performance and student  
119 success, the improvement or turnaround plan shall include measurable annual goals including,  
120 but not limited to: (1) student attendance, dismissal rates and exclusion rates; (2) student safety  
121 and discipline; (3) student promotion, graduation and dropout rates; (4) student achievement on  
122 the Massachusetts Comprehensive Assessment System; (5) progress in areas of academic  
123 underperformance; (6) progress among subgroups of students, including low-income students as  
124 defined by chapter 70, limited English-proficient students and students receiving special  
125 education; (7) reduction of achievement gaps among different groups of students; (8) student  
126 acquisition and mastery of twenty-first century skills; (9) development of college readiness,  
127 including at the elementary and middle school levels; (10) parent and family engagement; (11)  
128 building a culture of academic success among students; (12) building a culture of student support

129 and success among school faculty and staff and; (13) developmentally appropriate child  
130 assessments from pre-kindergarten through third grade, if applicable.

131 (d) Notwithstanding any general or special law to the contrary, in creating the  
132 improvement or turnaround plan required in subsection (b), the superintendent may, after  
133 considering the recommendations of the group of stakeholders: (1) expand, alter or replace the  
134 curriculum and program offerings of the school, including the implementation of research-based  
135 early literacy programs, early interventions for struggling readers and the teaching of advanced  
136 placement courses or other rigorous nationally or internationally recognized courses, if the  
137 school does not already have such programs or courses; (2) reallocate the uses of the existing  
138 budget of the school; (3) provide additional funds to the school from the budget of the district, if  
139 the school does not already receive funding from the district at least equal to the average per  
140 pupil funding received for students of the same classification and grade level in the district; (4)  
141 provide funds, subject to appropriation and following consultation with applicable local unions,  
142 to increase the salary of any administrator or teacher in the school, to attract or retain highly-  
143 qualified administrators or teachers or to reward administrators or teachers who work in schools  
144 designated as needs improvement or underperforming that achieve the annual goals set forth in  
145 the improvement or turnaround plan; (5) expand the school day or school year or both of the  
146 school; (6) for an elementary school, add pre-kindergarten and full-day kindergarten classes, if  
147 the school does not already have such classes; (7) following consultation with applicable local  
148 unions, require the principal and all administrators, teachers and staff to reapply for their  
149 positions in the school, with full discretion vested in the superintendent regarding his  
150 consideration of and decisions on rehiring based on the reapplications; (8) limit, suspend or  
151 change 1 or more provisions of any contract or collective bargaining agreement, as the contract  
152 or agreement applies to the school; provided, that the superintendent shall not reduce the  
153 compensation of an administrator, teacher or staff member unless the hours of the person are  
154 proportionately reduced; (9) limit, suspend or change 1 or more school district policies or  
155 practices, as such policies or practices relate to the school; (10) include a provision of job-  
156 embedded professional development for teachers at the school, with an emphasis on strategies  
157 that involve teacher input and feedback; (11) provide for increased opportunities for teacher  
158 planning time and collaboration focused on improving student instruction; (12) establish a plan  
159 for professional development for administrators at the school, with an emphasis on strategies that  
160 develop leadership skills and use the principles of distributive leadership; (13) establish steps to  
161 assure a continuum of high-expertise teachers by aligning the following processes with a  
162 common core of professional knowledge and skill: hiring, induction, teacher evaluation,  
163 professional development, teacher advancement, school culture and organizational structure; (14)  
164 develop a strategy to search for and study best practices in areas of demonstrated deficiency in  
165 the school; (15) establish strategies to address mobility and transiency among the student  
166 population of the school; and (16) include additional components based on the reasons why the  
167 school was designated as needs improvement or underperforming and the recommendations of  
168 the group of stakeholders in subsection (b).

169 If the superintendent does not approve a reapplication submitted by an employee under  
170 clause (7) for a position in the school or if an employee does not submit a reapplication for a  
171 position in the school, the employee shall retain such rights as may be provided under law or any  
172 applicable collective bargaining agreement in relation to the employee's ability to fill an open  
173 position in the district; provided, however, that the employee shall not have the right to displace  
174 any teacher in any position.

175 A teacher with professional teacher status in a school declared needs improvement or  
176 underperforming may be dismissed for good cause; provided, however, that the teacher receives  
177 5 days written notice of the decision to terminate which shall include, without limitation, an  
178 explanation of the reason why the superintendent is not retaining the teacher in the school;  
179 provided, further, that the teacher may seek review of a termination decision within 5 days after  
180 receiving notice of the teacher's termination by filing a petition for expedited arbitration with the  
181 commissioner; provided, further, that except as otherwise provided herein, section 42 of chapter  
182 71 shall apply to a petition filed under this section; provided, further, that the commissioner shall  
183 cause an arbitrator to be selected under the procedures in section 42 of chapter 71 within 3 days  
184 of receipt of petition and the arbitrator shall conduct and complete a hearing within 10 days of  
185 receipt of the petition; provided, further, that in reviewing dismissal decisions, the arbitrator shall  
186 consider the components of the improvement or turnaround plan and shall also consider any  
187 personnel evaluations conducted that are consistent with the guidelines established under section  
188 1B; and provided, further, that the arbitrator's decision shall be issued within 10 days from the  
189 completion of the hearing.

190 The principal in a school designated as needs improvement or underperforming shall  
191 have decision-making authority, subject to the approval of the superintendent, for the hiring or  
192 assignment of all administrators, teachers and staff in the school, provided, however that both the  
193 principal and the person seeking a position in the school mutually agree to the hiring or  
194 assignment.

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

199 (e) Within 30 days of the local stakeholder group making recommendations under  
200 subsection (b), the superintendent shall submit an improvement or turnaround plan to the local  
201 stakeholder group, the school committee and the commissioner, all of whom may propose  
202 modifications to the plan. The superintendent shall make such plan immediately available to the  
203 public upon the submission. The stakeholder group, the school committee and the commissioner  
204 shall submit any proposed modifications to the superintendent not more than 30 days after the  
205 date of submission of the improvement or turnaround plan and the proposed modifications shall  
206 be made public immediately upon their submission to the superintendent. The superintendent

207 shall consider and may incorporate the modifications into the plan if the superintendent  
208 determines that inclusion of the modifications would further promote the rapid academic  
209 achievement of students at the school or may alter or reject the proposed modifications submitted  
210 under this subsection. Within 30 days of receiving any proposed modifications under this  
211 subsection, the superintendent shall issue a final improvement or turnaround plan for the school  
212 and the plan shall be made publicly available.

213 (f) Within 30 days of the issuance of a final improvement or turnaround plan under  
214 subsection (e) a school committee or local union may appeal to the commissioner regarding 1 or  
215 more components of the plan, including the absence of 1 or more modifications proposed under  
216 subsection (e). The commissioner may, in consultation with the superintendent, modify the plan  
217 if the commissioner determines that: (1) such modifications would further promote the rapid  
218 academic achievement of students in the applicable school; (2) a component of the plan was  
219 included, or a modification was excluded, on the basis of demonstrably-false information or  
220 evidence; or (3) the superintendent failed to meet the requirements of subsections (b) to (e),  
221 inclusive. The decision of the commissioner regarding an appeal under this subsection shall be  
222 made within 30 days and shall be final.

223 (g) If, after considering the recommendations of the group of stakeholders, the  
224 superintendent considers it necessary to maximize the rapid academic achievement of students at  
225 the applicable school by altering the compensation, hours and working conditions of the  
226 administrators, teachers, principal and staff at the school or by altering other provisions of a  
227 contract or collective bargaining agreement applicable to the administrators, teachers, principal  
228 and staff, the superintendent may request that the school committee and any union bargain or  
229 reopen the bargaining of the relevant collective bargaining agreement to facilitate such  
230 achievement. The bargaining shall be conducted in good faith and completed not later than 30  
231 days from the point at which the superintendent requested that the parties bargain. The  
232 agreement shall be subject to ratification within 10 business days by the bargaining unit members  
233 in the school. If the parties are unable to reach an agreement within 30 days or if the agreement is  
234 not ratified within 10 business days by the bargaining unit members of the school, the parties  
235 shall submit remaining unresolved issues to a joint resolution committee for a dispute resolution  
236 process on the next business day following the end of the 30-day bargaining period or failure to  
237 ratify.

