

HOUSE No. 4393

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 11, 2018.

The committee on Education to whom were referred the petition (accompanied by bill, House, No. 304) of Alice Hanlon Peisch and others relative to improving underperforming or chronically underperforming schools and the petition (accompanied by bill, House, No. 2027) of James J. Dwyer relative to underperforming schools, reports recommending that the accompanying bill (House, No. 4393) ought to pass.

For the committee,

ALICE HANLON PEISCH.

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

An Act to promote autonomy and success in schools.

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

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

4 (a) Prior to October 1, the commissioner of elementary and secondary education may, on
5 the basis of student performance data collected pursuant to section 1I, a school or district review
6 performed under section 55A of chapter 15, or regulations adopted by the board of elementary
7 and secondary education, designate 1 or more schools in a school district other than a Horace
8 Mann charter school as a priority, underperforming or chronically underperforming school. The
9 board shall adopt regulations establishing standards for the commissioner to make such
10 designations on the basis of data collected pursuant to section 1I or information from a school or
11 district review performed under section 55A of chapter 15. Upon the release of the proposed
12 regulations, the board shall file a copy thereof with the clerks of the house of representatives and
13 the senate who shall forward the regulations to the joint committee on education. Within 30 days
14 of the filing, the committee may hold a public hearing and issue a report on the regulations and

15 file the report with the board. The board, pursuant to applicable law, may adopt final regulations
16 making revisions to the proposed regulations as it deems appropriate after consideration of the
17 report and shall forthwith file a copy of the regulations with the chairpersons of the joint
18 committee on education and, not earlier than 30 days from the filing, the board shall file the final
19 regulations with the state secretary. Schools that score in the lowest 20 per cent statewide among
20 schools serving common grade levels on a single measure developed by the department that
21 takes into account student performance data and, beginning on July 1, 2011, improvement in
22 student academic performance, shall be deemed eligible for designation as a priority,
23 underperforming or chronically underperforming school, provided that any school designated as
24 a priority school shall be drawn from those schools most likely to be designated as
25 underperforming. Not more than 4 per cent of the total number of public schools may be
26 designated as a priority, underperforming or chronically underperforming school at any given
27 time.

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

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

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

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

51 (a $\frac{1}{2}$)(1) Within 15 days of the commissioner designating a school as a priority school in
52 accordance with the regulations developed pursuant to this section, the school committee and the
53 local teachers union shall meet to negotiate a waiver agreement, if necessary, that identifies any
54 provisions of the collective bargaining agreement that would be subject to a waiver upon a two-
55 thirds vote of the teachers working at least 50 per cent of the time in the designated priority
56 school. Such waivers shall be designed to permit the implementation of a turnaround plan
57 developed pursuant to this subsection which may include provisions that are inconsistent with
58 the existing collective bargaining agreement. Such negotiations shall be completed within 30
59 days of the commissioner designating a school as a priority school, and shall not be subject to
60 impasse provisions under section 9 of chapter 150E or unilateral implementation after impasse

61 pursuant to chapter 150E. If the school committee and the union fail to reach an agreement, the
62 process provided in this subsection shall be terminated and the commissioner may designate the
63 school as underperforming pursuant to subsection (a).

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

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

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

102 To assess the school across multiple measures of school performance and student
103 success, the turnaround plan shall include measurable annual goals including, but not limited to:
104 (i) student attendance, dismissal rates and exclusion rates; (ii) student safety and discipline; (iii)
105 student promotion and graduation and dropout rates; (iv) student achievement on the statewide

106 assessment system approved by the board under section 1I; (v) progress in areas of academic
107 underperformance; (vi) progress among subgroups of students, including low-income students as
108 defined by chapter 70, limited English proficient students and students receiving special
109 education; (vii) reduction of achievement gaps among different groups of students; (viii) student
110 acquisition and mastery of twenty-first century skills; (ix) development of college and career
111 readiness, including at the elementary and middle school levels; (x) parent and family
112 engagement; (xi) building a culture of academic success among students; (xii) building a culture
113 of student support and success among school faculty and staff; and (xiii) developmentally
114 appropriate child assessments from pre-kindergarten through third grade, if applicable.

