

Senate, No. 2247

[Senate, Thursday, January 14, 2010 -- Report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendments to the Senate Bill relative to education reform (Senate, No. 2216) (*amended by the House* by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4423; and by striking out the title and inserting in place thereof the following title: "An Act relative to the achievement gap")]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND TEN

AN ACT RELATIVE TO THE ACHIEVEMENT GAP

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith innovation into school districts and turnaround underperforming schools, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled,

And by the authority of the same, as follows:

1 SECTION 1. Chapter 7 of the General Laws is hereby amended by striking out section 22A, as
2 appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

3 Section 22A. Notwithstanding any general or special law relating to collective purchasing, but
4 subject to all other laws regulating public purchases and competitive bidding, the commonwealth and 1
5 or more of its cities, towns, districts, counties, authorities or commonwealth or Horace Mann charter
6 schools, or 2 or more cities, towns, districts, counties, authorities or commonwealth or Horace Mann

7 charter schools, hereinafter called political subdivisions, may make purchases of materials, supplies,
8 equipment or services through the state purchasing agent subject to such rules, regulations and
9 procedures as may be established from time to time by the purchasing agent; provided, however, that the
10 political subdivision shall accept sole responsibility for any payment due the vendor for its share of such
11 purchase.

12 SECTION 2. Chapter 40 of the General Laws is hereby amended by striking out section 4E, as
13 so appearing, and inserting in place thereof the following section:-

14 Section 4E. Two or more school committees of cities, towns and regional school districts and
15 boards of trustees of charter schools may enter into a written agreement to conduct education programs
16 and services which shall complement and strengthen the school programs of member school committees
17 and charter schools and increase educational opportunities for children. The school committees and
18 boards of trustees of charter schools shall collaborate to offer the programs and services; provided,
19 however, the association of school committees and board of trustees of charter schools which is formed
20 to deliver the programs and services shall be known as an education collaborative.

21 The education collaborative shall be managed by a board of directors which shall be comprised
22 of 1 person appointed by each member school committee and 1 person appointed by each member
23 charter board of trustees. All appointed persons shall be either a school committee member or his
24 designee, the superintendent of schools or his designee or a member of the charter board of trustees.
25 Members of the board of directors shall be entitled to a vote according to the terms of the education
26 collaborative agreement. The department of education shall appoint an individual to serve in an advisory
27 capacity to the education collaborative board of directors. The individual shall not be entitled to vote on
28 any matter which comes before the board of directors of the education collaborative.

29 The written agreement which shall form the basis of the education collaborative shall set forth
30 the purposes of the program or service, the financial terms and conditions of membership of the
31 education collaborative, the method of termination of the education collaborative and of the withdrawal
32 of member school committees and charter schools, the procedure for admitting new members and for
33 amending the collaborative agreement, the powers and duties of the board of directors of the education
34 collaborative to operate and manage the education collaborative and any other matter not incompatible
35 with law which the member committees and charter schools consider advisable. The agreement shall be
36 subject to the approval of the member school committees and the commissioner of education.

37 Each board of directors of an education collaborative shall establish and manage a trust fund, to
38 be known as an Education Collaborative Trust Fund, and each such fund shall be designated by an
39 appropriate name. All monies contributed by the member municipalities and charter schools and all
40 grants or gifts from the federal government, state government, charitable foundations, private
41 corporations or any other source shall be paid to the board of directors of the education collaborative and
42 deposited in the fund.

43 The board of directors of the education collaborative shall appoint a treasurer who may be a
44 treasurer of a city, town or regional school district belonging to the collaborative. The treasurer may,
45 subject to the direction of the board of directors of the education collaborative, receive and disburse all
46 monies of the trust fund without further appropriation. The treasurer shall give bond annually for the
47 faithful performance of his duties as collaborative treasurer in a form approved by the department of
48 revenue and in the sum, not less than the amount established by the department, as shall be fixed by the
49 board of directors of the education collaborative. The board of directors of the education collaborative in
50 its discretion may pay compensation to the treasurer for his services. No member of the board of
51 directors of the education collaborative shall be eligible to serve as treasurer of the collaborative.

52 The treasurer of the education collaborative board of directors shall have the authority to make
53 appropriate investments of the monies of the Education Collaborative Trust Fund consistent with section
54 54 of chapter 44.

55 The board of directors of an educational collaborative may borrow money, enter into long-term
56 or short-term loan agreements or mortgages and apply for state, federal or corporate grants or contracts
57 to obtain funds necessary to carry out the purpose for which such collaborative is established; provided,
58 however, that the board of directors has determined that any borrowing, loan or mortgage is cost-
59 effective and in the best interest of the collaborative and its member municipalities and charter schools.
60 The borrowing, loans or mortgages shall be consistent with the written agreement and articles of
61 incorporation, if any, of the educational collaborative and shall be consistent with standard lending
62 practices.

63 The board of directors of the education collaborative may employ an executive officer who shall
64 serve under the general direction of the board and who shall be responsible for the care and supervision
65 of the education collaborative.

66 The board of directors of the education collaborative shall be considered to be a public employer
67 and have the authority to employ personnel, including teachers, to carry out the purposes and functions
68 of the education collaborative. No person shall be eligible for employment by the board of directors as an
69 instructor of children with severe special needs, teacher of children with special needs, teacher, guidance
70 counselor or school psychologist unless the person has been granted a certificate by the board of
71 education under section 38G of chapter 71 or section 6 of chapter 71A or an approval under the
72 regulations promulgated by the board of education under chapter 71B or chapter 74 with respect to the
73 type of position for which he seeks employment; provided, however, that nothing herein shall be
74 construed to prevent a board of directors of an education collaborative from prescribing additional
75 qualifications. A board of directors of an education collaborative may, upon its request, be exempted by

76 the board of education for any 1 school year from the requirements of this section to employ certified or
77 approved personnel when compliance therewith would in the opinion of the board constitute a great
78 hardship.

79 The education collaborative shall be considered to be a public entity and shall have standing to
80 sue and be sued to the same extent as a city, town or regional school district. An education collaborative,
81 acting through its board of directors, may enter into contracts for the purchase of supplies, materials and
82 services and for the purchase or leasing of land, buildings and equipment as considered necessary by the
83 board of directors.

84 A school committee of a city, town or regional school district or board of trustees of a charter
85 school may authorize the prepayment of monies for an educational program or service of the education
86 collaborative to the treasurer of an education collaborative, and the city, town or regional school district
87 or charter school treasurer shall be required to approve and pay the monies in accordance with the
88 authorization of the school committee or board of trustees.

89 SECTION 3. Chapter 69 of the General Laws is hereby amended by striking out sections 1J
90 and 1K, as so appearing, and inserting in place thereof the following 2 sections:-

91 Section 1J. (a) The commissioner of elementary and secondary education may, on the basis of
92 student performance data collected pursuant to section 1I, a school or district review performed under
93 section 55A of chapter 15, or regulations adopted by the board of elementary and secondary education,
94 designate 1 or more schools in a school district other than a Horace Mann charter school as
95 underperforming or chronically underperforming. The board shall adopt regulations establishing
96 standards for the commissioner to make such designations on the basis of data collected pursuant to
97 section 1I or information from a school or district review performed under section 55A of chapter 15.
98 Upon the release of the proposed regulations, the board shall file a copy thereof with the clerks of the
99 house of representatives and the senate who shall forward the regulations to the joint committee on

100 education. Within 30 days of the filing, the committee may hold a public hearing and issue a report on
101 the regulations and file the report with the board. The board, pursuant to applicable law, may adopt final
102 regulations making revisions to the proposed regulations as it deems appropriate after consideration of
103 the report and shall forthwith file a copy of the regulations with the chairpersons of the joint committee
104 on education and, not earlier than 30 days of the filing, the board shall file the final regulations with the
105 state secretary. Schools that score in the lowest 20 per cent statewide among schools serving common
106 grade levels on a single measure developed by the department that takes into account student
107 performance data and, beginning on July 1, 2011, improvement in student academic performance, shall
108 be deemed eligible for designation as underperforming or chronically underperforming. Not more than 4
109 per cent of the total number of public schools may be designated as underperforming or chronically
110 underperforming at any given time.

111 In adopting regulations allowing the commissioner to designate a school as underperforming or
112 chronically underperforming, the board shall ensure that such regulations take into account multiple
113 indicators of school quality in making determinations regarding underperformance or chronic
114 underperformance, such as student attendance, dismissal rates and exclusion rates, promotion rates,
115 graduation rates or the lack of demonstrated significant improvement for 2 or more consecutive years in
116 core academic subjects, either in the aggregate or among subgroups of students, including designations
117 based special education, low-income, English language proficiency and racial classifications.

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

120 An underperforming or chronically underperforming school described in the following
121 subsections shall operate in accordance with laws regulating other public schools, except as such
122 provisions may conflict with this section or any turnaround plans created thereunder. A student who is
123 enrolled in a school at the time it is designated as underperforming or chronically underperforming shall

124 retain the ability to remain enrolled in the school while remaining a resident of the district if the student
125 chooses to do so.

126 (b) Upon the designation of a school as an underperforming school in accordance with
127 regulations developed pursuant to this section, the superintendent of the district, with approval by the
128 commissioner, shall create a turnaround plan for the school, under subsections (b) to (e), inclusive. The
129 commissioner may allow for an expedited turnaround plan for schools that have been previously
130 designated as underperforming and where the district has a turnaround plan that has had a public
131 comment period and approval of the local school committee.

132 Before the superintendent creates the turnaround plan required in this subsection, the
133 superintendent shall convene a local stakeholder group of not more than 13 individuals, for the purpose
134 of soliciting recommendations on the content of such plan to maximize the rapid academic achievement
135 of students at the school. The superintendent shall provide due consideration to the recommendations of
136 the stakeholder group. The group shall include: (1) the commissioner, or a designee; (2) the chair of the
137 school committee, or a designee; (3) the president of the local teacher's union, or a designee; (4) an
138 administrator from the school, who may be the principal, chosen by the superintendent; (5) a teacher
139 from the school chosen by the faculty of the school; (6) a parent from the school chosen by the local
140 parent organization; (7) representatives of applicable state and local social service, health and child
141 welfare agencies, chosen by the superintendent; (8) as appropriate, representatives of state and local
142 workforce development agencies, chosen by the superintendent; (9) for elementary schools, a
143 representative of an early education and care provider chosen by the commissioner of the department of
144 early education and care and, for middle schools or high schools, a representative of the higher education
145 community selected by the secretary; and (10) a member of the community appointed by the chief
146 executive of the city or town. If the school or district does not have a parent organization or if the
147 organization does not select a parent, the superintendent shall select a volunteer parent of a student from
148 the school. The superintendent shall convene such group within 30 days of the commissioner

149 designating a school as underperforming and the group shall make its recommendations to the
150 superintendent within 45 days of its initial meeting. Meetings of the local stakeholder group shall be
151 open to the public and the recommendations submitted to the superintendent under this subsection shall
152 be publicly available immediately upon their submission.

