

HOUSE No. 3632

The Commonwealth of Massachusetts



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GOVERNOR

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March 19, 2019

To the Honorable Senate and House of Representatives,

I am pleased to submit for your consideration, “An Act to Enable the Establishment of Innovation Partnership Zones.” This bill builds on the emerging success of the Springfield Empowerment Zone Partnership by creating a standard framework to facilitate and simplify the establishment of similar zones, especially in school districts with persistently low-performing schools. The Springfield Zone, which was established in 2015, is now delivering impressive learning gains and high levels of parent and teacher satisfaction at 11 historically low-performing schools. A key purpose of this approach is to empower educators at the school site in order to give them the tools, resources, and authority they need to make decisions in the best interests of the students, families, and communities they serve.

Today, most decisions about staffing, budget, curriculum, professional development, and student services are made by the central office – especially in larger districts. State and district policies and resources provide valuable support to our public education system, but they are not nearly as important to the success of our students as the daily actions of school leaders and classroom teachers. Accelerating the pace of change and improvement, especially in schools that have been struggling for years to raise academic achievement in high-need communities, requires that we think differently about traditional roles and responsibilities.

In many cases schools themselves need to be the primary unit of change in order to stimulate innovation and to drive meaningful and sustainable improvement. This legislation will

allow local communities to create Innovation Partnership Zones to provide for enhanced local governance over a targeted group of local schools, either to address underperformance or to encourage innovation. Educators in those schools will benefit from enhanced authority to innovate within a system of local accountability for results. In cases of the lowest performing schools and districts, the Commissioner of Elementary and Secondary Education would be authorized to initiate the establishment of a zone as an alternative to receivership or as a transition path out of receivership under state-local governance. Under either approach, an Innovation Partnership Zone will only be implemented after extensive consultation with local officials, stakeholders, educators, and parents, and will be subject to renewable five-year performance agreements between the zone's board and the local school committee or the Commissioner.

Massachusetts's education system is consistently ranked number one in the United States, and if we were a country, we would be among the world leaders. Even though we are at the top when it comes to overall academic performance, we continue to see large opportunity and achievement gaps from one group of students to another and from one community to another. To maintain our leadership position and to ensure that all of our young people have access to a great education, we must embrace innovation and improvement throughout the Commonwealth, and we must empower our educators on the ground with the resources and authority they need to transform the lives of their students.

I urge your prompt enactment of this legislation.

Sincerely,

Charles D. Baker,
Governor

The Commonwealth of Massachusetts

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

An Act to enable the establishment of innovation partnership zones.

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. Subsection (a) of section 1J of chapter 69 of the General Laws, as
2 appearing in the 2016 Official Edition, is hereby amended by adding the following paragraph:-

3 If a school district is designated as chronically underperforming pursuant to section 1K or
4 has 2 or more schools or one school enrolling more than 1,000 students designated as requiring
5 assistance or intervention pursuant to the school accountability system established by the board,
6 the commissioner may initiate the establishment of an innovation partnership zone pursuant to
7 subsection (d) of section 92A of chapter 71.

8 SECTION 2. Chapter 71 of the General Laws, as so appearing, is hereby amended by
9 inserting after section 92 the following section:-

10 Section 92A. (a) For the purposes of this section, the following words shall have the
11 following meanings, unless the context clearly requires otherwise:-

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

13 “Board of directors”, the board of directors of an Innovation Partnership Zone.

14 “Commissioner”, the commissioner of elementary and secondary education within the
15 executive office of education.

16 “Innovation partnership zone”, a group of at least 2 public schools or one public school
17 enrolling more than 1,000 students operating within a school district, hereinafter referred to as
18 member schools, that is governed by a board of directors and operated pursuant to an approved
19 innovation partnership zone proposal.

20 “Receiver”, for a district declared chronically underperforming pursuant to section 1K of
21 chapter 69, the non-profit entity or individual designated by the board to exercise the powers
22 otherwise belonging to the superintendent and the school committee.

23 “School district”, the school department of a city, town, or regional school district.

24 “Superintendent”, the superintendent of the school district.