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

121 Notwithstanding any general or special law to the contrary, the turnaround plan may also
122 include provisions that allow the superintendent to: (i) expand, alter or replace the curriculum
123 and program offerings of the school, including the implementation of research-based early
124 literacy programs, early interventions for struggling readers and the teaching of advanced
125 placement courses or other rigorous nationally or internationally recognized courses, if the
126 school does not already have such programs or courses; (ii) reallocate the uses of the existing
127 budget of the school; (iii) provide additional funds to the school from the budget of the district, if
128 the school does not already receive funding from the district at least equal to the average per

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

150 For a school with limited English proficient students, the professional development and
151 planning time for teachers and administrators shall include specific strategies and content

152 designed to maximize the rapid academic achievement of limited English proficient students at
153 the school.

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

169 (5) The superintendent shall submit the final turnaround plan to the school committee and
170 the teachers in the school for approval, and shall forward a copy of said plan to the
171 commissioner. A two-thirds vote of the teachers shall be required to approve the plan and shall
172 be conducted by the local teachers union. A copy of the plan shall be provided to the faculty at
173 least 5 days in advance of an informational meeting which shall be held at least 5 days in
174 advance of the vote. The vote shall be by secret ballot. For the purposes of this vote, a teacher is

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

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

193 If the superintendent, in consultation with the principal of the school, determines that the
194 school has met the annual performance goals stated in the turnaround plan, the review shall be
195 considered sufficient and the implementation of the turnaround plan shall continue. If the
196 superintendent determines that the school has not met 1 or more goals in the turnaround plan and
197 that the failure to meet the goals may be corrected through reasonable modification of the plan,

198 the superintendent may reconvene the local stakeholder group which may amend the turnaround
199 plan in a manner consistent with the requirements of paragraphs (1) to (5), inclusive; provided,
200 however, that if a turnaround plan includes a process for modifying the plan, such modifications
201 shall be implemented in accordance with the provisions of the plan.

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

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

215 SECTION 3. Said section 1J of said chapter 69, as so appearing, is hereby further
216 amended by inserting after the words “chapter 71A”, in line 123, the following words:- ,
217 provided that the school committee may retain said programs after the school is no longer
218 designated as underperforming.

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

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

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

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

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

238 SECTION 9. Said section 1J of said chapter 69, as so appearing, is hereby further
239 amended by inserting after the words “chapter 71A”, in line 473, the following words:- ,

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

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

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

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

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

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

257 SECTION 15. Subsection (s) of said section 1J of said chapter 69, as so appearing, is
258 hereby amended by adding the following 2 sentences:- Following the annual appropriation of the
259 school district's operating budget, the amount approved for the operation of each chronically
260 underperforming school shall be available for expenditure by the superintendent or the external

261 receiver for any lawful purpose. A chronically underperforming school shall not expend or incur
262 obligations in excess of its budget; provided, however, that a chronically underperforming school
263 may spend federal and state grants and other funds received independently of its operating
264 budget without approval from the school committee or by the superintendent if a receiver has
265 been appointed.

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

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

273 (y) The board of elementary and secondary education shall adopt regulations regarding:
274 (1) the conditions under which a priority, underperforming or chronically underperforming
275 school shall no longer be designated as a priority, underperforming or chronically
276 underperforming school; and (2) the transfer of the operation of an underperforming or a
277 chronically underperforming school from a superintendent or an external receiver, as applicable,
278 to the school committee. The regulations shall include provisions to allow a school to retain
279 measures adopted in a turnaround plan for a transitional period if, in the judgment of the
280 commissioner, the measures would contribute to the continued improvement of the school. Such
281 regulations shall also include provisions that clearly identify the conditions under which such a
282 transitional period shall end and the powers granted to the commissioner and board under this

283 section shall cease to apply to a school previously designated as underperforming or chronically
284 underperforming.

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

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

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

295 SECTION 21. Said section 1K of said chapter 69, as so appearing, is hereby further
296 amended by inserting after the word “System”, in lines 99 and 140, the following words:- , or
297 any successor statewide assessment system approved by the board pursuant to section 11.

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

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

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

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

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

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

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

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

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

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

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

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

332 Section 92A. Innovation Partnership Zones.

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

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

348 (b) An Innovation Partnership Zone established under this section shall operate according
349 to an Innovation Partnership Zone Plan and a memorandum of understanding between the board
350 of directors of the Innovation Partnership Zone and the local school committee. The
351 establishment of an Innovation Partnership Zone may be initiated by: (i) a public school district
352 that has two or more schools designated as underperforming or chronically underperforming
353 pursuant to section 1J of chapter 69; or (ii) the commissioner of elementary and secondary
354 education, pursuant to paragraphs (l) through (t), inclusive, in a district that has two or more
355 schools that have been designated as underperforming or chronically underperforming pursuant
356 to section 1J of chapter 69, for a period of at least three years, or in a district designated as
357 chronically underperforming following a period of receivership pursuant to section 1K of chapter
358 69.