153 (c) In creating the turnaround plan in subsection (b) the superintendent shall include, after
154 considering the recommendations of the local stakeholder group, provisions intended to maximize the
155 rapid academic achievement of students at the school and shall, to the extent practicable, base the plan
156 on student outcome data, including, but not limited to: (1) data collected pursuant to section 1I or
157 information from a school or district review performed under section 55A of chapter 15; (2) student
158 achievement on the Massachusetts Comprehensive Assessment System; (3) other measures of student
159 achievement, approved by the commissioner; (4) student promotion and graduation rates; (5)
160 achievement data for different subgroups of students, including low-income students as defined in
161 chapter 70, limited English-proficient students and students receiving special education; and (6) student
162 attendance, dismissal rates and exclusion rates.

163 The superintendent shall also include in the creation of the turnaround plan, after considering the
164 recommendations of the local stakeholder group, the following: (1) steps to address social service and
165 health needs of students at the school and their families, to help students arrive and remain at school
166 ready to learn; provided, however, that this may include mental health and substance abuse screening;
167 (2) steps to improve or expand child welfare services and, as appropriate, law enforcement services in
168 the school community, in order to promote a safe and secure learning environment; (3) steps to improve
169 workforce development services provided to students and their families at the school, to provide students
170 and families with meaningful employment skills and opportunities; (4) steps to address achievement
171 gaps for limited English-proficient, special education and low-income students; and (5) alternative
172 English language learning programs for limited English proficient students, notwithstanding chapter

173 71A; and (6) a financial plan for the school, including any additional funds to be provided by the district,
174 commonwealth, federal government or other sources.

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

183 To assess the school across multiple measures of school performance and student success, the
184 turnaround plan shall include measurable annual goals including, but not limited to: (1) student
185 attendance, dismissal rates and exclusion rates; (2) student safety and discipline; (3) student promotion
186 and graduation and dropout rates; (4) student achievement on the Massachusetts Comprehensive
187 Assessment System; (5) progress in areas of academic underperformance; (6) progress among subgroups
188 of students, including low-income students as defined by chapter 70, limited English-proficient students
189 and students receiving special education; (7) reduction of achievement gaps among different groups of
190 students; (8) student acquisition and mastery of twenty-first century skills; (9) development of college
191 readiness, including at the elementary and middle school levels; (10) parent and family engagement; (11)
192 building a culture of academic success among students; (12) building a culture of student support and
193 success among school faculty and staff and; (13) developmentally appropriate child assessments from
194 pre-kindergarten through third grade, if applicable.

195 (d) Notwithstanding any general or special law to the contrary, in creating the turnaround plan
196 required in subsection (b), the superintendent may, after considering the recommendations of the group

197 of stakeholders: (1) expand, alter or replace the curriculum and program offerings of the school,
198 including the implementation of research-based early literacy programs, early interventions for
199 struggling readers and the teaching of advanced placement courses or other rigorous nationally or
200 internationally recognized courses, if the school does not already have such programs or courses; (2)
201 reallocate the uses of the existing budget of the school; (3) provide additional funds to the school from
202 the budget of the district, if the school does not already receive funding from the district at least equal to
203 the average per pupil funding received for students of the same classification and grade level in the
204 district; (4) provide funds, subject to appropriation and following consultation with applicable local
205 unions, to increase the salary of any administrator, or teacher in the school, to attract or retain highly-
206 qualified administrators, or teachers or to reward administrators, or teachers who work in
207 underperforming schools that achieve the annual goals set forth in the turnaround plan; (5) expand the
208 school day or school year or both of the school; (6) for an elementary school, add pre-kindergarten and
209 full-day kindergarten classes, if the school does not already have such classes; (7) following consultation
210 with applicable local unions, require the principal and all administrators, teachers and staff to reapply
211 for their positions in the school, with full discretion vested in the superintendent regarding his
212 consideration of and decisions on rehiring based on the reapplications. (8) limit, suspend or change 1 or
213 more provisions of any contract or collective bargaining agreement, as the contract or agreement applies
214 to the school; provided, that the superintendent shall not reduce the compensation of an administrator,
215 teacher or staff member unless the hours of the person are proportionately reduced; (9) limit, suspend or
216 change 1 or more school district policies or practices, as such policies or practices relate to the school;
217 (10) include a provision of job-embedded professional development for teachers at the school, with an
218 emphasis on strategies that involve teacher input and feedback; (11) provide for increased opportunities
219 for teacher planning time and collaboration focused on improving student instruction; (12) establish a
220 plan for professional development for administrators at the school, with an emphasis on strategies that
221 develop leadership skills and use the principles of distributive leadership; (13) establish steps to assure a
222 continuum of high-expertise teachers by aligning the following processes with a common core of

223 professional knowledge and skill: hiring, induction, teacher evaluation, professional development,
224 teacher advancement, school culture and organizational structure; (14) develop a strategy to search for
225 and study best practices in areas of demonstrated deficiency in the school; (15) establish strategies to
226 address mobility and transiency among the student population of the school; and (16) include additional
227 components based on the reasons why the school was designated as underperforming and the
228 recommendations of the group of stakeholders in subsection (b).

229 If the superintendent does not approve a reapplication submitted by an employee pursuant to
230 clause (7) for a position in the school or if an employee does not submit a reapplication for a position in
231 the school, the employee shall retain such rights as may be provided under law or any applicable
232 collective bargaining agreement in relation to the employee's ability to fill another position in the
233 district; provided, however, that the employee shall not have the right to displace any teacher with
234 professional teacher status in any other school during a school year.

235 A teacher with professional teacher status in a school declared underperforming or chronically
236 underperforming may be dismissed for good cause; provided, however, that the teacher receives 5 days
237 written notice of the decision to terminate which shall include, without limitation, an explanation of the
238 reason why the superintendent is not retaining the teacher in the school; provided, further, that the
239 teacher may seek review of a termination decision within 5 days after receiving notice of the teacher's
240 termination by filing a petition for expedited arbitration with the commissioner; provided, further, that
241 except as otherwise provided herein section 42 of chapter 71 shall apply to a petition filed pursuant to
242 this section; provided, further, that the commissioner shall cause an arbitrator to be selected pursuant to
243 the procedures in section 42 of chapter 71 within 3 days of receipt of petition and shall conduct and
244 complete a hearing within 10 days of receipt of the petition; provided, further, that in reviewing
245 dismissal decisions, the arbitrator shall consider the components of the turnaround plan and shall also
246 consider any personnel evaluations conducted that are consistent with the guidelines established pursuant

247 to section 1B; and provided, further, that the arbitrator's decision shall be issued within 10 days from the
248 completion of the hearing.

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

253 (e) Within 30 days of the local stakeholder group making recommendations under subsection
254 (b), the superintendent shall submit a turnaround plan to the local stakeholder group, the school
255 committee and the commissioner, all of whom may propose modifications to the plan. The
256 superintendent shall make such plan immediately available to the public upon the submission. The
257 stakeholder group, the school committee and the commissioner shall submit any proposed modifications
258 to the superintendent not more than 30 days after the date of submission of the turnaround plan and the
259 proposed modifications shall be made public immediately upon their submission to the superintendent.
260 The superintendent shall consider and may incorporate the modifications into the plan if the
261 superintendent determines that inclusion of the modifications would further promote the rapid academic
262 achievement of students at the school or may alter or reject the proposed modifications submitted under
263 this subsection. Within 30 days of receiving any proposed modifications under this subsection, the
264 superintendent shall issue a final turnaround plan for the school and the plan shall be made publicly
265 available.

266 (f) Within 30 days of the issuance of a final turnaround plan under subsection (e) a school
267 committee or local union may appeal to the commissioner regarding 1 or more components of the plan,
268 including the absence of 1 or more modifications proposed under subsection (e). The commissioner
269 may, in consultation with the superintendent, modify the plan if the commissioner determines that: (1)
270 such modifications would further promote the rapid academic achievement of students in the applicable

271 school; (2) a component of the plan was included, or a modification was excluded, on the basis of
272 demonstrably-false information or evidence; or (3) the superintendent failed to meet the requirements of
273 subsections (b) to (e), inclusive. The decision of the commissioner regarding an appeal under this
274 subsection shall be made within 30 days and shall be final. (g) If, after considering the recommendations
275 of the group of stakeholders, the superintendent considers it necessary to maximize the rapid academic
276 achievement of students at the applicable school by altering the compensation, hours and working
277 conditions of the administrators, teachers, principal and staff at the school or by altering other provisions
278 of a contract or collective bargaining agreement applicable to the administrators, teachers, principal and
279 staff, the superintendent may request that the school committee and any union bargain or reopen the
280 bargaining of the relevant collective bargaining agreement to facilitate such achievement. The
281 bargaining shall be conducted in good faith and completed not later than 30 days from the point at which
282 the superintendent requested that the parties bargain. The agreement shall be subject to ratification
283 within 10 business days by the bargaining unit members in the school. If the parties are unable to reach
284 an agreement within 30 days or if the agreement is not ratified within 10 business days by the bargaining
285 unit members of the school, the parties shall submit remaining unresolved issues a joint resolution
286 committee for dispute resolution process on the next business day following the end of the 30-day
287 bargaining period or failure to ratify.

288 The joint resolution committee shall be comprised of 3 members, 1 of whom shall be appointed
289 by the employee organization within 3 business days following the submission of unresolved issues to
290 the joint resolution committee, 1 of whom shall be appointed by the school committee within 3 business
291 days following the submission of unresolved issues to the joint resolution committee and 1 who shall be
292 selected through the American Arbitration Association who shall forthwith forward to the parties a list
293 of 3 conciliators, each of whom shall have professional experience in elementary and secondary
294 education, from which the parties may agree upon a single conciliator provided, however, that if the
295 parties cannot select a conciliator from among the 3 within 3 business days, the American Arbitration

296 Association shall select a conciliator from the remaining names. The joint resolution committee shall
297 conduct a dispute resolution process to be concluded within 10 business days of selection. This process
298 shall be conducted in accordance with the rules of the American Arbitration Association and consistent
299 with this section. The fee for the process shall be shared equally between the 2 parties involved.

300 The joint resolution committee shall consider the positions of the parties, the designation of the
301 school as underperforming and the needs of the students in the school. Notwithstanding any other
302 provision of this chapter, the decision of the joint resolution committee shall be dispositive of all the
303 issues in dispute and shall be submitted to the parties within 10 business days of the completion of the
304 process. Under no circumstance, shall a time extension be granted beyond 10 business days of the
305 completion of the process. If a decision is not submitted to the parties within 10 business days, the
306 commissioner will resolve all outstanding issues.