238 The joint resolution committee shall be comprised of 3 members, 1 of whom shall be  
239 appointed by the employee organization within 3 business days following the submission of  
240 unresolved issues to the joint resolution committee, 1 of whom shall be appointed by the school  
241 committee within 3 business days following the submission of unresolved issues to the joint  
242 resolution committee and 1 of whom shall be selected through the American Arbitration  
243 Association who shall forthwith forward to the parties a list of 3 conciliators, each of whom shall  
244 have professional experience in elementary and secondary education, from which the parties may  
245 agree upon a single conciliator provided, however, that if the parties cannot select a conciliator

246 from among the 3 within 3 business days, the American Arbitration Association shall select a  
247 conciliator from the remaining names. The joint resolution committee shall conduct a dispute  
248 resolution process to be concluded within 10 business days of selection. This process shall be  
249 conducted in accordance with the rules of the American Arbitration Association and consistent  
250 with this section. The fee for the process shall be shared equally between the 2 parties involved.

251 The joint resolution committee shall consider the positions of the parties, the designation  
252 of the school as needs improvement or underperforming and the needs of the students in the  
253 school. Notwithstanding any other provision of this chapter, the decision of the joint resolution  
254 committee shall be dispositive of all the issues in dispute and shall be submitted to the parties  
255 within 10 business days of the completion of the process. Under no circumstance shall a time  
256 extension be granted beyond 10 business days of the completion of the process. If a decision is  
257 not submitted to the parties within 10 business days, the commissioner will resolve all  
258 outstanding issues.

259 (h) The superintendent may select an external receiver to operate the school and  
260 implement the improvement or turnaround plan or to assist the superintendent with the  
261 implementation. The superintendent may appoint the receiver if the superintendent determines  
262 that conditions exist in the district that are likely to negatively affect his ability to implement the  
263 plan successfully. A school committee may appeal to the commissioner the decision of the  
264 superintendent to appoint an external receiver. The commissioner may reverse such decision  
265 only if he determines that the superintendent made the decision on the basis of demonstrably-  
266 false information or evidence. A receiver shall be a non-profit entity or an individual with a  
267 demonstrated record of success in improving low-performing schools or the academic  
268 performance of disadvantaged students. The selection of the receiver by the superintendent shall  
269 not be subject to chapter 30B. A receiver shall be subject to section 11A 1/2 of chapter 30A and  
270 chapter 66. A receiver who is an individual shall also be subject to chapter 268A.

271 (i) An external receiver selected by the superintendent to operate a school shall have full  
272 managerial and operational control over the school as provided in the improvement or  
273 turnaround plan. For all other purposes, the school district in which the school is located shall  
274 remain the employer of record.

275 (j) Each improvement or turnaround plan shall be authorized for a period of not more  
276 than 3 years, subject to subsection (k). The superintendent or external receiver, as applicable,  
277 may develop additional components of the improvement or turnaround plan under subsections  
278 (b) to (g) inclusive and shall develop annual goals for each component of the plan, in a manner  
279 consistent with subsections (b) to (g), inclusive. The superintendent or external receiver, as  
280 applicable, shall be responsible for meeting the goals of the plan.

281 (k) Each school designated by the commissioner as needs improvement or  
282 underperforming under subsection (a) shall be reviewed by the superintendent, in consultation

283 with the principal of the school, at least annually. The purpose of the review shall be to  
284 determine whether the school has met the annual goals in its improvement or turnaround plan  
285 and to assess the overall implementation of the plan. The review shall be in writing and shall be  
286 submitted to the commissioner and the relevant school committee not later than July 1 for the  
287 preceding school year. The review shall be submitted in a format determined by the department  
288 of elementary and secondary education.

289         If the commissioner determines that the school has met the annual performance goals  
290 stated in the improvement or turnaround plan, the review shall be considered sufficient and the  
291 implementation of the plan shall continue. If the commissioner determines that the school has not  
292 met 1 or more goals in the improvement or turnaround plan and that the failure to meet the goals  
293 may be corrected through reasonable modification of the plan, the superintendent may amend the  
294 plan in a manner consistent with the provisions of subsection (b) to (g) inclusive. If the  
295 commissioner determines that the school has substantially failed to meet 1 or more goals in the  
296 plan, the commissioner may appoint an examiner to conduct an evaluation of the school's  
297 implementation of the improvement or turnaround plan.

298         If the commissioner determines that the school has substantially failed to meet multiple  
299 goals in the plan, the commissioner may require changes to the improvement or turnaround plan  
300 to be implemented by the superintendent in the following year or the appointment of an external  
301 partner to advise and assist the superintendent in implementing the plan the following year. The  
302 selection of the external partner by the commissioner shall not be subject to sections 51 and 52 of  
303 chapter 30. If the changes to the improvement or turnaround plan require changes in a collective  
304 bargaining agreement applicable to administrators, teachers or staff in the school, the bargaining  
305 procedure in subsection (g) shall be used. If a school designated as needs improvement or  
306 underperforming is operated by an external receiver, the commissioner may require the  
307 superintendent to terminate the receiver and develop a new improvement or turnaround plan.

308         (1) Upon the expiration of an improvement or turnaround plan, the commissioner shall  
309 conduct a review of the school to determine whether the school has improved sufficiently,  
310 requires further improvement or has failed to improve. On the basis of such review, the  
311 commissioner may determine that: (1) the school has improved sufficiently for the designation of  
312 the school as needs improvement or underperforming to be removed; (2) the school has not  
313 improved to the point that it is no longer eligible to be designated as needs improvement or  
314 underperforming, in which case the superintendent may, with the approval of the commissioner,  
315 renew the improvement or turnaround plan or create a new or modified improvement or  
316 turnaround plan for an additional period of not more than 3 years, consistent with the  
317 requirements of subsections (a) to (g); or (3) consistent with the requirements of subsection (a),  
318 the school is chronically underperforming. The commissioner may recommend the appointment  
319 of an external receiver by the superintendent if the commissioner believes that a new or modified  
320 improvement or turnaround plan implemented by the superintendent will not result in rapid  
321 improvement. In carrying out this subsection, the superintendent shall: (1) in the case of a

322 renewal of an improvement or turnaround plan, determine subsequent annual goals for each  
323 component of the plan with the input of the local stakeholder group as defined in subsection (b);  
324 or (2) create a new or modified improvement or turnaround plan as necessary, consistent with the  
325 requirements of this section.

326 (m) Upon the designation of a school as a chronically underperforming school in  
327 accordance with the regulations developed under this section, the commissioner shall create a  
328 turnaround plan for the school under this subsection and subsections (n) to (p), inclusive. Upon  
329 implementation of the turnaround plan required in this subsection, a school designated as  
330 chronically underperforming shall have a regular schedule of not less than 7.5 hours per day for  
331 all grades except kindergarten in an elementary school and 8.0 hours per day for a high school  
332 unless the turnaround plan contains an explanation of why the school's regular schedule should  
333 contain fewer hours per day.

334 Before creating the turnaround plan required in this subsection, the commissioner shall  
335 convene a local stakeholder group of not more than 13 individuals for the purpose of soliciting  
336 recommendations on the content of such plan in order to maximize the rapid academic  
337 achievement of students. The commissioner shall provide due consideration to the  
338 recommendations of the stakeholder group. The group shall include: (1) the superintendent, or a  
339 designee; (2) the chair of the school committee, or a designee; (3) the president of the local  
340 teacher's union, or a designee; (4) an administrator from the school, who may be the principal,  
341 chosen by the superintendent; (5) a teacher from the school chosen by the faculty of the school;  
342 (6) a parent from the school chosen by the local parent organization; (7) representatives of  
343 applicable state and local social service, health and child welfare agencies, chosen by the  
344 commissioner; (8) as appropriate, representatives of state and local workforce development  
345 agencies, chosen by the commissioner; (9) for elementary schools, a representative of an early  
346 education and care provider chosen by the commissioner of the department of early education  
347 and care and, for middle schools or high schools, a representative of the higher education  
348 community selected by the secretary of education; and (10) a member of the community  
349 appointed by the chief executive of the city or town. If the school or district does not have a  
350 parent organization or if the organization does not select a parent, the commissioner shall select a  
351 volunteer parent of a student from the school. The commissioner shall convene the group within  
352 30 days of the designation of a school as chronically underperforming and the group shall make  
353 its recommendations to the commissioner within 45 days of its initial meeting. Meetings of the  
354 local stakeholder group shall be open to the public and the recommendations submitted to the  
355 commissioner under this subsection shall be publicly available immediately upon their  
356 submission.