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

364 (c) An Innovation Partnership Zone shall be managed by a board of directors that
365 includes at least five but no more than nine members, the majority of whom shall be individuals
366 who currently reside in or have at least ten years of work or residential history in the community

367 in which the Innovation Partnership Zone is located. The majority of the members of the board
368 of directors shall be independent members, defined as individuals who are not elected, appointed
369 or employed by any municipal entity of the community in which the Innovation Partnership Zone
370 is located.. The board of directors shall also include at least one representative from the local
371 school committee of the district in which the Innovation Partnership Zone is located. Individuals
372 who are serving in elected or appointed positions in the school district or community in which
373 the Innovation Partnership Zone is located may serve as designated ex officio members of the
374 board of directors. For an Innovation Partnership Zone initiated by a school district pursuant to
375 clause (i) of subsection (b), the members of the board of directors shall be identified and listed in
376 the prospectus developed under subsection (d). For an Innovation Partnership Zone initiated by
377 the commissioner pursuant to clause (ii) of subsection (b), the members of the board of directors
378 shall be appointed by the commissioner. The board of directors of an Innovation Partnership
379 Zone shall be deemed to be public agents authorized by the commonwealth to operate and
380 manage the Innovation Partnership Zone and member schools.

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

385 (d) For an Innovation Partnership Zone initiated by a public school district pursuant to
386 clause (i) of subsection (b), the local school committee, superintendent, mayor, or local teacher's
387 union shall follow a process, consistent with this subsection and subsections (e) to (j), inclusive,
388 by which an Innovation Partnership Zone shall be established within the district. This process
389 shall require that the individual or entity proposing to establish the Innovation Partnership Zone

390 prepare a prospectus regarding the proposed Innovation Partnership Zone. The prospectus shall
391 include, but not be limited to, a description of: (i) the rationale for establishing the proposed
392 Innovation Partnership Zone and the overall vision for the Innovation Partnership Zone,
393 including improving school performance and student achievement; (ii) the names and
394 accountability rankings of each school that will be included in the proposed Innovation
395 Partnership Zone and why these schools have been selected; (iii) the number of students that the
396 Innovation Partnership Zone expects to serve; (iv) a preliminary assessment of the autonomy and
397 flexibility under subsection (a) that the Innovation Partnership Zone will seek; (v) why such
398 flexibility is desirable to carry out the objectives of the Innovation Partnership Zone; (vi) the
399 external partners, if any, that will be involved in supporting the Innovation Partnership Zone and
400 its member schools, and the services that such partners are expected to provide; (vii) a proposed
401 timetable for establishing the Innovation Partnership Zone; and (viii) the names of the
402 individuals who will be appointed to serve as the members of the board of directors for the
403 Innovation Partnership Zone in accordance with the requirements in subsection (c).

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

409 The screening committee shall review the prospectus for the purpose of determining
410 whether the prospectus: (i) presents a sound and coherent plan for improving student
411 achievement; (ii) supports or enhances existing educational efforts in the district; and (iii)
412 reasonably can be expanded into a comprehensive Innovation Partnership Zone plan. Within 30

413 days of receiving a prospectus, the screening committee shall decide, on the basis of a two-thirds
414 vote, to accept, reject or return the prospectus for revisions. If a prospectus is rejected or
415 returned, the screening committee shall provide a detailed explanation for the decision. A
416 prospectus that is rejected or returned may be revised and resubmitted for subsequent
417 consideration. By approving the prospectus, the screening committee shall also approve the
418 establishment of the board of directors for the proposed Innovation Partnership Zone.

419 (f) Upon the approval of the prospectus by the screening committee under subsection (e),
420 the newly constituted board of directors shall develop a memorandum of understanding with the
421 local school committee that includes, but is not limited to, the following: (i) a detailed
422 description of the division of responsibilities between the board of directors of the Innovation
423 Partnership Zone and the local school committee; (ii) the services that shall be provided by the
424 public school district to member schools in the Innovation Partnership Zone and the amount of
425 funding that shall be allocated by the local school committee to provide such services; (iii) a
426 detailed budget and financial agreement, including the allocation of per-pupil funding at no less
427 than 50% of per-pupil expenditures of the district, for the Innovation Partnership Zone and its
428 member schools; (iv) the necessary activities to successfully transfer the management of the
429 member schools to the board of directors of the Innovation Partnership Zone; and (v) a
430 description of the anticipated process by which the composition of member schools may be
431 altered as appropriate and necessary; (vi) a provision requiring that the board of directors meet
432 with the local school committee no less than annually. The memorandum of understanding shall
433 be a public document and must be posted on the website of the school district in which the
434 Innovation Partnership Zone is located.