307 (h) The superintendent may select an external receiver to operate the school and implement the
308 turnaround plan or to assist the superintendent with the implementation. The superintendent may
309 appoint the receiver if the superintendant determines that conditions exist in the district that are likely to
310 negatively affect his ability to implement the plan successfully. A school committee may appeal to the
311 commissioner the decision of the superintendent to appoint an external receiver. The commissioner may
312 reverse such decision only if he determines that the superintendent made the decision on the basis of
313 demonstrably-false information or evidence. A receiver shall be a non-profit entity or an individual with
314 a demonstrated record of success in improving low-performing schools or the academic performance of
315 disadvantaged students. A receiver shall be subject to section 11A ½ of chapter 30A and chapter 66. A
316 receiver who is an individual shall also be subject to chapter 268A.

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

320 (j) Each turnaround plan shall be authorized for a period of not more than 3 years, subject to
321 subsection (k). The superintendent or external receiver, as applicable, may develop additional
322 components of the turnaround plan pursuant to subsections (b) to (g) inclusive and shall develop annual
323 goals for each component of the plan, in a manner consistent with subsections (b) to (g), inclusive. The
324 superintendent or external receiver, as applicable, shall be responsible for meeting the goals of the plan.

325 (k) Each school designated by the commissioner as underperforming under subsection (a) shall
326 be reviewed by the superintendent, in consultation with the principal of the school, at least annually.
327 The purpose of the review shall be to determine whether the school has met the annual goals in its
328 turnaround plan and to assess the overall implementation of the turnaround plan. The review shall be in
329 writing and shall be submitted to the commissioner and the relevant school committee not later than July
330 1 for the preceding school year. The review shall be submitted in a format determined by the department
331 of elementary and secondary education.

332 If the commissioner determines that the school has met the annual performance goals stated in
333 the turnaround plan, the review shall be considered sufficient and the implementation of the turnaround
334 plan shall continue. If the commissioner determines that the school has not met 1 or more goals in the
335 turnaround plan and that the failure to meet the goals may be corrected through reasonable modification
336 of the plan, the superintendent may amend the turnaround plan in a manner consistent with the
337 provisions of subsection (b) to (g) inclusive. If the commissioner determines that the school has
338 substantially failed to meet 1 or more goals in the plan, the commissioner may appoint an examiner to
339 conduct an evaluation of the school's implementation of the turnaround plan.

340 If the commissioner determines that the school has substantially failed to meet multiple goals in
341 the plan, the commissioner may require changes to the turnaround plan to be implemented by the
342 superintendent in the following year or the appointment of an external partner to advise and assist the
343 superintendent in implementing the plan the following year. If the changes to the turnaround plan

344 require changes in a collective bargaining agreement applicable to administrators, teachers or staff in the
345 school, the bargaining procedure in subsection (g) shall be used. If an underperforming school is
346 operated by an external receiver, the commissioner may require the superintendent to terminate the
347 receiver and develop a new turnaround plan; provided, however, that the superintendent shall not
348 terminate the receiver before the completion of the first full school year of the operation of the
349 underperforming school.

350 (l) Upon the expiration of a turnaround plan, the commissioner shall conduct a review of the
351 school to determine whether the school has improved sufficiently, requires further improvement or has
352 failed to improve. On the basis of such review, the commissioner may determine that: (1) the school has
353 improved sufficiently for the designation of the school as underperforming to be removed; (2) the school
354 has improved, but the school remains underperforming, in which case the superintendent may, with the
355 approval of the commissioner, renew the plan or create a new or modified plan for an additional period
356 of not more than 3 years, consistent with the requirements of subsections (a) to (g); or (3) consistent
357 with the requirements of subsection (a), the school is chronically underperforming. The commissioner
358 may recommend the appointment of an external receiver by the superintendent if the commissioner
359 believes that a new or modified turnaround plan implemented by the superintendent will not result in
360 rapid improvement. In carrying out this subsection, the superintendent shall: (1) in the case of a renewal
361 of a turnaround plan, determine subsequent annual goals for each component of the plan with the input
362 of the local stakeholder group as defined in subsection (b); or (2) create a new or modified turnaround
363 plan as necessary, consistent with the requirements of this section.

364 (m) Upon the designation of a school as a chronically underperforming school in accordance
365 with the regulations developed under this section, the commissioner shall create a turnaround plan for the
366 school under this subsection and subsections (n) to (p), inclusive.

367 Before creating the turnaround plan required in this subsection, the commissioner shall convene
368 a local stakeholder group of not more than 13 individuals for the purpose of soliciting recommendations
369 on the content of such plan in order to maximize the rapid academic achievement of students. The
370 commissioner shall provide due consideration to the recommendations of the stakeholder group. The
371 group shall include: (1) the superintendent, or a designee; (2) the chair of the school committee, or a
372 designee; (3) the president of the local teacher's union, or a designee; (4) an administrator from the
373 school, who may be the principal, chosen by the superintendent; (5) a teacher from the school chosen by
374 the faculty of the school; (6) a parent from the school chosen by the local parent organization; (7)
375 representatives of applicable state and local social service, health and child welfare agencies, chosen by
376 the commissioner; (8) as appropriate, representatives of state and local workforce development
377 agencies, chosen by the commissioner; (9) for elementary schools, a representative of an early education
378 and care provider chosen by the commissioner of the department of early education and care and, for
379 middle schools or high schools, a representative of the higher education community selected by the
380 secretary of education; and (10) a member of the community appointed by the chief executive of the city
381 or town. If the school or district does not have a parent organization or if the organization does not
382 select a parent, the commissioner shall select a volunteer parent of a student from the school. The
383 commissioner shall convene the group within 30 days of the designation of a school as chronically
384 underperforming and the group shall make its recommendations to the commissioner within 45 days of
385 its initial meeting. Meetings of the local stakeholder group shall be open to the public and the
386 recommendations submitted to the commissioner under this subsection shall be publicly available
387 immediately upon their submission.

388 (n) In creating the turnaround plan required in subsection (m), the commissioner shall include,
389 after considering the recommendations of the local stakeholder group, provisions intended to maximize
390 the rapid academic achievement of students at the school and shall, to the extent practicable, base the
391 plan on student outcome data, including, but not limited to: (1) data collected under section 11 or

392 information from a school or district review performed under section 55A of chapter 15; (2) student
393 achievement on the Massachusetts Comprehensive Assessment System; (3) other measures of student
394 achievement, approved by the commissioner, as appropriate; (4) student promotion and graduation rates;
395 (5) achievement data for different subgroups of students, including low-income students as defined by
396 chapter 70, limited English-proficient students and students receiving special education; and (6) student
397 attendance ,dismissal rates and exclusion rates.

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

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

417 In order to assess the school across multiple measures of school performance and student
418 success, the turnaround plan shall include measurable annual goals including, but not limited to, the
419 following: (1) student attendance ,dismissal rates and exclusion rates; (2) student safety and discipline;
420 (3) student promotion and graduation and dropout rates; (4) student achievement on the Massachusetts
421 Comprehensive Assessment System; (5) progress in areas of academic underperformance; (6) progress
422 among subgroups of students, including low-income students as defined by chapter 70, limited English-
423 proficient students and students receiving special education; (7) reduction of achievement gaps among
424 different groups of students; (8) student acquisition and mastery of 21st-century skills; (9) development
425 of college readiness, including at the elementary and middle school levels; (10) parent and family
426 engagement; (11) building a culture of academic success among students; (12) building a culture of
427 student support and success among school faculty and staff; and (13) developmentally appropriate child
428 assessments from pre-kindergarten through third grade, if applicable.

429 (o) Notwithstanding any general or special law to the contrary, in creating the turnaround plan
430 required in subsection (m), the commissioner may, after considering the recommendations of the group
431 of stakeholders: (1) expand, alter or replace the curriculum and program offerings of the school,
432 including the implementation of research-based early literacy programs, early interventions for
433 struggling readers and the teaching of advanced placement courses or other rigorous nationally or
434 internationally recognized courses, if the school does not already have such programs or courses; (2)
435 reallocate the uses of the existing budget of the school; (3) provide additional funds to the school from
436 the budget of the district, if the school does not already receive funding from the district at least equal to
437 the average per pupil funding received for students of the same classification and grade level in the
438 district; (4) provide funds, subject to appropriation, to increase the salary of an administrator ,or teacher
439 in the school, in order to attract or retain highly-qualified administrators or teachers or to reward
440 administrators, . or teachers who work in chronically underperforming schools that achieve the annual
441 goals set forth in the turnaround plan; (5) expand the school day or school year or both of the school; (6)

442 for an elementary school, add pre-kindergarten and full-day kindergarten classes, if the school does not
443 already have such classes; (7) limit, suspend, or change 1 or more provisions of any contract or
444 collective bargaining agreement, as the contract or agreement applies to the school; provided, however,
445 that the commissioner shall not reduce the compensation of an administrator, teacher or staff member
446 unless the hours of the person are proportionately reduced; and provided further, that the commissioner
447 may require the school committee and any applicable unions to bargain in good faith for 30 days before
448 exercising authority pursuant to this clause; (8) following consultation with applicable local unions,
449 require the principal and all administrators, teachers and staff to reapply for their positions in the school,
450 with full discretion vested in the superintendent regarding his consideration of and decisions on rehiring
451 based on the reapplications; (9) limit, suspend or change 1 or more school district policies or practices,
452 as such policies or practices relate to the school; (10) include a provision of job-embedded professional
453 development for teachers at the school, with an emphasis on strategies that involve teacher input and
454 feedback; (11) provide for increased opportunities for teacher planning time and collaboration focused
455 on improving student instruction; (12) establish a plan for professional development for administrators at
456 the school, with an emphasis on strategies that develop leadership skills and use the principles of
457 distributive leadership; (13) establish steps to assure a continuum of high expertise teachers by aligning
458 the following processes with the common core of professional knowledge and skill: hiring, induction,
459 teacher evaluation, professional development, teacher advancement, school culture and organizational
460 structure; (14) develop a strategy to search for and study best practices in areas of demonstrated
461 deficiency in the school; (15) establish strategies to address mobility and transiency among the student
462 population of the school; and (16) include additional components, at the discretion of the commissioner,
463 based on the reasons the school was designated as chronically underperforming and the
464 recommendations of the local stakeholder group in subsection (m).

465 If the commissioner does not approve a reapplication submitted by an employee pursuant to
466 clause (7) for a position in the school or if an employee does not submit a reapplication for a position in
467 the school, the employee shall retain such rights as may be provided under law or any applicable

468 collective bargaining agreement, in relation to the employee's ability to fill another position in the
469 district; provided, however, that the employee shall not have the right to displace any teacher with
470 professional teacher status in any other school during a school year.

471 A teacher with professional teacher status in a school declared underperforming or chronically
472 underperforming may be dismissed for good cause; provided, however, that the teacher receives 5 days
473 written notice of the decision to terminate which shall include without limitation an explanation of the
474 reason why the commissioner or superintendent is not retaining the teacher in the school; provided,
475 further, that the teacher may seek review of a termination decision within 5 days after receiving notice of
476 the teacher's termination by filing a petition for expedited arbitration with the commissioner; provided
477 further, that except as otherwise provided herein section 42 of chapter 71 shall apply to a petition filed
478 pursuant to this section; provided further, that the commissioner shall cause an arbitrator to be selected
479 pursuant to the procedures in section 42 of chapter 71 within 3 days of receipt of petition and shall
480 conduct and complete a hearing within 10 days of receipt of the petition; provided, further, that in
481 reviewing dismissal decisions, the arbitrator shall consider the components of the turnaround plan and
482 shall also consider any personnel evaluations conducted that are consistent with the guidelines
483 established pursuant to section 1B; and provided, further, that the arbitrator's decision shall be issued
484 within 10 days from the completion of the hearing.