357 (n) In creating the turnaround plan required in subsection (m), the commissioner shall  
358 include, after considering the recommendations of the local stakeholder group, provisions  
359 intended to maximize the rapid academic achievement of students at the school and shall, to the  
360 extent practicable, base the plan on student outcome data, including, but not limited to: (1) data

361 collected under section 1I or information from a school or district review performed under  
362 section 55A of chapter 15; (2) student achievement on the Massachusetts Comprehensive  
363 Assessment System; (3) other measures of student achievement, approved by the commissioner,  
364 as appropriate; (4) student promotion, graduation and drop out rates; (5) achievement data for  
365 different subgroups of students, including low-income students as defined by chapter 70, limited  
366 English-proficient students and students receiving special education; and (6) student attendance,  
367 dismissal, and exclusion rates.

368           The commissioner shall include in the creation of the turnaround plan, after considering  
369 the recommendations of the local stakeholder group, the following: (1) steps to address social  
370 service and health needs of students at the school, and their families, in order to help students  
371 arrive and remain at school ready to learn; provided, however, that this may include mental  
372 health and substance abuse screening; (2) steps to improve or expand child welfare services and,  
373 as appropriate, law enforcement services in the school community, in order to promote a safe and  
374 secure learning environment; (3) steps to improve workforce development services provided to  
375 students at the school, and their families, in order to provide students and families with  
376 meaningful employment skills and opportunities; (4) steps to address achievement gaps for  
377 limited English-proficient, special education and low-income students; (5) alternative English  
378 language learning programs for limited-English proficient students, notwithstanding chapter  
379 71A; and (6) a financial plan for the school, including any additional funds to be provided by the  
380 district, commonwealth, federal government or other sources.

381           The secretaries of health and human services, labor and workforce development, public  
382 safety and other applicable state and local social service, health and child welfare officials shall  
383 coordinate with the secretary of education and the commissioner regarding the implementation of  
384 strategies under clauses (1) to (3), inclusive, of the second paragraph that are included in a final  
385 turnaround plan and shall, subject to appropriation, reasonably support the implementation  
386 consistent with the requirements of state and federal law applicable to the relevant programs that  
387 each official is responsible for administering.

388           In order to assess the school across multiple measures of school performance and student  
389 success, the turnaround plan shall include measurable annual goals including, but not limited to,  
390 the following: (1) student attendance, dismissal and exclusion rates; (2) student safety and  
391 discipline; (3) student promotion, graduation and dropout rates; (4) student achievement on the  
392 Massachusetts Comprehensive Assessment System; (5) progress in areas of academic  
393 underperformance; (6) progress among subgroups of students, including low-income students as  
394 defined by chapter 70, limited English-proficient students and students receiving special  
395 education; (7) reduction of achievement gaps among different groups of students; (8) student  
396 acquisition and mastery of 21st-century skills; (9) development of college readiness, including at  
397 the elementary and middle school levels; (10) parent and family engagement; (11) building a  
398 culture of academic success among students; (12) building a culture of student support and

399 success among school faculty and staff; and (13) developmentally appropriate child assessments  
400 from pre-kindergarten through third grade, if applicable.

401 (o) Notwithstanding any general or special law to the contrary, in creating the turnaround  
402 plan required in subsection (m), the commissioner may, after considering the recommendations  
403 of the group of stakeholders: (1) expand, alter or replace the curriculum and program offerings of  
404 the school, including the implementation of research-based early literacy programs, early  
405 interventions for struggling readers and the teaching of advanced placement courses or other  
406 rigorous nationally or internationally recognized courses, if the school does not already have  
407 such programs or courses; (2) reallocate the uses of the existing budget of the school; (3) provide  
408 additional funds to the school from the budget of the district, if the school does not already  
409 receive funding from the district at least equal to the average per pupil funding received for  
410 students of the same classification and grade level in the district; (4) provide funds, subject to  
411 appropriation, to increase the salary of an administrator, or teacher in the school, in order to  
412 attract or retain highly-qualified administrators or teachers or to reward administrators, or  
413 teachers who work in chronically underperforming schools that achieve the annual goals set forth  
414 in the turnaround plan; (5) expand the school day or school year or both of the school; (6) for an  
415 elementary school, add pre-kindergarten and full-day kindergarten classes, if the school does not  
416 already have such classes; (7) limit, suspend, or change 1 or more provisions of any contract or  
417 collective bargaining agreement, as the contract or agreement applies to the school; provided,  
418 however, that the commissioner shall not reduce the compensation of an administrator, teacher or  
419 staff member unless the hours of the person are proportionately reduced; and provided further,  
420 that the commissioner may require the school committee and any applicable unions to bargain in  
421 good faith for 30 days before exercising authority under this clause; (8) following consultation  
422 with applicable local unions, require the principal and all administrators, teachers and staff to  
423 reapply for their positions in the school, with full discretion vested in the commissioner  
424 regarding his consideration of and decisions on rehiring based on the reapplications; (9) limit,  
425 suspend or change 1 or more school district policies or practices, as such policies or practices  
426 relate to the school; (10) include a provision of job-embedded professional development for  
427 teachers at the school, with an emphasis on strategies that involve teacher input and feedback;  
428 (11) provide for increased opportunities for teacher planning time and collaboration focused on  
429 improving student instruction; (12) establish a plan for professional development for  
430 administrators at the school, with an emphasis on strategies that develop leadership skills and use  
431 the principles of distributive leadership; (13) establish steps to assure a continuum of high  
432 expertise teachers by aligning the following processes with a common core of professional  
433 knowledge and skill: hiring, induction, teacher evaluation, professional development, teacher  
434 advancement, school culture and organizational structure; (14) develop a strategy to search for  
435 and study best practices in areas of demonstrated deficiency in the school; (15) establish  
436 strategies to address mobility and transiency among the student population of the school; and  
437 (16) include additional components, at the discretion of the commissioner, based on the reasons

438 the school was designated as chronically underperforming and the recommendations of the local  
439 stakeholder group in subsection (m).

440 If the commissioner does not approve a reapplication submitted by an employee under  
441 clause (8) for a position in the school or if an employee does not submit a reapplication for a  
442 position in the school, the employee shall retain such rights as may be provided under law or any  
443 applicable collective bargaining agreement, in relation to the employee's ability to fill an open  
444 position in the district; provided, however, that the employee shall not have the right to displace  
445 any teacher in any position.

446 A teacher with professional teacher status in a school declared chronically  
447 underperforming may be dismissed for good cause; provided, however, that the teacher receives  
448 5 days written notice of the decision to terminate which shall include without limitation an  
449 explanation of the reason why the commissioner is not retaining the teacher in the school;  
450 provided, further, that the teacher may seek review of a termination decision within 5 days after  
451 receiving notice of the teacher's termination by filing a petition for expedited arbitration with the  
452 commissioner; provided further, that except as otherwise provided herein, section 42 of chapter  
453 71 shall apply to a petition filed under this section; provided further, that the commissioner shall  
454 cause an arbitrator to be selected under the procedures in section 42 of chapter 71 within 3 days  
455 of receipt of petition and the arbitrator shall conduct and complete a hearing within 10 days of  
456 receipt of the petition; provided, further, that in reviewing dismissal decisions, the arbitrator shall  
457 consider the components of the turnaround plan and shall also consider any personnel  
458 evaluations conducted that are consistent with the guidelines established under section 1B; and  
459 provided, further, that the arbitrator's decision shall be issued within 10 days from the  
460 completion of the hearing.

461 In a school designated as chronically underperforming, the commissioner shall have  
462 decision-making authority for the hiring or assignment of all administrators, teachers and staff in  
463 the school, provided, however, that both the commissioner and the person seeking a position in  
464 the school mutually agree to the hiring or assignment.

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

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

472 (p) Within 30 days of the local stakeholder group making recommendations under  
473 subsection (m), the commissioner shall submit a turnaround plan to the local stakeholder group,  
474 the superintendent and the school committee, all of whom may propose modifications to the

475 plan. The commissioner shall make the plan immediately available to the public upon  
476 submission. The stakeholder group, the superintendent and the school committee shall submit  
477 any proposed modifications to the commissioner within 30 days after the date of submission of  
478 the turnaround plan and the proposed modifications shall be made public immediately upon their  
479 submission to the commissioner. The commissioner shall consider and incorporate the  
480 modifications into the plan if the commissioner determines that inclusion of the modifications  
481 would further promote the rapid academic achievement of students at the applicable school. The  
482 commissioner may alter or reject modifications submitted under this subsection. Within 30 days  
483 of receiving any proposed modifications, the commissioner shall issue a final turnaround plan for  
484 the school and the plan shall be made publicly available.