435 (g) Upon the approval of the memorandum of understanding by the board of directors and
436 local school committee, the board of directors shall develop a comprehensive Innovation
437 Partnership Zone plan for the proposed Innovation Partnership Zone. The board of directors shall
438 engage district and community representatives, including but not limited to school
439 administrators, teachers, students, parents and family members, municipal leaders and other
440 members of the community in which the proposed Innovation Partnership Zone will be
441 established, in the development of the plan. The Innovation Partnership Zone plan shall articulate
442 the areas of autonomy and flexibility under subsection (a) that the proposed Innovation
443 Partnership Zone will use, and shall include, but not be limited to, the following: (i) a copy of the
444 prospectus developed under subsection (d); (ii) a copy of the memorandum of understanding
445 approved by the board of directors and the local school committee; (iii) a description of the
446 process by which the member schools will determine the uses of their autonomies and flexibility;
447 (iv) a curriculum plan, which shall include a preliminary description of the curriculum and
448 related programs that may be implemented in the member schools; (v) a proposed budget for the
449 Innovation Partnership Zone, including a description of how funds will be used and distributed
450 among the member schools; (vi) a school schedule plan, which shall include a preliminary
451 description of the ways, if any, the programs or calendars of the member schools within the
452 proposed Innovation Partnership Zone may be enhanced or expanded; (vii) a staffing plan,
453 which shall include a description of how the principals, administrators, faculty, and staff will be
454 recruited, employed, evaluated, and compensated in the member schools of the proposed
455 Innovation Partnership Zone and any proposed waivers or modifications of collective bargaining
456 agreements; (viii) a policy and procedures plan, which shall include a preliminary description of
457 the operational policies and procedures that may be used by the member schools in the proposed

458 Innovation Partnership Zone, which shall include a policy requiring the establishment of teacher
459 leadership teams, where the majority of members of said team must be selected by their peers.
460 The principal shall consult with said team on all instructional operations of the member school;
461 and (ix) a professional development plan, which shall include a description of how the
462 Innovation Partnership Zone may provide high-quality professional development to the
463 administrators, teachers and staff working in the member schools of the proposed Innovation
464 Partnership Zone.

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

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

480 (h) Upon the completion of the Innovation Partnership Zone plan, the board of directors
481 and local teachers union shall meet to negotiate waivers or modifications to the applicable
482 collective bargaining agreement necessary for the implementation of the Innovation Partnership
483 Zone plan. If the negotiations have not resulted in an agreement within 40 days, either party may
484 petition the division of labor relations for the selection of an arbitrator. The division shall select
485 an arbitrator within 3 days of the petition from a list submitted by the parties. The arbitrator shall
486 conduct a hearing within 14 days of the arbitrator's selection. The arbitrator shall consider the
487 parties' positions and the needs of the students in the district. The arbitrator's decision shall be
488 consistent with the contents of the Innovation Partnership Zone plan developed by the board of
489 directors. The arbitrator shall, within 14 days of the close of the hearing, submit a decision which
490 shall be final and binding on the parties.

491 (i) Upon completion of the negotiation process under subsection (h), the board of
492 directors shall hold a public hearing on the proposed plan. Upon completion of the public
493 hearing, the board of directors shall undertake a final vote to approve the Innovation Partnership
494 Zone plan developed under subsection (g) and shall submit the plan to the commissioner. The
495 board of directors shall hold at least one public hearing on the plan prior to final approval. (j)
496 Upon final local approval of the plan, the commissioner shall, in writing, notify the board of
497 directors of the formal establishment of the Innovation Partnership Zone and the board of
498 directors shall have the authority to operate and manage the Innovation Partnership Zone and its
499 member schools for a term of five years. The board of directors shall provide to the school
500 committee an annual report on the Innovation Partnership Zone.