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

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

492 (p) Within 30 days of the local stakeholder group making recommendations under subsection
493 (m), the commissioner shall submit a turnaround plan to the local stakeholder group, the superintendent
494 and the school committee, all of whom may propose modifications to the plan. The commissioner shall
495 make the plan immediately available to the public upon submission. The stakeholder group, the
496 superintendent and the school committee shall submit any proposed modifications to the commissioner
497 within 30 days after the date of submission of the turnaround plan and the proposed modifications shall
498 be made public immediately upon their submission to the commissioner. The commissioner shall
499 consider and incorporate the modifications into the plan if the commissioner determines that inclusion of
500 the modifications would further promote the rapid academic achievement of students at the applicable
501 school. The commissioner may alter or reject modifications submitted pursuant to this subsection.
502 Within 30 days of receiving any proposed modifications, the commissioner shall issue a final turnaround
503 plan for the school and the plan shall be made publicly available.

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

513 (r) In the case of a chronically underperforming school, the commissioner may, under the
514 circumstances described in this subsection, send a targeted assistance team to the school to assist the
515 superintendent with the implementation of the turnaround plan, require the superintendent to implement
516 the turnaround plan, or select an external receiver to operate the school and implement the turnaround

517 plan. The commissioner may appoint such receiver if the commissioner determines that: (1) the
518 superintendent is unlikely to implement the plan successfully; or (2) conditions exist in the district that
519 are likely to negatively affect the ability of the superintendent to implement such plan successfully. A
520 receiver shall be a non-profit entity or an individual with a demonstrated record of success in improving
521 low performing schools or the academic performance of disadvantaged students. A receiver shall be
522 subject to section 11A½ of chapter 30A and chapter 66. A receiver who is an individual shall also be
523 subject to chapter 268A.

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

527 (s) An external receiver selected by the commissioner to operate a chronically underperforming
528 school shall have full managerial and operational control over the school as provided in the turnaround
529 plan. For all other purposes, the school district in which the school is located shall remain the employer
530 of record.

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

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

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

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

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

556 (w) Upon the expiration of a turnaround plan for a chronically underperforming school, the
557 commissioner shall conduct a review of the school to determine whether the school has improved
558 sufficiently, requires further improvement or has failed to improve. On the basis of such review, the
559 commissioner may: (1) on the basis of a superintendent's or external receiver's success in meeting the
560 terms of the plan, renew the plan with the superintendent or external receiver for an additional period of
561 not more than 3 years; (2) if a school that is operated by a superintendent and remains chronically
562 underperforming, appoint an external receiver, as defined in subsection (r), to operate the school; (3) if a
563 chronically underperforming school that is operated by an external receiver and remains chronically

564 underperforming, transfer the operation of the school from the receiver to the applicable superintendent
565 or to another external receiver; or (4) determine that the school has improved sufficiently for the
566 designation of chronically underperforming to be removed. The commissioner shall: (1) in the case of a
567 renewal of an turnaround plan, jointly determine subsequent annual goals for each component of the plan
568 with the superintendent or external receiver, as applicable; or (2) create a new or modified turnaround
569 plan as necessary, consistent with the requirements of this section.

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

587 (y)The board of elementary and secondary education shall adopt regulations regarding: (1) the
588 conditions under which an underperforming or chronically underperforming school shall no longer be

589 designated as an underperforming or chronically underperforming school; and (2) the transfer of the
590 operation of an underperforming or a chronically underperforming school from a superintendent or an
591 external receiver, as applicable, to the school committee. The regulations shall include provisions to
592 allow a school to retain measures adopted in an turnaround plan for a transitional period if, in the
593 judgment of the commissioner, the measures would contribute to the continued improvement of the
594 school. Such regulations shall also include provisions that clearly identify the conditions under which
595 such a transitional period shall end and the powers granted to the commissioner and board under this
596 section shall cease to apply to a district previously designated as chronically underperforming.

597 (z) The commissioner shall report annually to the joint committee on education, the house and
598 senate committees on ways and means, the speaker of the house of representatives and the senate
599 president on the implementation and fiscal impact of this section and section 1K. The report shall
600 include, but not be limited to, a list of all schools currently designated as underperforming or chronically
601 underperforming, a list of all districts currently designated as chronically underperforming, the plans and
602 timetable for returning the schools and districts to the local school committee and strategies used in each
603 of the schools and districts to maximize the rapid academic achievement of students.

604 Section 1K. (a) A district shall be deemed eligible for designation as chronically
605 underperforming upon a determination by the board of elementary and secondary education, pursuant to
606 regulations adopted by the board, that a school district, other than a single school district, has scored in
607 the lowest 10 per cent statewide when compared to other districts of the same grade levels based on a
608 single measure developed by the department that takes into account student achievement data collected
609 pursuant to 1I, and, beginning on July 1, 2011, improvement over time in student academic achievement.
610 Following such determination, the commissioner shall appoint a district review team pursuant to section
611 55A of chapter 15 to assess and report on the reasons for the underperformance and the prospects for
612 improvement, unless such an assessment has been completed by a district review team within the
613 previous year that the commissioner considers adequate. The district review team shall include at least 1

614 person with expertise in the academic achievement of limited English-proficient students. Upon review
615 of the findings of the district review team, the board may declare the district chronically
616 underperforming.

617 Following such a declaration, the board shall designate a receiver for the district with all the
618 powers of the superintendent and school committee. The receiver shall be a non-profit entity or an
619 individual with a demonstrated record of success in improving low-performing schools or districts or the
620 academic performance of disadvantaged students who shall report directly to the commissioner. An
621 external receiver designated by the board to operate a district under this subsection shall have full
622 managerial and operational control over such district; provided, however, that the school district shall
623 remain the employer of record for all other purposes. A receiver shall be subject to section 11A ½ of
624 chapter 30A and chapter 66. A receiver who is an individual shall also be subject to chapter 268A.

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

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

633 (b) The commissioner and the receiver shall jointly create an turnaround plan to promote the
634 rapid improvement of the chronically underperforming district. The plan shall specifically focus on the
635 school or schools in the district that have been designated as chronically underperforming under section
636 1J and the district policies or practices that have contributed to chronic underperformance.

637 Before creating the turnaround plan required in this subsection, the commissioner and receiver
638 shall convene a local stakeholder group of not more than 13 individuals for the purpose of soliciting
639 recommendations on the content of such plan in order to maximize the rapid improvement of the
640 academic achievement of students. The commissioner shall provide due consideration to the
641 recommendations of the local stakeholder group. The group shall include: (1) the superintendent, or a
642 designee; (2) the chair of the school committee, or a designee; (3) the president of the local teacher's
643 union, or a designee; (4) a selection of administrators from the district, chosen by the commissioner
644 from among volunteers from the district; (5) a selection of teachers from the district, chosen by the local
645 teacher's union; (6) a selection of parents from the district chosen by the local parent organization; (7)
646 representatives of applicable state and local social service, health, and child welfare agencies chosen by
647 the commissioner; (8) as appropriate, representatives of state and local workforce development agencies
648 chosen by the commissioner; (9) a representative of an early education and care provider chosen by the
649 commissioner of the department of early education and care, or for middle or high schools, a
650 representative of the higher education community selected by the secretary of education; and (10) a
651 member of the community appointed by the chief executive of the city or town. If the district does not
652 have a parent organization or if the organization does not select a parent, the commissioner shall select a
653 volunteer parent of a student from the district. The commissioner and receiver shall convene the group
654 within 30 days of the board designating a district as chronically underperforming and the group shall
655 make its recommendations to the commissioner and receiver within 45 days of its initial meetings.
656 Meetings of the local stakeholder group shall be open to the public and the recommendations submitted
657 to the commissioner and receiver shall be publicly available immediately upon their submission.

658 (c) In creating the turnaround plan, the commissioner and receiver shall include measures
659 intended to maximize the rapid improvement of the academic achievement of students in the district and
660 shall, to the extent practicable, base the plan on student outcome data, including, but not limited to: (1)
661 data collected pursuant to section II, or information from a school or district review performed under

662 section 55A of chapter 15; (2) student achievement on the Massachusetts Comprehensive Assessment
663 System; (3) other measures of student achievement, approved by the commissioner,; (4) student
664 promotion and graduation rates; (5) achievement data for different subgroups of students, including low-
665 income students as defined in chapter 70, limited English-proficient students and students receiving
666 special education; and (6) student attendance, dismissal rates and exclusion rates. In creating the
667 turnaround plan required in subsection (b), the commissioner and receiver shall include, after
668 considering the recommendations of the local stakeholder group, the following: (1) steps to address
669 social service and health needs of students in the district and their families in order to help students
670 arrive and remain at school ready to learn; provided, however, that this may include mental health and
671 substance abuse screening; (2) steps to improve or expand child welfare services and, as appropriate, law
672 enforcement services in the school district community, in order to promote a safe and secure learning
673 environment; (3) as applicable, steps to improve workforce development services provided to students in
674 the district and their families in order to provide students and families with meaningful employment
675 skills and opportunities; (4) steps to address achievement gaps for limited English-proficient, special
676 education and low-income students, as applicable; (5) alternative English language learning programs for
677 limited-English proficient students, notwithstanding chapter 71A; and (6) a budget for the district
678 including any additional funds to be provided by the commonwealth, federal government or other
679 sources.

680 The secretaries of health and human services, public safety, labor and workforce development
681 and other applicable state and local social service, health and child welfare officials shall coordinate with
682 the secretary of education and the commissioner regarding the implementation of strategies pursuant to
683 clauses (1) to (3), inclusive, of this subsection that are included in an turnaround plan and shall, subject
684 to appropriation, reasonably support the implementation consistent with the requirements of state and
685 federal law applicable to the relevant programs that each such official is responsible for administering.

686 In order to assess the district across multiple measures of district performance and student
687 success, the turnaround plan shall include measurable annual goals including, but not limited to, the
688 following: (1) student attendance , dismissal rates and exclusion rates; (2) student safety and discipline;
689 (3) student promotion and graduation and dropout rates; (4) student achievement on the Massachusetts
690 Comprehensive Assessment System; (5) progress in areas of academic underperformance; (6) progress
691 among subgroups of students, including low-income students as defined by chapter 70, limited English-
692 proficient students and students receiving special education; (7) reduction of achievement gaps among
693 different groups of students; (8) student acquisition and mastery of 21st-century skills; (9) development
694 of college readiness, including at the elementary and middle school levels; (10) parent and family
695 engagement; (11) building a culture of academic success among students; (12) building a culture of
696 student support and success among faculty and staff; and (13) developmentally appropriate child
697 assessments from pre-kindergarten through third grade, if applicable.