25 (b)(1) An innovation partnership zone shall be established for the purpose of improving
26 school performance and student achievement through increased school-level autonomy and
27 flexibility. An innovation partnership zone and its member schools shall have autonomy and
28 flexibility in the following areas: (i) curriculum; budget; (ii) school schedule and calendar; (iii)
29 staffing policies and procedures, including waivers from or modifications to collective
30 bargaining agreements; (iv) professional development; and (v) school district policies and
31 procedures, including those related to procurement, human resources, and operations.

32 (2) Students shall be assigned to an innovation partnership zone member school based on
33 the school district’s existing student assignment system, except as otherwise provided in the
34 memorandum of understanding developed pursuant to subsection (h). A student who is enrolled

35 in a school at the time it becomes a member school of an innovation partnership zone shall have
36 the right to remain enrolled in the school if the student's parent or guardian so chooses. Any
37 costs incurred through the operation of an alternative school assignment system shall be covered
38 by the funding allocated to the innovation partnership zone.

39 (3) An innovation partnership zone may be initiated either by the local community, as set
40 forth in subsection (c), or the commissioner, as set forth in subsection (d). An innovation
41 partnership zone initiated pursuant to subsection (c) shall not include schools identified as
42 underperforming or chronically underperforming pursuant to section 1J of chapter 69 unless their
43 inclusion is approved by the commissioner. An innovation partnership zone initiated pursuant to
44 subsection (d) shall be only in a school district that is designated as chronically underperforming
45 pursuant to section 1K of chapter 69 or that has (i) 2 or more schools or (ii) 1 school enrolling
46 more than 1,000 students designated as requiring assistance or intervention pursuant to the
47 school accountability system established by the board. An innovation partnership zone may be
48 initiated in a school district designated as chronically underperforming pursuant to section 1K of
49 chapter 69 only by the commissioner.

50 (c)(1) A superintendent, mayor, local teacher's union, group of at least 3 school
51 committee members, or majority of teachers at each of 2 or more schools or at one school
52 enrolling more than 1,000 students within the school district shall have the authority to initiate a
53 process to establish or expand an innovation partnership zone by submitting an innovation
54 partnership zone proposal to the school committee, consistent with regulations established by the
55 board. The proposal shall be submitted in partnership with an eligible entity or group, as defined
56 in subsection (e), that seeks to develop and administer the innovation partnership zone and shall
57 include a detailed description of the innovation partnership zone's governance structure,

58 including a process and criteria for selecting members of the board of directors, in accordance
59 with subsection (f).

60 (2) A majority of parents and guardians at each of 2 or more schools that have been
61 designated as requiring assistance or intervention pursuant to the school accountability system
62 established by the board or a majority of parents and guardians at one school enrolling more than
63 1,000 students that has been so designated may petition the school committee to initiate a process
64 to establish or expand an innovation partnership zone. Within 30 days of receiving a parent
65 petition, the school committee shall issue a request for proposals from eligible entities or groups,
66 as defined in subsection (e), that have interest in developing and administering an innovation
67 partnership zone. Proposals in response to a request shall be submitted to the school committee
68 no later than 60 days following the issuance of the request.

69 (3) Notwithstanding paragraphs (1) and (2) of this subsection, a school committee, by a
70 majority vote, may issue a request for innovation partnership zone proposals from eligible
71 entities or groups, as defined in subsection (e), that have interest in developing and
72 administering an innovation partnership zone.

73 (4) Within 30 days of receipt of an innovation partnership zone proposal or proposals, the
74 school committee shall appoint a screening committee in consultation with the superintendent
75 and the local teacher's union president. Such screening committee shall include at least 2
76 educators who work in the school district and 2 parents or guardians with children who are
77 enrolled in the schools that are under consideration for inclusion in the innovation partnership
78 zone, as well as other individuals representing key community stakeholders and employers. The
79 screening committee shall provide the school committee with a written report and written

80 recommendation regarding the proposal or proposals within 60 days of its appointment. The
81 school committee shall act on the recommendation within 60 days, following not less than 1
82 public hearing held by the school committee. If the school committee approves an innovation
83 partnership zone proposal, it shall appoint the members of the innovation partnership zone board
84 of directors in accordance with subsection (f) and the approved innovation partnership zone
85 proposal.