485 (q) Within 30 days of the issuance of a final turnaround plan under subsection (p), a  
486 superintendent, school committee or local union may appeal to the board of elementary and  
487 secondary education regarding 1 or more components of the plan, including the absence of 1 or  
488 more modifications proposed under subsection (p). A majority of the board may vote to modify  
489 the plan if the board determines that: (1) such modifications would further promote the rapid  
490 academic achievement of students in the applicable school; (2) a component of the plan was  
491 included, or a modification was excluded, on the basis of demonstrably-false information or  
492 evidence; or (3) the commissioner failed to meet the requirements of subsections (m) to (p),  
493 inclusive. The decision of the board regarding an appeal under this subsection shall be made  
494 within 30 days and shall be final.

495 (r) In the case of a chronically underperforming school, the commissioner may, under the  
496 circumstances described in this subsection, send a targeted assistance team to the school to assist  
497 the superintendent with the implementation of the turnaround plan, require the superintendent to  
498 implement the turnaround plan, or select an external receiver to operate the school and  
499 implement the turnaround plan. The commissioner may appoint such receiver if the  
500 commissioner determines that: (1) the superintendent is unlikely to implement the plan  
501 successfully; or (2) conditions exist in the district that are likely to negatively affect the ability of  
502 the superintendent to implement such plan successfully. A receiver shall be a non-profit entity or  
503 an individual with a demonstrated record of success in improving low performing schools or the  
504 academic performance of disadvantaged students. The selection of the receiver by the  
505 commissioner shall not be subject to chapter 30B or sections 51 and 52 of chapter 30. A receiver  
506 shall be subject to section 11A1/2 of chapter 30A and chapter 66. A receiver who is an individual  
507 shall also be subject to chapter 268A.

508 The commissioner may select the external receiver upon the designation of a school as  
509 chronically underperforming. The external receiver may serve as the commissioner's designee  
510 for the purpose of creating a school's turnaround plan under subsections (m) to (p), inclusive.

511 (s) An external receiver selected by the commissioner to operate a chronically  
512 underperforming school shall have full managerial and operational control over the school as

513 provided in the turnaround plan. For all other purposes, the school district in which the school is  
514 located shall remain the employer of record.

515 (t) Each turnaround plan shall be authorized for a period of not more than 3 years, subject  
516 to subsection (v). The superintendent or external receiver, as applicable, may develop additional  
517 components of the plan and shall develop annual goals for each component of the plan in a  
518 manner consistent with subsection (n), all of which must be approved by the commissioner. The  
519 superintendent or external receiver, as applicable, shall be responsible for meeting the goals of  
520 the turnaround plan.

521 (u) The commissioner or external receiver, as applicable, shall provide a written report to  
522 the school committee on a quarterly basis to provide specific information about the progress  
523 being made on the implementation of the school's turnaround plan. One of the quarterly reports  
524 shall be the annual evaluation under subsection (v).

525 (v) The commissioner shall evaluate each chronically underperforming school at least  
526 annually. The purpose of the evaluation shall be to determine whether the school has met the  
527 annual goals in its turnaround plan and assess the implementation of the plan at the school. The  
528 review shall be in writing and shall be submitted to the superintendent and the school committee  
529 not later than July 1 for the preceding school year. The review shall be submitted in a format  
530 determined by the department of elementary and secondary education.

531 If the commissioner determines that the school has met the annual performance goals  
532 stated in the turnaround plan, the review shall be considered sufficient and the implementation of  
533 the turnaround plan shall continue. If the commissioner determines that the school has not met 1  
534 or more goals in the plan, the commissioner may modify the plan in a manner consistent with  
535 subsection (n).

536 If the commissioner determines that the school has substantially failed to meet multiple  
537 goals in the plan, the commissioner may: (1) if the school is operated by a superintendent,  
538 appoint an external receiver, as defined in subsection (r), to operate the school; or (2) if the  
539 school is operated by an external receiver terminate the contract of the external receiver;  
540 provided, however, that the commissioner shall not terminate the receiver before the completion  
541 of the first full school year of the operation of the chronically underperforming school.

542 (w) Upon the expiration of a turnaround plan for a chronically underperforming school,  
543 the commissioner shall conduct a review of the school to determine whether the school has  
544 improved sufficiently, requires further improvement or has failed to improve. On the basis of  
545 such review, the commissioner may: (1) on the basis of a superintendent's or external receiver's  
546 success in meeting the terms of the plan, renew the plan with the superintendent or external  
547 receiver for an additional period of not more than 3 years; (2) if a school operated by a  
548 superintendent remains chronically underperforming, appoint an external receiver, as defined in  
549 subsection (r), to operate the school; (3) if a chronically underperforming school operated by an

550 external receiver remains chronically underperforming, transfer the operation of the school from  
551 the receiver to the applicable superintendent or to another external receiver; or (4) determine that  
552 the school has improved sufficiently for the designation of chronically underperforming to be  
553 removed. The commissioner shall: (1) in the case of a renewal of a turnaround plan, jointly  
554 determine subsequent annual goals for each component of the plan with the superintendent or  
555 external receiver, as applicable; or (2) create a new or modified turnaround plan as necessary,  
556 consistent with the requirements of this section. If a chronically underperforming school has  
557 improved sufficiently for the designation of chronically underperforming to be removed, the  
558 commissioner may designate the school as needs improvement or as an underperforming school.  
559 Upon the designation of the school as needs improvement or as an underperforming school in  
560 accordance with regulations developed under this section, the superintendent of the district, with  
561 approval by the commissioner, shall create an improvement or turnaround plan for the school,  
562 under subsections (b) to (e), inclusive.

563 (x) Notwithstanding any general or special law to the contrary, any school designated as  
564 needs improvement, underperforming or chronically underperforming that is operating a limited-  
565 English proficient program or programs for limited English proficient students in any 1 language  
566 group shall establish a limited English proficient parent advisory council. The parent advisory  
567 council shall be comprised of parents or legal guardians of students who are enrolled in limited  
568 English proficient programs within the school. Each parent advisory council shall have at least 1  
569 representative from every language group in which a program is conducted in a given school.  
570 Membership shall be restricted to parents or legal guardians of students enrolled in limited  
571 English proficient programs within the school. The duties of the parent advisory council shall  
572 include, but not be limited to, advising the school on matters that pertain to the education of  
573 students in limited English proficient programs, meeting regularly with school officials to  
574 participate in the planning and development of a plan to improve educational opportunities for  
575 limited English proficient students, and to participate in the review of school improvement plans  
576 established under section 59C of chapter 71 as they pertain to limited English proficient students.  
577 Any parent advisory council may, at its request, meet at least once annually with the school  
578 council. The parent advisory council shall establish by-laws regarding officers and operational  
579 procedures. In the course of its duties under this section, the parent advisory council shall receive  
580 assistance from the director of limited English proficient programs for the district or other  
581 appropriate school personnel as designated by the superintendent.

582 (y) The board of elementary and secondary education shall adopt regulations regarding:  
583 (1) the conditions under which a school designated as needs improvement, underperforming or  
584 chronically underperforming shall no longer be so designated; and (2) the transfer of the  
585 operation of a school designated as needs improvement, underperforming or chronically  
586 underperforming from a superintendent or an external receiver, as applicable, to the school  
587 committee. The regulations shall include provisions to allow a school to retain measures adopted  
588 in an improvement or turnaround plan.

589 (z) The commissioner shall report annually to the joint committee on education, the house  
590 and senate committees on ways and means, the speaker of the house of representatives and the  
591 senate president on the implementation and fiscal impact of this section and section 1K. The  
592 report shall include, but not be limited to, a list of all schools currently designated as needs  
593 improvement, underperforming or chronically underperforming, a list of all districts currently  
594 designated as chronically underperforming, the plans and timetable for returning the schools and  
595 districts to the local school committee and strategies used in each of the schools and districts to  
596 maximize the rapid academic achievement of students.