698 (d) Notwithstanding any general or special law to the contrary, in creating the turnaround plan
699 under subsection (b), the commissioner and the receiver may, after considering the recommendations of
700 the group of stakeholders: (1) expand, alter or replace the curriculum and program offerings of the
701 district or of a school in the district, including the implementation of research-based early literacy
702 programs, early interventions for struggling readers and the teaching of advanced placement courses or
703 other rigorous nationally or internationally recognized courses, if the district or schools in the district do
704 not already have such programs or courses; (2) reallocate the uses of the existing budget of the district;
705 (3) provide funds, subject to appropriation, to increase the salary of an administrator, or teacher in the
706 district working in an underperforming or chronically underperforming school, in order to attract or
707 retain highly-qualified administrators, or teachers or to reward administrators or teachers who work in
708 chronically underperforming districts that achieve the annual goals set forth in the turnaround plan; (4)
709 expand the school day or school year or both of schools in the district; (5) limit, suspend or change 1 or
710 more provisions of any contract or collective bargaining agreement in the district, including the adoption

711 of model provisions identified by the commissioner from among existing contracts or collective
712 bargaining agreements in the commonwealth; provided, however, that the commissioner shall not reduce
713 the compensation of an administrator, teacher or staff member unless the hours of the person are
714 proportionately reduced; (6) add pre-kindergarten and full-day kindergarten classes, if the district does
715 not already have the classes; (7) following consultation with applicable local unions, require the
716 principal and all administrators, teachers and staff to reapply for their positions in the district, with full
717 discretion vested in the receiver regarding any such reapplications. turnaround plan; (8) limit, suspend or
718 change 1 or more school district policies or practices, as such policies or practices relate to the
719 underperforming schools in the district; (9) include a provision of job-embedded professional
720 development for teachers in the district, with an emphasis on strategies that involve teacher input and
721 feedback; (10) provide for increased opportunities for teacher planning time and collaboration focused
722 on improving student instruction; (11) establish a plan for professional development for administrators in
723 the district, with an emphasis on strategies that develop leadership skills and use the principles of
724 distributive leadership; (12) establish steps to assure a continuum of high expertise teachers by aligning
725 the following processes with the common core of professional knowledge and skill: hiring, induction,
726 teacher evaluation, professional development, teacher advancement, school culture and organizational
727 structure; (13) develop a strategy to search for and study best practices in areas of demonstrated
728 deficiency in the district; (14) establish strategies to address mobility and transiency among the student
729 population of the district; and (15) include additional components, at the discretion of the commissioner
730 and the receiver, based on the reasons the district was designated as chronically underperforming and
731 based on the recommendations of the local stakeholder group in subsection (b).

732 If the commissioner does not approve a reapplication submitted by an employee pursuant to
733 clause (7) for a position in a school or if an employee does not submit a reapplication for a position in a
734 school, the employee shall retain such rights as may be provided under law or any applicable collective
735 bargaining agreement in relation to the employee's ability to fill another position in the district;

736 provided, however, that the employee shall not have the right to displace any teacher with professional
737 teacher status in any other school during a school year.

738 A teacher with professional teacher status in a school declared underperforming or chronically
739 underperforming may be dismissed for good cause; provided, however, that the teacher receives 5 days
740 written notice of the decision to terminate which shall include without limitation an explanation of the
741 reason why the commissioner/superintendent is not retaining the teacher in the school; provided, further,
742 that the teacher may seek review of a termination decision within 5 days after receiving notice of the
743 teacher's termination by filing a petition for expedited arbitration with the commissioner; provided,
744 further, that except as otherwise provided herein section 42 of chapter 71 shall apply to a petition filed
745 pursuant to this section; provided further, that the commissioner shall cause an arbitrator to be selected
746 pursuant to the procedures in section 42 of chapter 71 within 3 days of receipt of petition and shall
747 conduct and complete a hearing within 10 days of receipt of the petition; provided further, that in
748 reviewing dismissal decisions, the arbitrator shall consider the components of the turnaround plan and
749 shall also consider any personnel evaluations conducted that are consistent with the guidelines
750 established pursuant to section 1B; and provided, further, that the arbitrator's decision shall be issued
751 within 10 days from the completion of the hearing.

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

756 (e) if, after considering the recommendations of the group of stakeholders, pursuant to
757 subsection (d) the commissioner considers it necessary to maximize the rapid academic achievement of
758 students at an underperforming or chronically underperforming school by altering the compensation,
759 hours and working conditions of the administrators, teachers, principals and staff at the school or by

760 altering other provisions of a contract or collective bargaining agreement applicable to the
761 administrators, teachers, principals and staff, the commissioner may request that the school committee
762 and any union bargain or reopen the bargaining of the relevant collective bargaining agreements to
763 facilitate such achievement. The bargaining shall be conducted in good faith and completed not later
764 than 30 days from the point at which the commissioner requested that the parties bargain. The
765 agreement shall be subject to ratification within 10 business days by the bargaining unit members in the
766 school. If the parties are unable to reach an agreement within 30 days or if the agreement is not ratified
767 within 10 business days by the bargaining unit members of the school, the parties shall submit remaining
768 unresolved issues to a joint resolution committee for dispute resolution process on the next business day
769 following the end of the 30 day bargaining period or failure to ratify.

770 The joint resolution committee shall be comprised of 3 members, 1 of whom shall be appointed
771 by the employee organization within 3 business days following the submission of unresolved issues to
772 the joint resolution committee, 1 of whom shall be appointed by the school committee within 3 business
773 days following the submission of unresolved issues to the joint resolution committee and 1 who shall be
774 selected through the American Arbitration Association who shall forthwith forward to the parties a list
775 of three conciliators, each of whom shall have professional experience in elementary and secondary
776 education, from which the parties may agree upon a single conciliator; provided, however, that if the
777 parties cannot select a conciliator from among the 3 within 3 business days, the American Arbitration
778 Association shall select a conciliator from the remaining names. The joint resolution committee shall
779 conduct a dispute resolution process to be concluded within 10 business days of selection. This process
780 shall be conducted in accordance with the rules of the American Arbitration Association and consistent
781 with this section; provided however, that all members of the joint resolution committee must agree to
782 any resolution. The fee for the process shall be shared equally between the 2 parties involved.

783 The joint resolution committee shall consider the positions of the parties, the designation of the
784 school as underperforming or chronically underperforming, the designation of the district as chronically
785 underperforming, and the needs of the students in the school. Notwithstanding any other provision of

786 this chapter, the unanimous decision of the joint resolution committee shall be dispositive of all the
787 issues in dispute and shall be submitted to the parties within 10 business days of the close of the hearing.
788 Under no circumstance, shall a time extension be granted beyond 10 business days of the close of the
789 hearing. In the event that a unanimous decision is not submitted to the parties within 10 business days,
790 the commissioner will resolve all outstanding issues.

791 (f) The turnaround plan shall be authorized for a period of not more than 3 years, subject to
792 subsection (g). The commissioner and receiver may jointly develop additional components of the plan
793 and shall jointly develop annual goals for each component of the plan in a manner consistent with the
794 provisions of subsection (d). The receiver shall be responsible for meeting the goals of the turnaround
795 plan.

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

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

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

808 If the commissioner determines that the receiver has not met 1 or more goals in the plan and the
809 failure to meet the goals may be corrected through reasonable modification of the plan, the commissioner

810 may amend the turnaround plan, as necessary. After assessing the implementation of the turnaround plan
811 in the district, the commissioner may amend the plan if the commissioner determines that the
812 amendment is necessary in view of subsequent changes in the district that affect 1 or more components
813 of the plan, including, but not limited to, changes to contracts, collective bargaining agreements, or
814 school district policies, in manner consistent with the provisions of subsection (d). If the commissioner
815 determines that the receiver has substantially failed to meet multiple goals in the turnaround plan, the
816 commissioner may terminate such receiver; provided, however, that the termination shall not occur
817 before the completion of the first full school year of the receivership of the district.

818 (i) After the period of receivership, there shall be a reevaluation of a district's status under this
819 section. The board of elementary and secondary education shall adopt regulations providing for: (1) the
820 removal of a designation of a district as chronically underperforming; and (2) the transfer of the
821 operation of a chronically underperforming district from an external receiver to the superintendent and
822 school committee, based on the improvement of the district. The regulations shall include provisions to
823 allow a district to retain measures adopted in a turnaround plan for a transitional period if, in the
824 judgment of the commissioner, the measures would contribute to the continued improvement of the
825 district. Such regulations shall also include provisions that clearly identify the conditions under which
826 such a transitional period shall end and the powers granted to the commissioner and board under this
827 section shall cease to apply to a district previously designated as chronically underperforming. At any
828 time after a chronically underperforming district has been placed in receivership, the school committee
829 of the district may petition the commissioner for a determination as to whether the turnaround plan
830 adopted under subsection (b) should be modified or eliminated and whether the school district shall no
831 longer be designated as chronically underperforming. The decision of the commissioner shall be based
832 on regulations adopted by the board. A school committee may seek review by the board of elementary
833 and secondary education of an adverse determination.

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

839 (k) If a municipality has failed to fulfill its fiscal responsibilities pursuant to chapter 70, the
840 commissioner may declare the school district as chronically underperforming, subject to the approval of
841 the board. The municipality's mayor or chairman of the board of selectmen shall have the opportunity to
842 present evidence to the board. A vote by the board that a school district is chronically underperforming
843 for fiscal reasons shall authorize the commissioner to petition the commissioner of revenue to require an
844 increase in funds for the school district, alleging that the amount necessary in the municipality for the
845 support of public schools has not been included in the annual budget appropriations. The commissioner
846 of revenue shall determine the amount of any deficiency pursuant to the sums required pursuant to
847 chapter 70, if any, and issue an order compelling the municipality to provide a sum of money equal to
848 such deficiency. If the municipality does not provide a sum of money equal to such deficiency, the
849 commissioner of revenue, pursuant to section 23 of chapter 59, shall not approve the tax rate of the
850 municipality for the fiscal year until the deficiency is alleviated. Nothing in this subsection shall be
851 construed as creating a cause of action for educational malpractice by students or their parents, guardians
852 or persons acting as parents.

853 If the district is designated as chronically underperforming pursuant to this subsection, the
854 provisions of this subsection shall supersede those in subsections (a) to (j), inclusive.