86 (d) The commissioner shall have the authority to initiate or expand an innovation
87 partnership zone in a school district, following consultation with the mayor, school committee
88 and superintendent or receiver, and other community leaders and stakeholders, by submitting an
89 innovation partnership zone proposal to the board in partnership with an eligible entity or group,
90 as defined in subsection (e), that seeks to develop and administer the innovation partnership
91 zone. The commissioner may issue a request for innovation partnership zone proposals from
92 eligible entities and groups that have an interest in developing and administering an innovation
93 partnership zone in a school district. The commissioner shall be responsible for reviewing,
94 evaluating, and selecting from among such proposals in determining a proposal to be submitted
95 to the board. The board shall act on the commissioner's innovation partnership zone proposal
96 within 90 days. A proposal by the commissioner to initiate or expand an innovation partnership
97 zone in a school district that is not designated as chronically underperforming shall include only
98 schools that have been designated as requiring assistance or intervention.

99 If the board approves the innovation partnership zone proposal, the commissioner shall
100 appoint the innovation partnership zone's board of directors, in accordance with subsection (f),
101 following consultation with local stakeholders in the school district community where the
102 Innovation Partnership Zone will be or is located.

103 (e) An eligible entity or group that may develop and administer an innovation partnership
104 zone shall include nonprofit organizations, institutions of higher education, and groups of
105 experienced educators. An eligible entity or group shall submit an innovation partnership zone
106 proposal in accordance with regulations established by the board. The proposal shall include a
107 detailed description of the innovation partnership zone's governance structure, including
108 proposed members of the board of directors, in accordance with subsection (f).

109 (f) A board of directors composed of at least 5 but not more than nine members, all of
110 whom shall be unpaid, shall govern the innovation partnership zone and shall be a public entity
111 for the purposes of state law. Each member of the board of directors shall comply with the
112 requirements of chapter 268A, including with respect to disclosure and reporting, and shall serve
113 without compensation except that each member shall be reimbursed for necessary expenses
114 incurred in travelling to and from meetings. The majority of the members of the board of
115 directors shall be persons who are not elected, appointed, or employed by any municipal entity of
116 the school district community in which the innovation partnership zone is located. A majority of
117 the members of the board of directors shall reside in the school district community in which the
118 innovation partnership zone is located or shall have previously lived or worked in the community
119 or region for at least ten years. Individuals who are serving in elected or appointed positions in
120 the school district or community in which the innovation partnership zone is located may serve
121 as designated ex officio members of the board of directors. Priority shall be given to appointing
122 innovation partnership zone board members who have relevant professional experience in
123 education, youth development, management, and finance. To the extent possible, the board of
124 directors should be broadly representative of the gender, racial, and ethnic diversity of the
125 community.

126 The board of directors shall have governance authority over the innovation partnership
127 zone and its member schools consistent with the approved innovation partnership zone proposal
128 and the 5 year operating plan developed pursuant to subsection (g), provided, however, that the
129 school district in which the innovation partnership zone is located shall remain the employer of
130 record for all other purposes. Consistent with its 5year operating plan, developed pursuant to
131 subsection (g), the board of directors may hire staff; contract with an eligible entity or group to
132 administer the innovation partnership zone and with third parties to provide services to member
133 schools; contract with a third party for the management of any member school; change the
134 existing organizational structure or grade spans of a member school; and apply to the board to
135 convert any member school to a Horace Mann charter school, as defined in subsection (c) of
136 section 89 of chapter 71. The creation of an innovation partnership zone shall not diminish or
137 negate any powers granted to the commissioner or board in sections 1J and 1K of chapter 69.

138 (g) The board of directors, in partnership with the eligible entity or group selected to
139 develop and administer the innovation partnership zone shall develop and approve a detailed 5
140 year operating plan that is consistent with the innovation partnership zone proposal approved by
141 the school committee pursuant to subsection (c) or the board pursuant to subsection (d),
142 following consultation with representatives of the school district and the affected schools and
143 local stakeholder and community groups, in accordance with regulations established by the
144 board. The 5 year operating plan shall include specific proposals for establishing teacher
145 leadership teams to participate in school-level decision making in collaboration with school
146 principals or executive directors.