597 SECTION 5. Said chapter 69 is hereby further amended by striking out section 1K, as so  
598 appearing, and inserting in place thereof the following section:-

599 Section 1K. (a) The commissioner of elementary and secondary education may, on the  
600 basis of student performance data collected under section 1I, a district review performed under  
601 section 55A of chapter 15, or regulations adopted by the board of elementary and secondary  
602 education, deem a district eligible for designation as chronically underperforming. The board  
603 shall adopt regulations establishing standards for the commissioner to make such an eligibility  
604 determination on the basis of data collected under section 1I or information from a district  
605 review performed under section 55A of chapter 15. Upon the release of the proposed regulations,  
606 the board shall file a copy thereof with the clerks of the house of representatives and the senate  
607 who shall forward the regulations to the joint committee on education. Within 30 days of the  
608 filing, the committee may hold a public hearing and issue a report on the regulations and file the  
609 report with the board. The board, under applicable law, may adopt final regulations making  
610 revisions to the proposed regulations as it deems appropriate after consideration of the report and  
611 shall forthwith file a copy of the regulations with the chairpersons of the joint committee on  
612 education and, not earlier than 30 days of the filing, the board shall file the final regulations with  
613 the state secretary.

614 Following such determination, the commissioner shall appoint a district review team  
615 under section 55A of chapter 15 to assess and report on the reasons for the underperformance  
616 and the prospects for improvement, unless such an assessment has been completed by a district  
617 review team within the previous year that the commissioner considers adequate. The district  
618 review team shall include at least 1 person with expertise in the academic achievement of limited  
619 English-proficient students. Upon review of the findings of the district review team, the board  
620 may declare the district chronically underperforming.

621 Following such a declaration, the board shall designate a receiver for the district with all  
622 the powers of the superintendent and school committee. The receiver shall be a non-profit entity  
623 or an individual with a demonstrated record of success in improving low-performing schools or  
624 districts or the academic performance of disadvantaged students who shall report directly to the  
625 commissioner. The selection of the receiver by the board shall not be subject to sections 51 and  
626 52 of chapter 30. An external receiver designated by the board to operate a district under this

627 subsection shall have full managerial and operational control over such district; provided,  
628 however, that the school district shall remain the employer of record for all other purposes. A  
629 receiver shall be subject to section 11A 1/2 of chapter 30A and chapter 66. A receiver who is an  
630 individual shall also be subject to chapter 268A. A receiver shall be exempt from chapter 30B;  
631 provided, however, that the receiver shall comply with sections 51 and 52 of chapter 30.

632 Not more than 2.5 per cent of the total number of school districts may be designated as  
633 chronically underperforming at any given time.

634 In adopting regulations allowing the board to designate a district as chronically  
635 underperforming, the board must ensure that the regulations account for multiple indicators of  
636 district quality including student attendance, dismissal rates, exclusion rates, student promotion  
637 and graduation rates in the district, or the lack of demonstrated significant improvement for 2 or  
638 more consecutive years in core academic subjects, either in the aggregate or among subgroups of  
639 students, including designations based on special education classification, low-income, English  
640 language proficiency and racial classifications.

641 (b) The commissioner and the receiver shall jointly create a turnaround plan to promote  
642 the rapid improvement of the chronically underperforming district. The plan shall specifically  
643 focus on the school or schools in the district that have been designated as needs improvement,  
644 underperforming or chronically underperforming under section 1J and the district policies or  
645 practices that have contributed to chronic underperformance.

646 Before creating the turnaround plan required in this subsection, the commissioner and  
647 receiver shall convene a local stakeholder group of not more than 13 individuals for the purpose  
648 of soliciting recommendations on the content of such plan in order to maximize the rapid  
649 improvement of the academic achievement of students. The commissioner and receiver shall  
650 provide due consideration to the recommendations of the local stakeholder group. The group  
651 shall include: (1) the superintendent, or a designee; (2) the chair of the school committee, or a  
652 designee; (3) the president of the local teacher's union, or a designee; (4) a selection of  
653 administrators from the district, chosen by the commissioner and receiver from among  
654 volunteers from the district; (5) a selection of teachers from the district, chosen by the local  
655 teacher's union; (6) a selection of parents from the district chosen by the local parent  
656 organization; (7) representatives of applicable state and local social service, health, and child  
657 welfare agencies chosen by the commissioner and receiver; (8) as appropriate, representatives of  
658 state and local workforce development agencies chosen by the commissioner and receiver; (9) a  
659 representative of an early education and care provider chosen by the commissioner of the  
660 department of early education and care, or for middle or high schools, a representative of the  
661 higher education community selected by the secretary of education; and (10) a member of the  
662 community appointed by the chief executive of the city or town. If the district does not have a  
663 parent organization or if the organization does not select a parent, the commissioner and receiver  
664 shall select a volunteer parent of a student from the district. The commissioner and receiver shall

665 convene the group within 30 days of the board designating a district as chronically  
666 underperforming and the group shall make its recommendations to the commissioner and  
667 receiver within 45 days of its initial meeting. Meetings of the local stakeholder group shall be  
668 open to the public and the recommendations submitted to the commissioner and receiver shall be  
669 publicly available immediately upon their submission.

670 (c) In creating the turnaround plan, the commissioner and receiver shall include measures  
671 intended to maximize the rapid improvement of the academic achievement of students in the  
672 district and shall, to the extent practicable, base the plan on student outcome data, including, but  
673 not limited to: (1) data collected under section 1I, or information from a school or district review  
674 performed under section 55A of chapter 15; (2) student achievement on the Massachusetts  
675 Comprehensive Assessment System; (3) other measures of student achievement, approved by the  
676 commissioner; (4) student promotion and graduation and drop out rates; (5) achievement data for  
677 different subgroups of students, including low-income students as defined in chapter 70, limited  
678 English-proficient students and students receiving special education; and (6) student attendance,  
679 dismissal rates and exclusion rates. In creating the turnaround plan required in subsection (b), the  
680 commissioner and receiver shall include, after considering the recommendations of the local  
681 stakeholder group, the following: (1) steps to address social service and health needs of students  
682 in the district and their families in order to help students arrive and remain at school ready to  
683 learn; provided, however, that this may include mental health and substance abuse screening; (2)  
684 steps to improve or expand child welfare services and, as appropriate, law enforcement services  
685 in the school district community, in order to promote a safe and secure learning environment; (3)  
686 as applicable, steps to improve workforce development services provided to students in the  
687 district and their families in order to provide students and families with meaningful employment  
688 skills and opportunities; (4) steps to address achievement gaps for limited English-proficient,  
689 special education and low-income students, as applicable; (5) alternative English language  
690 learning programs for limited-English proficient students, notwithstanding chapter 71A; and (6)  
691 a budget for the district including any additional funds to be provided by the commonwealth,  
692 federal government or other sources.

693 The secretaries of health and human services, public safety, labor and workforce  
694 development and other applicable state and local social service, health and child welfare officials  
695 shall coordinate with the secretary of education and the commissioner regarding the  
696 implementation of strategies under clauses (1) to (3), inclusive, of this subsection that are  
697 included in a turnaround plan and shall, subject to appropriation, reasonably support the  
698 implementation consistent with the requirements of state and federal law applicable to the  
699 relevant programs that each such official is responsible for administering.

700 In order to assess the district across multiple measures of district performance and student  
701 success, the turnaround plan shall include measurable annual goals including, but not limited to,  
702 the following: (1) student attendance, dismissal and exclusion rates; (2) student safety and  
703 discipline; (3) student promotion, graduation and dropout rates; (4) student achievement on the

704 Massachusetts Comprehensive Assessment System; (5) progress in areas of academic  
705 underperformance; (6) progress among subgroups of students, including low-income students as  
706 defined by chapter 70, limited English-proficient students and students receiving special  
707 education; (7) reduction of achievement gaps among different groups of students; (8) student  
708 acquisition and mastery of 21st-century skills; (9) development of college readiness, including at  
709 the elementary and middle school levels; (10) parent and family engagement; (11) building a  
710 culture of academic success among students; (12) building a culture of student support and  
711 success among faculty and staff; and (13) developmentally appropriate child assessments from  
712 pre-kindergarten through third grade, if applicable.