855 SECTION 4. Subsection (b) of section 15 of chapter 70B of the General Laws, as so appearing,
856 is hereby amended by adding the following paragraph:-

857 Before the sale or lease of an assisted structure or facility or a portion of that structure or facility,
858 the school district in control of the structure or facility shall submit to the authority a district-wide school
859 facility use plan that shall include, but not be limited to, a listing of all school facilities under the control
860 of the school district, a detailed description of both the current use and proposed use of each school
861 facility, the most recent enrollment data, by school facility, then available to the school district, a
862 detailed floor plan of each school facility that shows and labels each space in the facility and whether it
863 is used as a classroom or has some other use and any other information that may be required by the
864 authority to understand the district's school facility use plan. If the plan includes the closure, sale or
865 lease of a school facility or any part of a school facility, the authority may conduct, with the full
866 cooperation of the district, an analysis of district-wide enrollment capacity and future enrollment trends
867 for the district. If the capacity analysis and enrollment projection indicate an extended period of
868 significant excess capacity within the district's educational facilities, the district may, prior to
869 consideration of any other disposition of the identified excess capacity, make a good faith offer to sell or
870 lease at fair market value the identified excess capacity to a commonwealth charter school established
871 pursuant to section 89 of chapter 71 or an applicant for a commonwealth charter school pursuant to said
872 section 89 of said chapter 71 that serves or is seeking to serve students who live in the school district.
873 The authority shall not recapture commonwealth and authority assistance for any such excess capacity
874 that is sold or leased to a commonwealth charter school or applicant for a commonwealth charter school.

875 SECTION 5. Section 2 of chapter 71 of the General Laws, as so appearing, is hereby amended
876 by inserting after the word "government", in line 4, the following words:- and a program relating to the
877 flag of the United States of America, including, but not limited to, proper etiquette, the correct use and
878 display of the flag ,the importance of participation in the electoral process and the provisions of 36
879 U.S.C. 170 to 177, inclusive.

880 SECTION 6. Section 61 of said chapter 71, as so appearing, is hereby amended by adding the
881 following paragraph:-

882 A town may terminate its participation in a union by a majority vote of the school committee of the
883 town; provided, however, that said termination shall only be for the purpose of forming an innovation
884 school pursuant to section 92 or establishing different school governance structures. Termination shall be
885 independent of any pending votes regarding dissolution of the union or pending votes by another town
886 regarding its participation.

887 SECTION 7. Said chapter 71 is hereby further amended by striking out section 89, as so
888 appearing, and inserting in place thereof the following section:-

889 Section 89. (a) As used in this section the following words shall, unless the context clearly
890 requires otherwise, have the following meanings:-

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

892 “Charter school”, commonwealth charter schools and Horace Mann charter schools unless
893 specifically stated otherwise.

894 “Commissioner”, the commissioner of elementary and secondary education.

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

896 “District”, or “school district”, the school department of a city, town, regional school district, or
897 county agricultural school.

898 “Superintendent”, the superintendent of the district.

899 (b) The purposes of establishing charter schools are: (i) to stimulate the development of
900 innovative programs within public education; (ii) to provide opportunities for innovative learning and
901 assessments; (iii) to provide parents and students with greater options in selecting schools within and
902 outside their school districts; (iv) to provide teachers with a vehicle for establishing schools with
903 alternative, innovative methods of educational instruction and school structure and management; (v) to

904 encourage performance-based educational programs; (vi) to hold teachers and school administrators
905 accountable for students' educational outcomes; and (vii) to provide models for replication in other
906 public schools.

907 (c) A commonwealth charter school shall be a public school, operated under a charter granted by
908 the board, which operates independently of a school committee and is managed by a board of trustees.
909 The board of trustees of a commonwealth charter school, upon receiving a charter from the board, shall
910 be deemed to be public agents authorized by the commonwealth to supervise and control the charter
911 school.

912 A Horace Mann charter school shall be a public school or part of a public school operated under
913 a charter approved by the school committee and the local collective bargaining unit in the district in
914 which the school is located; provided that all charters shall be granted by the board of elementary and
915 secondary education. A Horace Mann charter school shall have a memorandum of understanding with
916 the school committee of the district in which the charter school is located which, at a minimum, defines
917 the services and facilities to be provided by the district to the charter school and states the funding of the
918 charter school by the district. A Horace Mann charter school established as a conversion of an existing
919 public school shall not require approval of the local collective bargaining unit, but shall require a
920 memorandum of understanding agreement regarding any waivers to applicable collective bargaining
921 agreements; provided further, that the memorandum of understanding shall be approved by a majority of
922 the school faculty; provided further, that Horace Mann charter schools that are conversion of existing
923 public schools shall not be subject to clause (1) of subsection (i). A vote by the school faculty shall be
924 held and finalized within 30 days of submission of the charter school application to the board of
925 elementary and secondary education. A Horace Mann charter school shall be operated and managed by a
926 board of trustees independent of the school committee which approved the school. The board of trustees
927 may include a member of the school committee.

928 (d) Persons or entities eligible to submit an application to establish a charter school shall
929 include, but not be limited to: (i) a non-profit business or corporate entity; (ii) 2 or more certified
930 teachers; or (iii) 10 or more parents; provided, however, that for profit business or corporate entities shall
931 be prohibited from applying for a charter. The application may be filed in conjunction with a college,
932 university, museum or other similar non-profit entity. Private and parochial schools shall not be eligible
933 for charter school status. The board may authorize a single board of trustees to manage more than 1
934 charter school; provided, however, that each school is issued its own charter. The commissioner shall
935 provide technical assistance to public school districts to assist in the development of proposals for
936 Horace Mann charter schools.

937 (e) The board shall establish the information needed in an application for the approval of a
938 charter school; provided that the application shall include, but not be limited to, a description of: (i) the
939 mission, purpose, innovation and specialized focus of the proposed charter school; (ii) the innovative
940 methods to be used in the charter school and how they differ from the district or districts from which the
941 charter school is expected to enroll students; (iii) the organization of the school by ages of students or
942 grades to be taught, an estimate of the total enrollment of the school and the district or districts from
943 which the school will enroll students; (iv) the method for admission to the charter school; (v) the
944 educational program, instructional methodology and services to be offered to students, including
945 research on how the proposed program may improve the academic performance of the subgroups listed
946 in the recruitment and retention plan; (vi) the school's capacity to address the particular needs of limited
947 English-proficient students, if applicable, to learn English and learn content matter, including the
948 employment of staff that meets the criteria established by the department; (vii) how the school shall
949 involve parents as partners in the education of their children; (viii) the school governance and bylaws;
950 (ix) a proposed arrangement or contract with an organization that shall manage or operate the school,
951 including any proposed or agreed upon payments to such organization; (x) the financial plan for the
952 operation of the school; (xi) the provision of school facilities and pupil transportation; (xii) the number

953 and qualifications of teachers and administrators to be employed; (xiii) procedures for evaluation and
954 professional development for teachers and administrators; (xiv) a statement of equal educational
955 opportunity which shall state that charter schools shall be open to all students, on a space available basis,
956 and shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual
957 orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in
958 the English language or academic achievement; (xv) a student recruitment and retention plan, including
959 deliberate, specific strategies the school will use to ensure the provision of equal educational opportunity
960 as stated in clause (xiv) and to attract, enroll and retain a student population that, when compared to
961 students in similar grades in schools from which the charter school is expected to enroll students,
962 contains a comparable academic and demographic profile; and (xvi) plans for disseminating successes
963 and innovations of the charter school to other non-charter public schools.

964 (f) The student recruitment and retention plan required under clause (xv) of subsection (e) shall
965 include, but not be limited to, a detailed description of deliberate, specific strategies the school will use
966 to maximize the number of students who successfully complete all school requirements and prevent
967 students from dropping out. The student recruitment and retention plan shall be updated annually and
968 shall include annual goals for: (i) recruitment activities; (ii) student retention activities; and (iii) student
969 retention.

970 (g) To ensure that a commonwealth charter school shall fulfill its obligations under its
971 recruitment and retention plan, the school district or districts from which the commonwealth charter
972 school is expected to enroll students shall annually provide, at the request of a commonwealth charter
973 school, to a third party mail house authorized by the department, the addresses for all students in the
974 district eligible to enroll in the school, unless a student's parent or guardian requests that the district
975 withhold that student's information; provided, however, that the department may require the charter
976 school to send the mailing in the most prevalent languages of the district or districts that the charter
977 school is authorized to serve.

978 At the request of a school district from which a commonwealth charter school enrolls students,
979 the charter school shall provide to a third party mail house the addresses for all students currently
980 enrolled in the commonwealth charter school from the district; provided, however, that the information
981 shall not be provided if a student's parent or guardian requests that the school withhold that student's
982 information. Each district shall be permitted to supply a mailing to the third party mail house and pay
983 for it to be copied and mailed to families of students from said district enrolled in the commonwealth
984 charter school.

985 (h) An application submitted for the establishment of a commonwealth charter school shall: (i)
986 be submitted to the board for approval under this section; and (ii) be filed with the local school
987 committee for each school district from which the charter school is expected to enroll students. Before
988 final approval to establish a commonwealth charter school, the board shall hold a public hearing on the
989 application in the school district in which the proposed charter school is to be located and solicit and
990 review comments on the application from the local school committee of each school district from which
991 the charter school is expected to enroll students and any contiguous districts. At least 1 member of the
992 board shall attend the public hearing. A comprehensive written summary of all materials prepared by the
993 department or its administrative subdivisions, which evaluates or recommends approval or disapproval
994 of a charter application must be delivered to the members of the board, the applicant, in support of, or in
995 opposition to, the school submitted not later than 3 days before any board vote on the charter application.

996 All material in support of, or in opposition to, the school submitted to the department or the
997 board shall be made available to the applicant and affected school districts before a vote by the board on
998 a commonwealth charter school application.

999 (i) (1) Not more than 120 charter schools shall be allowed to operate in the commonwealth at
1000 any time, excluding those approved pursuant to paragraph (3); provided, however, that of the 120 charter
1001 schools, not more than 48 shall be Horace Mann charter schools; provided, however, notwithstanding

1002 subsection (c) the 14 new Horace Mann charter schools shall not be subject to the requirement of an
1003 agreement with the local collective bargaining unit prior to board approval; provided, further, that after
1004 the charter for these 14 new Horace Mann charter schools have been granted by the board, the schools
1005 shall develop a memorandum of understanding with the school committee and the local union regarding
1006 any waivers to applicable collective bargaining agreements; provided, further, that if an agreement is not
1007 reached on the memorandum of understanding at least 30 days before the scheduled opening of the
1008 school, the charter school shall operate under the terms of its charter until an agreement is reached;
1009 provided, further, that not less 4 of the new Horace Mann charter schools shall be located in a
1010 municipality with more than 500,000 residents; and not more than 72 shall be commonwealth charter
1011 schools. The board shall not approve a new commonwealth charter school in any community with a
1012 population of less than 30,000 as determined by the most recent United States Census estimate, unless it
1013 is a regional charter school.

1014 Applications to establish a charter school shall be submitted to the board annually by November
1015 15. The board shall review the applications and grant new charters in February of the following year.

1016 (2) In any fiscal year, no public school district's total charter school tuition payment to commonwealth
1017 charter schools shall exceed 9 per cent of the district's net school spending; provided, however, that a
1018 public school district's total charter tuition payment to commonwealth charter schools shall not exceed
1019 18 per cent of the district's net school spending if the school district qualifies under paragraph (3). The
1020 commonwealth shall incur charter school tuition payments for siblings attending commonwealth charter
1021 schools to the extent that their attendance would otherwise cause the school district's charter school
1022 tuition payments to exceed 9 per cent of the school district's net school spending or 18 per cent for those
1023 districts that qualify under said paragraph (3).