147 (h) Upon approving the 5 year operating plan, the board of directors shall enter into a 5
148 year memorandum of understanding with the superintendent or designee for final approval by the

149 school committee, provided that for an innovation partnership zone established in a school
150 district designated as chronically underperforming, the board of directors shall enter into a
151 memorandum of understanding with the commissioner or receiver. The memorandum of
152 understanding shall include but not be limited to the following: (i) a detailed description of the
153 division of responsibilities between the board of directors and the school committee or, for a
154 district designated as chronically underperforming, the receiver; (ii) the services that shall be
155 provided by the school district to the innovation partnership zone's member schools and the
156 amount of funding that shall be allocated by the school committee or receiver to provide such
157 services; (iii) a detailed budget and financial agreement, including the allocation of per-pupil
158 funding for the innovation partnership zone and its member schools; provided that per-pupil
159 funding for the member schools shall be based on a formula that takes into account the
160 characteristics of the students enrolled in the member schools and shall be not less than 85 per
161 cent of the average per-pupil funding for the school district as a whole; (iv) the necessary
162 activities to successfully transfer the management of the member schools to the board of
163 directors; (v) a description of the anticipated process by which the school membership of the
164 innovation partnership zone may be altered as appropriate and necessary; (vi) any changes to the
165 process by which students are assigned to the innovation partnership zone, including opt-in or
166 opt-out policies; and (vii) a schedule for periodic reporting from the board of directors to the
167 school committee or, for a district designated as chronically underperforming, the commissioner.

168 The memorandum of understanding shall include student performance goals and
169 measures based on student outcome data, including, but not limited to: (i) student achievement
170 on the Massachusetts Comprehensive Assessment System, or any successor statewide
171 assessment system approved by the board pursuant to section 1I of chapter 69; (ii) other

172 measures of student achievement, approved by the commissioner, as appropriate; (iii) student
173 promotion, graduation rates, and dropout rates; (iv) achievement data for different subgroups of
174 students, including low-income students as used for the purposes of the chapter 70 school aid
175 program, limited English-proficient students, and students receiving special education; and (v)
176 student attendance, suspension, and expulsion rates.

177 The board shall promulgate regulations establishing the method for calculating the
178 amount of per-pupil funding to be allocated by the school committee or receiver to the board of
179 directors.

180 For an innovation partnership zone initiated pursuant to subsection (c), any issues that
181 cannot be resolved between the board of directors and the superintendent or designee in the
182 memorandum of understanding shall be resolved by the school committee, based on a
183 determination of what is necessary to implement the 5 year operating plan and to achieve the
184 identified student performance goals, provided that, if such an innovation partnership zone has a
185 member school designated as requiring assistance or intervention, the commissioner shall
186 appoint an arbitrator to settle any issues not resolved by the board of directors and superintendent
187 or designee. For an innovation partnership zone initiated pursuant to subsection (d), the
188 commissioner shall determine the student performance goals and measures and resolve any
189 outstanding issues related to the memorandum of understanding.

190 The board of directors shall meet with and report at least annually to the school
191 committee or its designee or, for innovation partnership zones established in school districts
192 designated as chronically underperforming, the commissioner or receiver to discuss the
193 memorandum of understanding provisions and to review progress on student performance goals.

194 The board of directors may terminate the memorandum of understanding without cause, effective
195 at the completion of a school year, so long as it provides not less than 6 months' notice of the
196 termination to the school committee for innovation partnership zones initiated under subsection
197 (c) or to the commissioner for innovation partnership zones initiated under subsection (d).

198 (i) Upon the execution of the memorandum of understanding, the board of directors and
199 local teacher's union shall meet to negotiate waivers or modifications to the applicable collective
200 bargaining agreement, up to and including the development of a separate collective bargaining
201 agreement, necessary for the implementation of the innovation partnership zone 5 year operating
202 plan. The bargaining shall be conducted in good faith and completed within 30 days. The
203 agreement shall be subject to ratification within 10 business days by the bargaining unit members
204 employed in the innovation partnership zone member schools at the time of negotiation.

205 For an innovation partnership zone with a member school that has been designated as
206 requiring assistance or intervention, if the parties are unable to reach an agreement within 30
207 days or if the agreement is not ratified within 10 business days of completion by the bargaining
208 unit members employed in the innovation partnership zone member schools at the time of
209 negotiation, the parties shall immediately submit any unresolved issues to a joint resolution
210 committee for a dispute resolution process. The joint resolution committee shall be appointed
211 within 3business days following the submission of unresolved issues for resolution and shall be
212 composed of 3 members, 1 appointed by the local teacher's union, 1 appointed by the board of
213 directors, and 1 selected through the American Arbitration Association, with that organization
214 forthwith providing to the parties a list of 3 conciliators, each of whom shall have professional
215 experience in elementary and secondary education, from which the parties may agree upon a
216 single conciliator. In the event that the parties are unable to agree on a conciliator from among

217 the list of 3 names within 3 business days, the American Arbitration Association shall select a
218 conciliator from the list of 3 names. Where an innovation partnership zone is established in a
219 school district designated as chronically underperforming pursuant to section 1K of chapter 69,
220 the commissioner may implement any change to a collective bargaining agreement made
221 pursuant to said section 1K of said chapter 69.