713 (d) Notwithstanding any general or special law to the contrary, in creating the turnaround  
714 plan under subsection (b), the commissioner and the receiver may, after considering the  
715 recommendations of the group of stakeholders: (1) expand, alter or replace the curriculum and  
716 program offerings of the district or of a school in the district, including the implementation of  
717 research-based early literacy programs, early interventions for struggling readers and the  
718 teaching of advanced placement courses or other rigorous nationally or internationally  
719 recognized courses, if the district or schools in the district do not already have such programs or  
720 courses; (2) reallocate the uses of the existing budget of the district; (3) provide funds, subject to  
721 appropriation, to increase the salary of an administrator or teacher working in the district, in  
722 order to attract or retain highly-qualified administrators or teachers or to reward administrators or  
723 teachers who work in chronically underperforming districts that achieve the annual goals set  
724 forth in the turnaround plan; (4) expand the school day or school year or both of schools in the  
725 district; (5) limit, suspend or change 1 or more provisions of any contract or collective  
726 bargaining agreement in the district, including the adoption of model provisions identified by the  
727 commissioner from among existing contracts or collective bargaining agreements in the  
728 commonwealth; provided, however, that the receiver shall not reduce the compensation of an  
729 administrator, teacher or staff member unless the hours of the person are proportionately  
730 reduced; (6) add pre-kindergarten and full-day kindergarten classes, if the district does not  
731 already have the classes; (7) following consultation with applicable local unions, require all  
732 administrators, teachers and staff to reapply for their positions in the district, with full discretion  
733 vested in the receiver regarding any such reapplications; (8) limit, suspend or change 1 or more  
734 school district policies or practices; (9) include a provision of job-embedded professional  
735 development for teachers in the district, with an emphasis on strategies that involve teacher input  
736 and feedback; (10) provide for increased opportunities for teacher planning time and  
737 collaboration focused on improving student instruction; (11) establish a plan for professional  
738 development for administrators in the district, with an emphasis on strategies that develop  
739 leadership skills and use the principles of distributive leadership; (12) establish steps to assure a  
740 continuum of high expertise teachers by aligning the following processes with a common core of  
741 professional knowledge and skill: hiring, induction, teacher evaluation, professional  
742 development, teacher advancement, school culture and organizational structure; (13) develop a  
743 strategy to search for and study best practices in areas of demonstrated deficiency in the district;

744 (14) establish strategies to address mobility and transiency among the student population of the  
745 district; and (15) include additional components, at the discretion of the commissioner and the  
746 receiver, based on the reasons the district was designated as chronically underperforming and  
747 based on the recommendations of the local stakeholder group in subsection (b).

748           If the receiver does not approve a reapplication submitted by an employee under clause  
749 (7) or if an employee does not submit a reapplication for a position, the employee shall retain  
750 such rights as may be provided under law or any applicable collective bargaining agreement in  
751 relation to the employee's ability to fill an open position in the district; provided, however, that  
752 the employee shall not have the right to displace any teacher in any position.

753           A teacher with professional teacher status in a district declared chronically  
754 underperforming may be dismissed for good cause; provided, however, that the teacher receives  
755 5 days written notice of the decision to terminate which shall include without limitation an  
756 explanation of the reason why the receiver is not retaining the teacher in the district; provided,  
757 further, that the teacher may seek review of a termination decision within 5 days after receiving  
758 notice of the teacher's termination by filing a petition for expedited arbitration with the  
759 commissioner; provided, further, that except as otherwise provided herein, section 42 of chapter  
760 71 shall apply to a petition filed under this section; provided further, that the commissioner shall  
761 cause an arbitrator to be selected under the procedures in section 42 of chapter 71 within 3 days  
762 of receipt of petition and the arbitrator shall conduct and complete a hearing within 10 days of  
763 receipt of the petition; provided further, that in reviewing dismissal decisions, the arbitrator shall  
764 consider the components of the turnaround plan and shall also consider any personnel  
765 evaluations conducted that are consistent with the guidelines established under section 1B; and  
766 provided, further, that the arbitrator's decision shall be issued within 10 days from the  
767 completion of the hearing.

768           The receiver shall have decision-making authority, subject to the approval of the  
769 commissioner, for the hiring or assignment of all administrators, teachers, and staff in the  
770 district, provided, however, that both the receiver and the person seeking a position in the district  
771 mutually agree to the hiring or assignment.

772           For a district with limited English-proficient students, the professional development and  
773 planning time for teachers and administrators identified in clauses (9) to (11), inclusive, shall  
774 include specific strategies and content designed to maximize the rapid academic achievement of  
775 limited English-proficient students in the district.

776           (e) If, after considering the recommendations of the group of stakeholders, under  
777 subsection (d), the receiver considers it necessary to maximize the rapid academic achievement  
778 of students in the district by altering the compensation, hours and working conditions of the  
779 administrators, teachers, principals and staff in the district, including any schools designated as  
780 needs improvement, underperforming or chronically underperforming, or by altering other

781 provisions of a contract or collective bargaining agreement applicable to the administrators,  
782 teachers, principals and staff, the receiver may request that the school committee and any union  
783 bargain or reopen the bargaining of the relevant collective bargaining agreements to facilitate  
784 such achievement. The bargaining shall be conducted in good faith and completed not later than  
785 30 days from the point at which the receiver requested that the parties bargain. The agreement  
786 shall be subject to ratification within 10 business days by the bargaining unit members in the  
787 district. If the parties are unable to reach an agreement within 30 days or if the agreement is not  
788 ratified within 10 business days by the bargaining unit members in the district, the parties shall  
789 submit remaining unresolved issues to a joint resolution committee for a dispute resolution  
790 process on the next business day following the end of the 30 day bargaining period or failure to  
791 ratify.

792           The joint resolution committee shall be comprised of 3 members, 1 of whom shall be  
793 appointed by the employee organization within 3 business days following the submission of  
794 unresolved issues to the joint resolution committee, 1 of whom shall be appointed jointly by the  
795 school committee and receiver within 3 business days following the submission of unresolved  
796 issues to the joint resolution committee and 1 of whom shall be selected through the American  
797 Arbitration Association who shall forthwith forward to the parties a list of three conciliators,  
798 each of whom shall have professional experience in elementary and secondary education, from  
799 which the parties may agree upon a single conciliator; provided, however, that if the parties  
800 cannot select a conciliator from among the 3 within 3 business days, the American Arbitration  
801 Association shall select a conciliator from the remaining names. The joint resolution committee  
802 shall conduct a dispute resolution process to be concluded within 10 business days of selection.  
803 This process shall be conducted in accordance with the rules of the American Arbitration  
804 Association and consistent with this section; provided however, that all members of the joint  
805 resolution committee must agree to any resolution. The fee for the process shall be shared  
806 equally between the 2 parties involved.

807           The joint resolution committee shall consider the positions of the parties, the designation  
808 of the district as chronically underperforming, and the needs of the students in the district.  
809 Notwithstanding any other provision of this chapter, the unanimous decision of the joint  
810 resolution committee shall be dispositive of all the issues in dispute and shall be submitted to the  
811 parties within 10 business days of the close of the hearing. Under no circumstance shall a time  
812 extension be granted beyond 10 business days of the close of the hearing. In the event that a  
813 unanimous decision is not submitted to the parties within 10 business days, the commissioner  
814 will resolve all outstanding issues.

815           (f) The turnaround plan shall be authorized for a period of not more than 3 years, subject  
816 to subsection (h). The commissioner and receiver may jointly develop additional components of  
817 the plan and shall jointly develop annual goals for each component of the plan in a manner  
818 consistent with the provisions of subsection (d). The receiver shall be responsible for meeting the  
819 goals of the turnaround plan.

820 (g) The commissioner and receiver shall provide a written report to the school committee  
821 on a quarterly basis to provide specific information about the progress being made on the  
822 implementation of the district's turnaround plan. One of the quarterly reports shall be the annual  
823 evaluation required in subsection (h).

824 (h) The commissioner shall evaluate the performance of the receiver on not less than an  
825 annual basis. The purpose of the evaluation shall be to assess the implementation of the  
826 turnaround plan and determine whether the district has met the annual goals contained in the  
827 turnaround plan. The evaluation shall be in writing and submitted to the board and the local  
828 school committee no later than July 1 for the preceding school year.

829 If the commissioner determines that the district has met the annual performance goals  
830 stated in the turnaround plan, the evaluation shall be considered sufficient and the  
831 implementation of the turnaround plan shall continue.

832 If the commissioner determines that the receiver has not met 1 or more goals in the plan  
833 and the failure to meet the goals may be corrected through reasonable modification of the plan,  
834 the commissioner may amend the turnaround plan, as necessary. After assessing the  
835 implementation of the turnaround plan in the district, the commissioner may amend the plan if  
836 the commissioner determines that the amendment is necessary in view of subsequent changes in  
837 the district that affect 1 or more components of the plan, including, but not limited to, changes to  
838 contracts, collective bargaining agreements, or school district policies, in a manner consistent  
839 with the provisions of subsection (d). If the commissioner determines that the receiver has  
840 substantially failed to meet multiple goals in the turnaround plan, the commissioner may  
841 terminate such receiver.