1024 Not less than 2 of the new commonwealth charters approved by the board in any year shall be
1025 granted for charter schools located in districts where overall student performance on the statewide

1026 assessment system approved by the board under section 1I of chapter 69 is in the lowest 10 per cent
1027 statewide in the 2 years preceding the charter application.

1028 In any fiscal year, the board shall approve only 1 regional charter school application of any
1029 commonwealth charter school located in a school district where overall student performance on the
1030 statewide assessment system is in the top 10 per cent in the year preceding charter application. The board
1031 may give priority to applicants that have demonstrated broad community support, an innovative
1032 educational plan, a demonstrated commitment to assisting the district in which it is located in bringing
1033 about educational change and a record of operating at least 1 school or similar program that demonstrates
1034 academic success and organizational viability and serves student populations similar to those the
1035 proposed school seeks to serve.

1036 (3) In any fiscal year, if the board determines based on student performance data collected
1037 pursuant to section 1I, said district is in the lowest 10 per cent of all statewide student performance
1038 scores released in the 2 consecutive school years before the date the charter school application is
1039 submitted, the school district's total charter school tuition payment to commonwealth charter schools
1040 may exceed 9 per cent of the district's net school spending but shall not exceed 18 per cent. For a district
1041 qualifying under this paragraph whose charter school tuition payments exceed 9 per cent of the school
1042 district's net school spending, the board shall only approve an application for the establishment of a
1043 commonwealth charter school if an applicant, or a provider with which an applicant proposes to contract,
1044 has a record of operating at least 1 school or similar program that demonstrates academic success and
1045 organizational viability and serves student populations similar to those the proposed school seeks to
1046 serve, from the following categories of students, those: (i) eligible for free lunch; (ii) eligible for reduced
1047 price lunch; (iii) that require special education; (iv) limited English-proficient of similar language
1048 proficiency level as measured by the Massachusetts English Proficiency Assessment examination; (v)
1049 sub-proficient, which shall mean students who have scored in the "needs improvement", "warning" or
1050 "failing" categories on the mathematics or English language arts exams of the Massachusetts

1051 Comprehensive Assessment System for 2 of the past 3 years or as defined by the department using a
1052 similar measurement; (vi) who are designated as at risk of dropping out of school based on predictors
1053 determined by the department; (vii) who have dropped out of school; or (viii) other at-risk students who
1054 should be targeted to eliminate achievement gaps among different groups of students. For a district
1055 approaching its net school spending cap, the board shall give preference to applications from providers
1056 building networks of schools in more than 1 municipality.

1057 The recruitment and retention plan of charter schools approved under this paragraph shall, in
1058 addition to the requirements under subsections (e) and (f), include, but not limited to: (i) a detailed
1059 description of deliberate, specific strategies the charter school shall use to attract, enroll and retain a
1060 student population that, when compared to students in similar grades in schools from which the charter
1061 school shall enroll students, contains a comparable or greater percentage of special education students or
1062 students who are limited English-proficient of similar language proficiency as measured by the
1063 Massachusetts English Proficiency Assessment examination and 2 or more of the following categories:
1064 students eligible for free lunch; (ii) students eligible for reduced price lunch; students who are sub-
1065 proficient, those students who have scored in the "needs improvement", "warning" or "failing"
1066 categories on the mathematics or English language arts exams of the Massachusetts Comprehensive
1067 Assessment System for 2 of the past 3 years or as defined by the department using a similar
1068 measurement; (iii) students who are determined to be at risk of dropping out of school based on
1069 predictors determined by the department; (iv) students who have dropped out of school; or (v) other at-
1070 risk students who should be targeted in order to eliminate achievement gaps among different groups of
1071 students. A charter school approved under this section shall supply a mailing in the most prevalent
1072 languages of the district the charter is authorized to serve to a third party mail house and pay for it to be
1073 copied and mailed to eligible students. If a school is or shall be located in a district with 10 per cent or
1074 more of limited English-proficient students, the recruitment strategies shall include a variety of outreach

1075 efforts in the most prevalent languages of the district. The recruitment and retention plan shall be
1076 updated each year to account for changes in both district and charter school enrollment.

1077 If a district is no longer in the lowest 10 per cent, the net school spending cap shall be 9 per cent,
1078 unless the district net school spending was above 9 per cent in the year prior to moving out of the lowest
1079 10 per cent in which case the net school spending cap shall remain at the higher level plus enrollment
1080 previous approved by the board. The department shall determine and make available to the public a list
1081 of the school districts in said lowest 10 per cent.

1082 (j) The board shall make the final determination on granting charter school status and may
1083 condition charters on the applicant's taking certain actions or maintaining certain conditions. The board
1084 shall establish criteria for the approval of a charter application and recommendations to the board shall
1085 be based upon and reference those criteria.

1086 If a final application is deemed inadequate by the department, the department may provide
1087 feedback to the applicant and invite it to submit a stronger application subsequently. Once a final
1088 application has been filed, only minor, non-substantive amendments shall be allowed. The department
1089 shall maintain a written detailed summary of interviews it conducts with final charter applicants and
1090 include that summary with the final application materials that are provided to the board, local school
1091 officials and the public.

1092 (k) A charter school established under a charter granted by the board shall be a body politic and
1093 corporate with all powers necessary or desirable for carrying out its charter program, including, but not
1094 limited to, the power to:

1095 (1) adopt a name and corporate seal; provided that any name selected must include the words
1096 "charter school";

1097 (2) sue and be sued, but only to the same extent and upon the same conditions that a
1098 municipality can be sued;

1099 (3) acquire real property, from public or private sources, by lease, lease with an option to
1100 purchase or by gift, for use as a school facility; provided, however, in the case of a Horace Mann charter
1101 school, the approval of the local school committee shall be obtained before acquisition of any such real
1102 property owned or controlled by the body;

1103 (4) receive and disburse funds for school purposes;

1104 (5) make contracts and leases for the procurement of services, equipment and supplies; provided,
1105 however, that if the charter school intends to procure substantially all educational services under contract
1106 with another person, the terms of such a contract must be approved by the board either as part of the
1107 original charter or by way of an amendment thereto; provided, further that the board shall not approve
1108 any such contract terms, the purpose or effect of which is to avoid the prohibition of this section against
1109 charter school status for private and parochial schools;

1110 (6) incur temporary debt in anticipation of receipt of funds; provided that a Horace Mann school
1111 shall obtain the approval of the local school committee and appropriate local appropriating authorities
1112 and officials relative to any proposed lien or encumbrance upon public school property or relative to any
1113 financial obligation for which the local school district shall become legally obligated; and provided
1114 further, that notwithstanding any general or special law to the contrary, the terms of repayment of any
1115 charter school's debt shall not exceed the duration of the school's charter without the approval of the
1116 board;

1117 (7) solicit and accept grants or gifts for school purposes; and

1118 (8) have such other powers available to a business corporation formed under chapter 156B that
1119 are not inconsistent with this chapter.

1120 (l) Charter schools shall not charge a public school for the use or replication of a part of their
1121 curriculum subject to the prescriptions of a contract between the charter schools and any third party
1122 providers.

1123 (m) Charter schools shall be open to all students, on a space available basis, and shall not
1124 discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental
1125 or physical disability, age, ancestry, athletic performance, special need, or proficiency in the English
1126 language or a foreign language or academic achievement. Charter schools may limit enrollment to
1127 specific grade levels and may structure curriculum around particular areas of focus such as mathematics,
1128 science or the arts. There shall be no application fee for admission to a charter school. There shall be no
1129 tuition charge for students attending charter schools.

1130 (n) Preference for enrollment in a commonwealth charter school shall be given to students who
1131 reside in the city or town in which the charter school is located. Priority for enrollment in a Horace Mann
1132 charter school shall be given first to students actually enrolled in the school on the date that the
1133 application is filed with the board and to their siblings; second to other students actually enrolled in the
1134 public schools of the district where the Horace Mann charter school is to be located; and third to other
1135 resident students.

1136 If the total number of students who are eligible to attend and apply to a charter school and who
1137 reside in the city or town in which the charter school is located or are siblings of students already
1138 attending said charter school, is greater than the number of spaces available, an admissions lottery,
1139 including all eligible students applying, shall be held to fill all of the spaces in that school from among
1140 the students. If there are more spaces available than eligible applicants from the city or town in which
1141 the charter school is located and who are siblings of current students and more eligible applicants than
1142 spaces left available, a lottery shall be held to determine which of the applicants shall be admitted;
1143 provided, however, that a lottery conducted for Horace Mann charter schools shall reflect the enrollment

1144 priorities of this section. Notwithstanding this subsection, upon application by the board of trustees of a
1145 charter school or by the persons or entities seeking to establish a charter school, the board may amend or
1146 grant a charter designating such school a regional charter school; provided, however, that such regional
1147 charter school shall be exempt from the local preference provision of this paragraph; provided further,
1148 that such regional charter school shall continue to grant a preference of siblings of currently enrolled
1149 students; and provided further, that if the number of applicants remaining is greater than the number of
1150 spaces available, such regional charter school shall conduct a single lottery to determine which
1151 applicants shall be admitted.

1152 In any instance where a charter school approved after January 1, 2011 enrolls more than 20 per
1153 cent of its total enrollment from school districts not included in its original charter pursuant to subsection
1154 (h) for 2 consecutive years, the charter school shall submit an application to the board for an amendment
1155 to its charter that reflects its actual enrollment patterns; provided further that upon renewal of a charter
1156 school approved prior to January 1, 2011, the board shall establish a timeline of not less than 5 years for
1157 the charter to comply with this requirement.

1158 Nothing in this section shall be construed to require a charter school to unenroll any student
1159 currently in attendance at the time this act takes effect.

1160 When a student stops attending a charter school for any reason, the charter school shall fill the
1161 vacancy with the next available student on the waitlist for the grade in which the vacancy occurs and
1162 shall continue through the waitlist until a student fills the vacant seat. If there is no waitlist, a charter
1163 school shall publicize an open seat to the students of the sending district or districts and make attempts to
1164 fill said vacant seat. Charter schools shall attempt to fill vacant seats up to February 15, provided,
1165 however, that charter schools may but are not required to fill vacant after February 15. If a vacancy
1166 occurs after February 15, such vacancy shall remain with the grade cohort and shall be filled in the
1167 following September if it has not previously been filled. A vacancy occurring after February 15 shall not

1168 be filled by adding a student to a lower grade level. Charter schools shall attempt to fill vacant seats up
1169 to February 15, excluding seats in the last half of the grades offered by the charter school, and grades 10,
1170 11 and 12. Within 30 days of a vacancy being filled, the charter school shall send the name of the
1171 student filling such vacancy to the department for the purposes of the department updating its waitlist.