222 The joint resolution committee shall conduct a dispute resolution process to be concluded
223 within 10 business days of selection. This process shall be conducted in accordance with the
224 rules of the American Arbitration Association; provided however, that all members of the joint
225 resolution committee must agree to any resolution. The fee for the process shall be shared
226 equally between the parties. Notwithstanding any other provision of this chapter, the unanimous
227 decision of the joint resolution committee shall be dispositive of all the issues in dispute and
228 shall be submitted to the parties within 10 business days of the completion of the process. In the
229 event that a unanimous decision is not submitted to the parties within 10 business days, the
230 commissioner shall resolve all outstanding issues. The commissioner may extend any deadline in
231 this subsection as needed.

232 In an innovation partnership zone that does not contain a member school designated as
233 requiring assistance or intervention and that is not established in a school district designated as
234 chronically underperforming, if negotiations between the board of directors and local teacher's
235 union have not resulted in a ratified agreement within 40 days, either party may petition the
236 department of labor relations for the selection of an arbitrator. The department of labor relations
237 established pursuant to section 9O of chapter 23 shall select an arbitrator within 3 business days
238 of the petition from a list submitted by the parties. The arbitrator shall conduct a hearing within
239 14 days of the arbitrator's selection. The arbitrator shall consider the parties' positions and the

240 needs of the students in the school district. The arbitrator's decision shall be consistent with the
241 innovation partnership zone 5 year operating plan developed by the board of directors and the
242 student performance goals identified in the memorandum of understanding. The arbitrator shall,
243 within 10 business days of the close of the hearing, submit a decision which shall be final and
244 binding on the parties.

245 (j) An innovation partnership zone shall be established for the school year following
246 approval of any modifications to the local teacher's collective bargaining agreement in
247 accordance with the regulations established by the board.

248 (k) At the end of each 5 year term, if the student performance goals defined in the
249 memorandum of understanding have been substantially achieved and if all material
250 responsibilities articulated in the 5 year operating plan have been fulfilled, the term for the
251 innovation partnership zone shall be renewed at the board of director's option for 5 years at
252 which time the board of directors shall adopt another 5 year operating plan, following
253 consultation with local stakeholder and community groups, in accordance with regulations
254 established by the board. Upon adopting a subsequent 5 year operating plan, the board of
255 directors of an innovation partnership zone shall, as appropriate, update and renew the
256 memorandum of understanding, including student performance goals and measures, consistent
257 with the process specified in subsection (h). If the renewed memorandum of understanding
258 requires any waivers or modifications to the local teacher's collective bargaining agreement, the
259 board of directors shall initiate negotiations with the local teacher's union, consistent with the
260 process specified in subsection (i).

261 At the end of a 5 year term, for an innovation partnership zones established pursuant to
262 subsection (c), any disputes between the school committee and the board of directors related to
263 the achievement of student performance goals as defined in the memorandum of understanding
264 or the fulfillment of material responsibilities as articulated in the 5 year operating plan shall be
265 resolved through mediation led by the commissioner or designee, provided that, if such an
266 innovation partnership zone has a member school designated as requiring assistance or
267 intervention, the commissioner shall appoint an arbitrator to settle any unresolved issues
268 following mediation. In innovation partnership zones established pursuant to subsection (d), any
269 such disagreements shall be resolved by the commissioner.

270 The board’s regulations shall establish procedures for the periodic review, renewal, and
271 possible termination of an innovation partnership zone based on the board of director’s fidelity to
272 the approved innovation partnership zone proposal, 5 year operating plan, and memorandum of
273 understanding.

274 SECTION 3. The board of elementary and secondary education shall promulgate
275 regulations necessary for the implementation of section 2 of this act not later than six months
276 after enactment of this act.