501 (k) At the end of each five-year term, if the Innovation Partnership Zone and its member
502 schools have substantively achieved academic and other goals and have fulfilled all material

503 responsibilities articulated in the Innovation Partnership Zone plan, the term for the Innovation
504 Partnership Zone may be renewed for another five years, subject to the approval of the local
505 school committee. The board of directors and local school committee may mutually agree to
506 terminate the Innovation Partnership Zone at any point during a five-year term or at the end of
507 the term.

508 (l) Pursuant to clause (ii) of subsection (b), the commissioner of elementary and
509 secondary education may, on the basis of student performance data collected pursuant to section
510 1I of chapter 69, a school or district review performed under section 55A of chapter 15, or
511 regulations adopted by the board of elementary and secondary education, initiate the
512 establishment of an Innovation Partnership Zone in a public school district that has one or more
513 schools that have been designated as underperforming or chronically underperforming pursuant
514 to section 1J of chapter 69 for a period of at least three years. The commissioner may initiate the
515 establishment of an Innovation Partnership Zone in a district designated as chronically
516 underperforming following a period of receivership pursuant to section 1K of chapter 69.

517 (m) For an Innovation Partnership Zone initiated by the commissioner, the commissioner
518 and board of directors shall follow a process, consistent with this subsection and subsections (n)
519 to (t), inclusive, by which an Innovation Partnership Zone shall be established within the district.
520 This process shall require that the commissioner present a recommendation to initiate the
521 establishment of an Innovation Partnership Zone to the board of elementary and secondary
522 education. At their first formal meeting following the presentation of the recommendation of the
523 commissioner, the members of the board of elementary and secondary education shall vote to
524 authorize the commissioner to initiate the establishment of the proposed Innovation Partnership
525 Zone.

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

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

536 (p) Upon the completion of the memorandum of understanding, the board of directors
537 shall develop a comprehensive Innovation Partnership Zone plan for the proposed Innovation
538 Partnership Zone. The board of directors shall engage district and community representatives,
539 including but not limited to school administrators, teachers, students, parents and family
540 members, municipal leaders and other members of the community in which the proposed
541 Innovation Partnership Zone will be established, in the development of the plan. The Innovation
542 Partnership Zone plan shall articulate the areas of autonomy and flexibility under subsection (a)
543 that the proposed Innovation Partnership Zone will use, and shall include, but not be limited to,
544 the components listed under subsection (g).

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

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

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

554 The bargaining shall be conducted in good faith and completed within 30 days. The
555 agreement shall be subject to ratification within 10 business days by the bargaining unit members
556 employed in the Innovation Partnership Zone member schools at the time of negotiation. If the
557 parties are unable to reach an agreement within 30 days or if the agreement is not ratified within
558 10 business days by the bargaining unit members employed in the Innovation Partnership Zone
559 member schools at the time of negotiation, the parties shall submit remaining unresolved issues
560 to a joint resolution committee for dispute resolution process on the next business day following
561 the end of the 30 day bargaining period or failure to ratify. Said dispute resolution process shall
562 be conducted according to the procedures and requirements set forth in subsection (e) of section
563 1K of chapter 69.

564 (r) Upon completion of the negotiation process under subsection (q), the board of
565 directors shall hold a public hearing on the proposed plan. Upon completion of the public
566 hearing, the board of directors shall undertake a final vote to approve the Innovation Partnership
567 Zone plan developed under subsection (p) and shall submit the plan to the commissioner. Within
568 45 days of receipt, the commissioner shall accept, reject or request revisions to the plan. The
569 commissioner shall present specific requests for information or data if revisions are required, and

570 shall provide detailed feedback if the plan has been rejected. The board of directors shall submit
571 a revised plan to the commissioner within 30 days of receiving the request, and within 15 days of
572 receipt, the commissioner shall accept the revised document or request additional revisions. The
573 board of directors may submit a new plan if the original plan is rejected.

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

590 (t) Upon approval of the establishment of the Innovation Partnership Zone by the board
591 of elementary and secondary education, the commissioner shall, in writing, notify the board of
592 directors of the formal establishment of the Innovation Partnership Zone and the board of

593 directors shall have the authority to operate and manage the Innovation Partnership Zone and its
594 member schools for a term of five years. . The board of directors shall provide to the school
595 committee an annual report on the Innovation Partnership Zone.

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

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

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

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

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

639 (y) Notwithstanding this section or any other general or special law to the contrary, the
640 name of the Innovation Partnership Zone may be determined by the community or school district
641 in which the Zone is located.

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