

SENATE No. 299

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

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

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

An Act implementing the Every Student Succeeds Act.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>2/1/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/13/2019</i>

SENATE No. 299

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 299) of Patricia D. Jehlen, David M. Rogers and Michael O. Moore for legislation to implement the Every Student Succeeds Act. Education.

The Commonwealth of Massachusetts

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

An Act implementing the Every Student Succeeds Act.

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. Chapter 69 of the General Laws, as appearing in the 2016 Official Edition,
2 is hereby amended by striking sections 1J-1K and inserting the following section:-

3 Section 1J. (a) The commissioner of elementary and secondary education may identify
4 schools as in need of comprehensive support and improvement. The commissioner may identify
5 subgroups of students in a school as in need of targeted support and improvement. The board
6 shall adopt regulations establishing standards for the commissioner to make such identifications
7 in compliance with the federal Every Student Succeeds Act of 2015.

8 The board of elementary and secondary education and the commissioner of the
9 department of elementary and secondary education may not label, tier or otherwise publish
10 rankings of schools. The department shall only issue, based upon a system of meaningful
11 differentiation, a list of schools identified as in need of comprehensive support and improvement,
12 not more frequently than every 3 years. Any such list shall only identify schools (1) in the

13 lowest-performing 5 percent of all schools receiving funds under Title I from the United States
14 Department of Education, (2) high schools failing to graduate one third or more of its students
15 and (3) schools at which an identified subgroup of students is in the lowest-performing 5 percent
16 of all students.

17 Any determination by the commissioner to identify a school as in need of comprehensive
18 support and improvement shall be based upon a system of annual meaningful differentiation that
19 shall take into account multiple school based indicators in making such determination, including,
20 but not limited to, school climate, access to the arts, access to a well-rounded curriculum, teacher
21 turnover, dismissal rates, suspension and exclusion rates. Prior to any identification of a school
22 as in need of comprehensive support and improvement, the commissioner shall present findings
23 and recommended schools for identification for approval to the board of elementary and
24 secondary education. The findings shall include an analysis of the school's foundation budget
25 spending per student.

26 A student who is enrolled in a school at the time it is identified as in need of
27 comprehensive support and improvement shall retain the ability to remain enrolled in the school
28 while remaining a resident of the district if the student chooses to do so.

29 (b) Upon the identification of a school as in need of comprehensive support and
30 improvement in accordance with regulations developed pursuant to this section, the
31 superintendent of the district, with approval by the local stakeholder group convened by the
32 superintendent, shall create a comprehensive support and improvement plan for the school, under
33 the subsections (d)-(k), inclusive.

34 Before the superintendent creates the comprehensive support and improvement plan
35 required in this subsection, the superintendent shall convene a local stakeholder group of not
36 more than 7 individuals, or 9 individuals in a high school, for the purpose of soliciting
37 recommendations on the content of such plan to improve student learning. The group shall
38 include: (1) the chair of the school committee, or a designee; (2) the president of the local
39 teacher's union, or a designee; (3) an administrator from the school, who may be the principal,
40 chosen by the superintendent; (4) two teachers from the school chosen by the faculty of the
41 school; (5) two parents from the school chosen by the local parent organization; and at a high
42 school (6) two students selected by the student council. If the school or district does not have a
43 parent organization or if the organization does not select a parent, the superintendent shall select
44 a volunteer parent of a student from the school.

45 The local stakeholder group may elect to participate in a school accreditation process
46 established by a regional or national non-profit education organization to satisfy the requirement
47 for a comprehensive support and improvement plan under this section. The department shall
48 assist in any associated application process.

49 (c) Upon the designation of a subgroup at a school as in need of targeted support and
50 improvement in accordance with regulations developed pursuant to this section, the
51 superintendent of the district, with approval by the local stakeholder group convened by the
52 superintendent, shall create a targeted support and improvement plan for the school.