842 (i) Upon the expiration of the turnaround plan, there shall be a reevaluation of a district's  
843 status under this section. The board of elementary and secondary education shall adopt  
844 regulations providing for: (1) the removal of a designation of a district as chronically  
845 underperforming; and (2) the transfer of the operation of a chronically underperforming district  
846 from an external receiver to the superintendent and school committee, based on the improvement  
847 of the district. The regulations shall include provisions to allow a district to retain measures  
848 adopted in a turnaround plan. The regulations shall also include provisions that clearly identify  
849 the conditions under which the powers granted to the commissioner and board under this section  
850 shall cease to apply to a district previously designated as chronically underperforming. At any  
851 time after a chronically underperforming district has been placed in receivership, the school  
852 committee of the district may petition the commissioner for a determination as to whether the  
853 turnaround plan adopted under subsection (b) should be modified or eliminated and whether the  
854 school district shall no longer be designated as chronically underperforming. The decision of the  
855 commissioner shall be based on regulations adopted by the board. A school committee may seek  
856 review by the board of an adverse determination.

857 (j) If, on the basis of the regulations adopted by the board under subsection (i), a district  
858 has not improved sufficiently to remove the designation of the district as chronically  
859 underperforming, the commissioner may: (1) jointly determine subsequent annual goals for each  
860 component of the turnaround plan with the receiver and renew the turnaround plan for an  
861 additional period of not more than 3 years; or (2) create a new turnaround plan, consistent with  
862 the requirements of this section.

863 (k) If a municipality has failed to fulfill its fiscal responsibilities under chapter 70, the  
864 commissioner may declare the school district as chronically underperforming, subject to the  
865 approval of the board. The municipality's mayor or chairman of the board of selectmen shall  
866 have the opportunity to present evidence to the board. A vote by the board that a school district is  
867 chronically underperforming for fiscal reasons shall authorize the commissioner to petition the  
868 commissioner of revenue to require an increase in funds for the school district, alleging that the  
869 amount necessary in the municipality for the support of public schools has not been included in  
870 the annual budget appropriations. The commissioner of revenue shall determine the amount of  
871 any deficiency under the sums required under chapter 70, if any, and issue an order compelling  
872 the municipality to provide a sum of money equal to such deficiency. If the municipality does  
873 not provide a sum of money equal to such deficiency, the commissioner of revenue, under  
874 section 23 of chapter 59, shall not approve the tax rate of the municipality for the fiscal year until  
875 the deficiency is alleviated. Nothing in this subsection shall be construed as creating a cause of  
876 action for educational malpractice by students or their parents, guardians or persons acting as  
877 parents.

878 If the district is designated as chronically underperforming under this subsection, the  
879 provisions of this subsection shall supersede those in subsections (a) to (j), inclusive. A district  
880 may be declared chronically underperforming under this subsection and subsection (a), in which  
881 case the provisions of this subsection and subsections (a) to (j), inclusive, shall apply.

882 SECTION 6. Subsection (b) of section 15 of chapter 70B of the General Laws, as so  
883 appearing, is hereby amended by striking out, in line 62, the word "may" and inserting in place  
884 thereof the following word:- shall.

885 SECTION 7. Section 89 of chapter 71 of the General Laws, as so appearing, is hereby  
886 amended by striking out subsection (c) and inserting in place thereof the following subsection:-

887 (c) A commonwealth charter school shall be a public school, operated under a charter  
888 granted by the board, which operates independently of a school committee and is managed by a  
889 board of trustees. The board of trustees of a commonwealth charter school, upon receiving a  
890 charter from the board, shall be deemed to be public agents authorized by the commonwealth to  
891 supervise and control the charter school.

892 A Horace Mann charter school shall be a public school or part of a public school  
893 operated under a charter approved by the school committee and the local collective bargaining

894 unit in the district in which the school is located; provided that all charters shall be granted by the  
895 board of elementary and secondary education. A Horace Mann charter school shall have a  
896 memorandum of understanding with the school committee of the district in which the charter  
897 school is located which, at a minimum, defines the services and facilities to be provided by the  
898 district to the charter school and states the funding of the charter school by the district. A Horace  
899 Mann charter school shall be operated and managed by a board of trustees independent of the  
900 school committee which approved the school. The board of trustees may include a member of the  
901 school committee.

902 A Horace Mann charter school established as a conversion of an existing public school  
903 shall not require approval of the local collective bargaining unit, but shall require a memorandum  
904 of understanding regarding any waivers to applicable collective bargaining agreements; provided  
905 further, that the memorandum of understanding shall be approved by a majority of the school  
906 faculty; provided, further, that if the memorandum of understanding is not approved by a  
907 majority of the school faculty at least 30 days before the scheduled opening of the school, the  
908 charter school shall operate under the terms of its charter until an agreement is reached; provided  
909 further, that the local collective bargaining unit shall not be required to approve the charter, its  
910 renewal or an amendment to the charter; and provided further, that Horace Mann charter schools  
911 that are conversions of existing public schools shall not count toward the maximum number of  
912 Horace Mann charter schools stated in clause (1) of subsection (i).

913 SECTION 8. Said section 89 of said chapter 71, as so appearing, is hereby further  
914 amended by striking out subsection (i) and inserting in place thereof the following:-

915 (i)(1) Not more than 120 charter schools shall be allowed to operate in the  
916 commonwealth at any time, excluding those approved under subsection (c) of this section or  
917 paragraph (3) of this subsection.

918 Of the 120 charter schools, not more than 48 shall be Horace Mann charter schools;  
919 provided, however, 24 of the 48 Horace Mann charter schools shall not be subject to the  
920 requirement of an agreement with the local collective bargaining unit prior to board approval and  
921 the local collective bargaining unit shall not be required to approve the charter, its renewal, or an  
922 amendment to the charter; provided, further, that after the charters for these 24 Horace Mann  
923 charter schools have been granted by the board, the schools shall develop a memorandum of  
924 understanding with the school committee and the local union regarding any waivers to applicable  
925 collective bargaining agreements; provided, further, that if an agreement is not reached on the  
926 memorandum of understanding at least 30 days before the scheduled opening of the school, the  
927 charter school shall operate under the terms of its charter until an agreement is reached; and  
928 provided, further, that not less than 10 of the 24 Horace Mann charter schools described in this  
929 subsection shall be located in a municipality with more than 500,000 residents.

930 Not more than 72 of the 120 charter schools shall be commonwealth charter schools. The  
931 board shall not approve a new commonwealth charter school in any community with a  
932 population of less than 30,000 as determined by the most recent United States Census estimate,  
933 unless it is a regional charter school.

934 Applications to establish a charter school shall be submitted to the board annually by  
935 November 15. The board shall review the applications and grant new charters in February of the  
936 following year. The board may establish a different application schedule for Horace Mann  
937 charter school applications submitted by a school designated as needs improvement,  
938 underperforming or chronically underperforming under section 1J of chapter 69.

939 (2) In any fiscal year, no public school district's total charter school tuition payment to  
940 commonwealth charter schools shall exceed 9 per cent of the district's net school spending;  
941 provided, however, that a public school district's total charter tuition payment to commonwealth  
942 charter schools shall not exceed 18 per cent of the district's net school spending if the school  
943 district qualifies under paragraph (3). The commonwealth shall incur charter school tuition  
944 payments for siblings attending commonwealth charter schools to the extent that their attendance  
945 would otherwise cause the school district's charter school tuition payments to exceed 9 per cent  
946 of the school district's net school spending or 18 per cent for those districts that qualify under  
947 said paragraph (3).

948 Not less than 2 of the new commonwealth charters approved by the board in any year  
949 shall be granted for charter schools located in districts where overall student performance on the  
950 statewide assessment system approved by the board under section 1I of chapter 69 is in the  
951 lowest 10 per cent statewide in the 2 years preceding the charter application.

952 In any fiscal year, the board shall approve only 1 regional charter school application of  
953 any commonwealth charter school located in a school district where overall student performance  
954 on the statewide assessment system is in the top 10 per cent in the year preceding charter  
955 application. The board may give priority to applicants that have demonstrated broad community  
956 support, an innovative educational plan, a demonstrated commitment to assisting the district in  
957 which it is located in bringing about educational change and a record of operating at least 1  
958 school or similar program that demonstrates academic success and organizational viability and  
959 serves student populations similar to those the proposed school seeks to serve.