53 Before the superintendent creates the targeted support and improvement plan required in
54 this subsection, the superintendent shall convene a local stakeholder group, for the purpose of
55 soliciting recommendations on the content of such plan to improve student learning. The group

56 shall include: (1) the chair of the school committee, or a designee; (2) the president of the local
57 teacher's union, or a designee; (3) an administrator from the school, who may be the principal,
58 chosen by the superintendent; (4) two teachers from the school chosen by the faculty of the
59 school; (5) not less than 2 parents from the school chosen by the local parent organization, one of
60 whom shall represent each of the identified subgroups of students at the school. If the school or
61 district does not have a parent organization or if the organization does not select a parent, the
62 superintendent shall select a volunteer parent of a student from the school.

63 (d) In addition, a local stakeholder group may call upon representatives of applicable
64 state and local social service, health and child welfare agencies, representatives of state and local
65 workforce development agencies, for elementary schools, representatives of an early education
66 and care provider and, for middle schools or high schools, representatives of the higher education
67 community to provide information, and assistance in drafting the plan. The department shall
68 provide any technical assistance requested by a local stakeholder group and the local stakeholder
69 group may consult with department staff to assist in developing and drafting the plan.

70 (e) The superintendent shall convene such group within 30 days of the board identifying a
71 school as in need of comprehensive support and improvement and the group shall make its
72 recommendations to the superintendent within 60 days of its initial meeting. Meetings of the
73 local stakeholder group shall be open to the public and the recommendations submitted to the
74 superintendent under this subsection shall be publicly available immediately upon their
75 submission.

76 (f) The superintendent shall include in the creation of the comprehensive support and
77 improvement plan, after considering the recommendations of the local stakeholder group, the

78 following: (1) steps to address social service and health needs of students at the school and their
79 families, to help students arrive and remain at school ready to learn; provided, however, that this
80 may include mental health and substance abuse screening; (2) steps to improve or expand child
81 welfare services and, as appropriate, law enforcement services in the school community, in order
82 to promote a safe and secure learning environment; (3) steps to improve workforce development
83 services provided to students and their families at the school, to provide students and families
84 with meaningful employment skills and opportunities; (4) steps to address achievement gaps for
85 limited English-proficient, special education and low-income students; and (5) alternative
86 English language learning programs for limited English proficient students, notwithstanding
87 chapter 71A; and (6) a financial plan for the school, including any additional funds to be
88 provided by the district, commonwealth, federal government or other sources.

89 The secretaries of health and human services, labor and workforce development, public
90 safety and other applicable state and local social service, health and child welfare officials shall
91 coordinate with the superintendent regarding the implementation of strategies under clauses (1)
92 to (3), inclusive, that are included in a final comprehensive or targeted support and improvement
93 plan and shall, subject to appropriation, reasonably support such implementation consistent with
94 the requirements of state and federal law applicable to the relevant programs that each such
95 official is responsible for administering. The secretary of education and the commissioner of
96 elementary and secondary education shall assist the superintendent in facilitating the
97 coordination.

98 To assess the school across multiple measures of school quality and student success, the
99 comprehensive support plan shall include measurable annual goals of school quality and student
100 success.

101 (g) Any comprehensive plan developed under this section shall be approved by the local
102 stakeholder group representing the school, by the district school committee, and by the board of
103 elementary and secondary education prior to implementation. Any targeted support and
104 improvement plan shall be approved by the district school committee.

105 (h) In compliance with the federal Every Student Succeeds Act, the department shall
106 segregate 7 percent of the amount the State receives under subpart 2 of part A of said act, from
107 the United States Department of Education in a separate account from all other funds. The
108 department shall transmit an estimate of funds that are anticipated to be distributed for the
109 implementation of an improvement plan to the local stakeholder group at a school identified by
110 the department as in need of comprehensive support and improvement or targeted support and
111 improvement within 15 days of the appointment of the group. Upon board approval of a
112 comprehensive support and improvement plan or a targeted support and improvement plan, the
113 segregated funds shall be distributed to the school based upon the Title I funding formula subject
114 to the plan.

115 The department shall make available sufficient funds to ensure that any school designated
116 as in need of comprehensive support and improvement shall receive not less than \$250,000 or
117 2.5% of the school's budget. The department may use funds segregated in the previous paragraph
118 combined with any state funds to satisfy the minimum assistance funding requirement. Any
119 funding allocated through this paragraph shall not reduce or cease until the school in receipt of
120 the funds has received foundation aid in an amount sufficient to ensure that per pupil spending
121 equals or exceeds the statewide average per pupil spending above foundation budget.

122 (i) Each comprehensive support and improvement plan shall be authorized for a period of
123 not more than 4 years, subject to subsection (k).

124 (j) Each school identified as in need of comprehensive support and improvement under
125 subsection (a) shall be reviewed by the superintendent, in consultation with the principal of the
126 school, and the local stakeholder group, at least annually. The purpose of the review shall be to
127 determine whether the school has met the annual goals in its comprehensive support plan and to
128 assess the overall implementation of the comprehensive support plan. The review shall be in
129 writing and shall be submitted to the local stakeholder group not later than July 1 for the
130 preceding school year.

131 (k) Notwithstanding any general or special law to the contrary, any school in need of
132 comprehensive or targeted support and improvement operating a limited-English proficient
133 program or programs for limited English proficient students in any 1 language group shall
134 establish a limited English proficient parent advisory council. The parent advisory council shall
135 be comprised of parents or legal guardians of students who are enrolled in limited English
136 proficient programs within the school. Each parent advisory council shall have at least 1
137 representative from every language group in which a program is conducted in a given school.
138 Membership shall be restricted to parents or legal guardians of students enrolled in limited
139 English proficient programs within the school. The duties of the parent advisory council shall
140 include, but not be limited to, advising the school on matters that pertain to the education of
141 students in limited English proficient programs, meeting regularly with school officials to
142 participate in the planning and development of a plan to improve educational opportunities for
143 limited English proficient students, and to participate in the review of school improvement plans
144 established under section 59C of chapter 71 as they pertain to limited English proficient students.

145 Any parent advisory council may, at its request, meet at least once annually with the school
146 council. The parent advisory council shall establish by-laws regarding officers and operational
147 procedures. In the course of its duties under this section, the parent advisory council shall receive
148 assistance from the director of limited English proficient programs for the district or other
149 appropriate school personnel as designated by the superintendent.

150 (l) The board of elementary and secondary education shall adopt regulations regarding
151 the conditions under which a school in need of comprehensive support and improvement shall no
152 longer be identified as a school in need of comprehensive support and improvement. The
153 regulations shall include provisions to allow a school to retain measures adopted in a
154 comprehensive support plan for a transitional period if, in the judgment of the commissioner, the
155 measures would contribute to the continued improvement of the school. Such regulations shall
156 also include provisions that clearly identify the conditions under which such a transitional period
157 shall end or be determined in need of further district review by the department should the
158 targeted or comprehensive support and improvement plan not meet the intended goals. Any
159 determination by the department that a plan is not meeting intended goals and that a district
160 review is necessary shall be approved by the board prior to implementation of a district review
161 process.

162 (m) The board of elementary and secondary education shall adopt regulations regarding
163 the conditions under which a subgroup of students at a school is in need of targeted support and
164 improvement shall no longer be identified as in need of targeted support and improvement. The
165 regulations shall include provisions to allow a school to retain measures adopted in a target
166 support plan for a transitional period if, in the judgment of the commissioner, the measures
167 would contribute to the continued improvement of the school. Such regulations shall also include

168 provisions that clearly identify the conditions under which such a transitional period shall end or
169 be determined in need of further district review by the department should the targeted support
170 and improvement plan not meet the intended goals Any determination by the department that a
171 plan is not meeting intended goals and that a district review is necessary shall be approved by the
172 board prior to implementation of a district review process.

173 (n) The commissioner shall report annually to the joint committee on education, the
174 house and senate committees on ways and means, the speaker of the house of representatives and
175 the senate president on the implementation and fiscal impact of this section and section 1K. The
176 report shall include, but not be limited to, a list of all schools currently identified as in need of
177 comprehensive support or comprehensive improvement, and strategies used in each of the
178 schools to improve student learning.