960 (3) In any fiscal year, if the board determines based on student performance data  
961 collected under section 1I, the district is in the lowest 10 per cent of all statewide student  
962 performance scores released in the 2 consecutive school years before the date the charter school  
963 application is submitted, the school district's total charter school tuition payment to  
964 commonwealth charter schools may exceed 9 per cent of the district's net school spending but  
965 shall not exceed 18 per cent. For a district qualifying under this paragraph whose charter school  
966 tuition payments exceed 9 per cent of the school district's net school spending, the board shall

967 only approve an application for the establishment of a commonwealth charter school if an  
968 applicant, or a provider with which an applicant proposes to contract, has a record of operating at  
969 least 1 school or similar program that demonstrates academic success and organizational viability  
970 and serves student populations similar to those the proposed school seeks to serve, from the  
971 following categories of students, those: (i) eligible for free lunch; (ii) eligible for reduced price  
972 lunch; (iii) that require special education; (iv) limited English-proficient of similar language  
973 proficiency level as measured by the Massachusetts English Proficiency Assessment  
974 examination; (v) sub-proficient, which shall mean students who have scored in the "needs  
975 improvement", "warning" or "failing" categories on the mathematics or English language arts  
976 exams of the Massachusetts Comprehensive Assessment System for 2 of the past 3 years or as  
977 defined by the department using a similar measurement; (vi) who are designated as at risk of  
978 dropping out of school based on predictors determined by the department; (vii) who have  
979 dropped out of school; or (viii) other at-risk students who should be targeted to eliminate  
980 achievement gaps among different groups of students.

981         The provisions of this paragraph regarding the record of a charter school applicant or a  
982 provider with which an applicant proposes to contract shall not apply to an application for the  
983 establishment of a commonwealth charter school if the charter school will serve students who  
984 live in an area of a city or town that either physically lacks a district school serving the grades  
985 proposed for the charter school or has an insufficient number of open seats in the district schools  
986 the students are eligible to attend to serve those students.

987         For a district approaching its net school spending cap, the board shall give preference to  
988 applications from providers building networks of schools in more than 1 municipality.

989         The recruitment and retention plan of charter schools approved under this paragraph  
990 shall, in addition to the requirements under subsections (e) and (f), include, but not limited to a  
991 detailed description of deliberate, specific strategies the charter school shall use to attract, enroll  
992 and retain a student population that, when compared to students in similar grades in schools from  
993 which the charter school shall enroll students, contains a comparable or greater percentage of (i)  
994 special education students or students who are limited English-proficient or similar language  
995 proficiency as measured by the Massachusetts English Proficiency Assessment examination and  
996 (ii) 2 or more of the following categories: students eligible for free lunch; students eligible for  
997 reduced price lunch; students who have scored in the "needs improvement", "warning" or  
998 "failing" categories on the mathematics or English language arts exams of the Massachusetts  
999 Comprehensive Assessment System for 2 of the past 3 years or as defined by the department  
1000 using a similar measurement; students who are determined to be at risk of dropping out of school  
1001 based on predictors determined by the department; students who have dropped out of school; or  
1002 other at-risk students who should be targeted in order to eliminate achievement gaps among  
1003 different groups of students. A charter school approved under this section shall supply a mailing  
1004 in the most prevalent languages of the district the charter is authorized to serve to a third party  
1005 mail house and pay for it to be copied and mailed to eligible students. If a school is or shall be

1006 located in a district with 10 per cent or more of limited English-proficient students, the  
1007 recruitment strategies shall include a variety of outreach efforts in the most prevalent languages  
1008 of the district. The recruitment and retention plan shall be updated each year to account for  
1009 changes in both district and charter school enrollment. Notwithstanding the foregoing, a  
1010 commonwealth charter school that enrolls only students who live in a specific geographic area of  
1011 a city or town shall complete a recruitment and retention plan that is specific to the students who  
1012 live in the enrollment area.

1013           If a district is no longer in the lowest 10 per cent, the net school spending cap shall be 9  
1014 per cent, unless the district net school spending was above 9 per cent in the year prior to moving  
1015 out of the lowest 10 per cent in which case the net school spending cap shall remain at the higher  
1016 level plus enrollment previously approved by the board. The department shall determine and  
1017 make available to the public a list of the school districts in said lowest 10 per cent.

1018           SECTION 9. Paragraph (5) of subsection (k) of said section 89 of said chapter 71, as so  
1019 appearing, is hereby amended by inserting after the word “schools;”, in line 302, the following  
1020 words:- and provided further, that a Horace Mann charter school shall not be subject to chapter  
1021 30B for the purpose of contracting with another person that shall manage or operate the school;

1022           SECTION 10. Subsection (n) of said section 89 of said chapter 71, as so appearing, is  
1023 hereby amended by striking out the first and second paragraphs and inserting in place thereof the  
1024 following paragraphs:-

1025           (n) Preference for enrollment in a commonwealth charter school shall be given to  
1026 students who reside in the city or town in which the charter school is located. Priority for  
1027 enrollment in a Horace Mann charter school shall be given first to students actually enrolled in  
1028 the school on the date that the application is filed with the board and to their siblings; second to  
1029 other students actually enrolled in the public schools of the district where the Horace Mann  
1030 charter school is to be located; and third to other resident students. Notwithstanding the  
1031 foregoing, a commonwealth charter school or a Horace Mann charter school may limit  
1032 enrollment in the school to students who reside in a specific geographic area of a city or town.

1033           If the total number of students who are eligible to attend and apply to a charter school and  
1034 who reside in the city or town in which the charter school is located or who reside in the school’s  
1035 geographic enrollment area or are siblings of students already attending said charter school is  
1036 greater than the number of spaces available, an admissions lottery, including all eligible students  
1037 applying, shall be held to fill all of the spaces in that school from among the students; provided,  
1038 however, that a lottery conducted for a charter school shall reflect the enrollment priorities of this  
1039 subsection. Notwithstanding this subsection, upon application by the board of trustees of a  
1040 charter school or by the persons or entities seeking to establish a charter school, the board may  
1041 amend or grant a charter designating such school a regional charter school; provided, however,  
1042 that such regional charter school shall be exempt from the local preference provision of this

1043 paragraph; provided further, that such regional charter school shall continue to grant a preference  
1044 to siblings of currently enrolled students; and provided further, that if the number of applicants  
1045 remaining is greater than the number of spaces available, such regional charter school shall  
1046 conduct a single lottery to determine which applicants shall be admitted.

1047 SECTION 11. Subsection (cc) of said section 89 of said chapter 71, as so appearing, is  
1048 hereby amended by striking out, in line 546, the words “the limitations” and inserting in place  
1049 thereof the following words:- those limits, including limits on the basis of attendance zones or  
1050 other geographic subdivisions of the district.

1051 SECTION 12. Subsection (dd) of said section 89 of said chapter 71, as so appearing, is  
1052 hereby amended by striking out, in lines 576 to 586, inclusive, the second sentence and inserting  
1053 in place thereof the following sentence:-

1054 The board shall develop procedures and guidelines for revocation, amendment and  
1055 renewal of a school's charter; provided, however, that an amendment or renewal of a charter for a  
1056 Horace Mann charter school shall be subject to approval by majority vote of the school  
1057 committee and local collective bargaining unit in the district where the charter school is located  
1058 only to the extent that its initial charter required such approval; and provided, further, that a  
1059 commonwealth charter shall not be renewed unless the board of trustees of the charter school has  
1060 documented in a manner approved by the board that the commonwealth charter school has  
1061 provided models for replication and best practices to the commissioner and to other public  
1062 schools in the district where the charter school is located.

1063 SECTION 13. Subsection (d) of section 92 of said chapter 71, as so appearing, is hereby  
1064 amended by inserting after the word “plan.”, in line 44, the following sentence:- An Innovation  
1065 School shall not be subject to chapter 30B for the purpose of contracting with the external  
1066 partner.

1067 SECTION 14. Subsection (c) of section 17 of chapter 268A of the General Laws, as so  
1068 appearing, is hereby amended by adding the following paragraph:-

1069 This section shall not prevent an employee of a school district from accepting  
1070 compensation for the performance of his duties from an organization that has entered into an  
1071 agreement with the school district to administer an education program, provided, however, that  
1072 the principal of the school in which the employee works has provided his written agreement and  
1073 the written agreement is sent to the human resources department head.

1074 SECTION 15. Section 9 of this act shall apply to all Horace Mann charter schools  
1075 approved after January 1, 2011.

1076 SECTION 16. Section 11 of this act shall not apply to transportation provided on the  
1077 effective day of this act to a student attending a commonwealth charter school as long as the  
1078 student attends the same school he is attending on the effective day of this act.