1172 The names of students who entered the lottery but did not gain admission shall be maintained on
1173 a waitlist, which shall be forwarded to the department not later than June 1 in the year in which the
1174 lottery is held. In addition to the names of students, the school shall supply to the department each
1175 student's home address, telephone number, grade level and other information the department deems
1176 necessary. The department shall maintain a consolidated waitlist for each municipality in order to
1177 determine the number of individual students in each municipality seeking admission to charter schools.

1178 (o) Each charter school shall annually, not later than April 1, notify each public school district in writing
1179 of the number and grade levels of students who will be attending the charter school from that district the
1180 following September as well as the number of new students who will be transferring from that district to
1181 the charter school in the following September. Tuition for charter school students shall only be paid for
1182 the number of students for whom notification has been reported by April 1. Tuition for charter school
1183 students shall be paid only for students actually enrolled in the school.

1184 (p) A student may withdraw from a charter school at any time and enroll in another public school where
1185 the student resides.

1186 A student may be expelled from a charter school based on criteria determined by the board of
1187 trustees, and approved by the board, with the advice of the principal and teachers; provided, however,
1188 that charter school policies shall be consistent with sections 37H and 37H½.

1189 (q) A charter school may be located in part of an existing public school building, in space
1190 provided on a private work site, in a public building or any other suitable location; provided, however,
1191 that no school building assistance funds authorized under chapter 70B shall be awarded to a

1192 commonwealth charter school for the purpose of constructing, reconstructing or improving a
1193 commonwealth charter school.

1194 (r) The school committee of each district where a Horace Mann charter school is located shall
1195 develop a plan to disseminate innovative practices of the charter school to other public schools within
1196 the district subject to the provisions of any contract between the Horace Mann charter school and any
1197 third party provider.

1198 The commissioner shall facilitate the dissemination of successful innovation programs of charter
1199 schools and provide technical assistance for other school districts to replicate such programs. Each
1200 charter school shall collaborate with its sending district on the sharing of innovative practices.

1201 (s) A charter school shall operate in accordance with its charter and the provisions of law
1202 regulating other public schools; provided, however, that sections 41 and 42 shall not apply to employees
1203 of commonwealth charter schools. Charter schools shall comply with the chapters 71A and 71B;
1204 provided, however, that the fiscal responsibility of a special needs student currently enrolled in or
1205 determined to require a private day or residential school shall remain with the school district where the
1206 student resides. If a charter school expects that a special needs student currently enrolled in the charter
1207 school may be in need of the services of a private day or residential school, it shall convene an individual
1208 education plan team meeting for the student. Notice of the team meeting shall be provided to the special
1209 education department of the school district in which the child resides at least 5 days in advance.
1210 Personnel from the school district in which the child resides shall be allowed to participate in the team
1211 meeting concerning future placement of the child.

1212 (t) Horace Mann charter schools shall be exempt from local collective bargaining agreements to
1213 the extent provided by the terms of its charter; provided, however, that employees of the Horace Mann
1214 charter school shall continue to be members of the local collective bargaining unit and shall accrue
1215 seniority and shall receive, at a minimum, the salary and benefits established in the contract of the local

1216 collective bargaining unit where the Horace Mann charter school is located. Employees of Horace Mann
1217 charter schools shall be exempt from all union and school committee work rules to the extent provided
1218 by the school's charter. Employees in Horace Mann charter schools shall be required to work the full
1219 work day and work year to the extent provided by the terms of the school's charter.

1220 (u) Notwithstanding this section or any other general or special law to the contrary, for the
1221 purposes of chapter 268A: (i) a charter school shall be deemed to be a state agency; and (ii) the
1222 appointing official of a member of the board of trustees of a charter school shall be deemed to be the
1223 commissioner. Members of boards of trustees of charter schools operating under the this section shall
1224 file a disclosure annually with the state ethics commission, the department and the city or town clerk
1225 wherein such charter school is located. The disclosure is in addition to the requirements of said chapter
1226 268A and a member of a board of trustees must also comply with the disclosure and other requirements
1227 of said chapter 268A. The form of the disclosure shall be prescribed by the ethics commission and shall
1228 be signed under penalty of perjury. Such form shall be limited to a statement in which members of the
1229 board of trustees shall disclose any financial interest that they or a member of their immediate families,
1230 as defined in section 1 of said chapter 268A, have in any charter school located in the commonwealth or
1231 in another state or with a person doing business with a charter school.

1232 Each member of a board of trustees of a charter school shall file such disclosure for the
1233 preceding calendar year with the commission within 30 days of becoming a member of the board of
1234 trustees, by September 1 of each year thereafter that the person is a member of the board and by
1235 September 1 of the year after the person ceases to be a member of the board; provided, however, that no
1236 member of a board of trustees shall be required to file a disclosure for the year in which he ceases to be a
1237 member of the board if he served less than 30 days in that year.

1238 (v) Students in charter schools shall be required to meet the same performance standards, testing
1239 and portfolio requirements set by the board for students in other public schools.

1240 (w) The board of trustees, in consultation with the teachers, shall determine the school's
1241 curriculum and develop the school's annual budget. The board of trustees of each Horace Mann charter
1242 school shall annually submit to the superintendent and school committee of the district in which the
1243 school is located a budget request for the following fiscal year. The school committee shall act on the
1244 budget request in conjunction with its actions on the district's overall budget. Each Horace Mann charter
1245 school shall receive in response to the budget request not less than it would have under the district's
1246 budgetary allocation rules. The board of trustees may appeal any disproportionate budgetary allocation to
1247 the commissioner, who shall determine an equitable funding level for the school and shall require the
1248 school committee to provide the funding.

1249 Following the appropriation of the district's operating budget for the fiscal year, the amount
1250 approved by the local appropriating authority for the operation of each Horace Mann charter school shall
1251 be available for expenditure by the board of trustees of the school for any lawful purpose without further
1252 approval by the superintendent or the school committee. A Horace Mann charter school shall not expend
1253 or incur obligations in excess of its budget request; provided, however, that a Horace Mann charter
1254 school may spend federal and state grants and other funds received independent of the school district not
1255 accounted for in the charter school's budget request without prior approval from the superintendent or the
1256 school committee.

1257 (x) Upon approval of a Horace Mann charter school by the board, the superintendent where the
1258 Horace Mann charter school is to be located shall reassign, to the extent provided by the terms of its
1259 charter, any faculty member who wishes to be reassigned to another school located within the district.

1260 (y) Employees of charter schools shall be considered public employees for purposes of tort
1261 liability under chapter 258 and for collective bargaining purposes under chapter 150E. The board of
1262 trustees shall be considered the public employer for purposes of tort liability under said chapter 258 and
1263 for collective bargaining purposes under said chapter 150E; provided, however, that in the case of a

1264 Horace Mann charter school, the school committee of the school district in which the Horace Mann
1265 charter school is located shall remain the employer for collective bargaining purposes under said chapter
1266 150E. Teachers employed by a charter school shall be subject to the state teacher retirement system
1267 under chapter 32 and service in a charter school shall be creditable service within the meaning thereof.

1268 A charter school shall recognize an employee organization designated by the authorization cards
1269 of 50 per cent of its employees in the appropriate bargaining unit as the exclusive representative of all
1270 the employees in such unit for the purpose of collective bargaining.

1271 (z) Each local school district shall be required to grant a leave of absence to any teacher in the
1272 public schools system requesting such leave to teach in a commonwealth charter school. A teacher may
1273 request a leave of absence for up to 2 years.

1274 At the end of the second year, the teacher may either return to his former teaching position or, if
1275 he chooses to continue teaching at the commonwealth charter school, resign from his school district
1276 position.

1277 (aa) Notwithstanding section 59C, the internal form of governance of a charter school shall be
1278 determined by the school's charter.

1279 (bb) A charter school shall comply with all applicable state and federal health and safety laws
1280 and regulations.

1281 (cc) The students who reside in the school district in which the charter school is located shall be
1282 provided transportation to the charter school by the resident district's school committee on similar terms
1283 and conditions as transportation is provided to students attending local district schools if the
1284 transportation is requested by the charter school. In providing the transportation, the school committee
1285 shall accommodate the particular school day and school year of the charter school; provided, however,
1286 that in the event that a school committee limits transportation for district school students, the school

1287 district shall not be required to provide transportation to any commonwealth charter school beyond the
1288 limitations. A charter school and the sending district shall meet to plan bus routes and charter school
1289 starting and ending times in order to assist the district with cost effective means of transportation.
1290 Schools operating under a charter granted after January 1, 1997, and all charter schools operating during
1291 fiscal year 1999 and thereafter, shall not receive funds for transportation above the amount actually
1292 required by such charter school for the provision of transportation services to eligible students. If the
1293 sending district provides an alternative method of transportation for students enrolled in the sending
1294 district's public schools, it shall not be assessed for transportation costs which exceed the per pupil cost
1295 of said alternative. Costs for transportation shall be included only if transportation is provided for
1296 students in the same program and grade level as those in the charter school. Students who do not reside
1297 in the district in which the charter school is located shall be eligible for transportation in accordance with
1298 section 12B of chapter 76. A regional charter school as designated by the board, and whose charter
1299 provides for transportation of all students from charter municipalities shall also be reimbursed by the
1300 commonwealth under section 16C of chapter 71 for transportation provided to pupils residing outside the
1301 municipality where the charter school is located, but no reimbursement for transportation between the
1302 charter school and home shall be made on account of any pupil who resides less than 1.5 miles from the
1303 charter school, measured by a commonly traveled route. If a charter school provides its own
1304 transportation, the school shall coordinate and collaborate with the sending district to provide cost
1305 effective means of transportation. All such transportation shall be determined in advance of the approval
1306 of the district's final budget for a fiscal year; provided, however, that a commonwealth charter school
1307 shall be required to determine such transportation in the first year of its operation as soon as practicable.

1308 (dd) A charter granted by the board shall be for 5 years. The board shall develop procedures and
1309 guidelines for revocation and renewal of a school's charter; provided, however, that a charter for a
1310 Horace Mann charter school shall not be renewed by the board without a majority vote of the school
1311 committee and local collective bargaining unit in the district where said charter school is located;

1312 provided, however, that a commonwealth charter shall not be renewed unless the board of trustees of the
1313 charter school has documented in a manner approved by the board that said commonwealth charter
1314 school has provided models for replication and best practices to the commissioner and to other public
1315 schools in the district where the charter school is located.

1316 When deciding on charter renewal, the board shall consider progress made in student academic
1317 achievement, whether the school has met its obligations and commitments under the charter, the extent
1318 to which the school has followed its recruitment and retention plan by using deliberate, specific
1319 strategies towards recruiting and retaining the categories of students enumerated in paragraph (3) of
1320 subsection (i) and the extent to which the school has enhanced its plan as necessary. The board may
1321 impose conditions on the charter school upon renewal if it fails to adhere to and enhance its recruitment
1322 and retention plan as required. When deciding on charter renewal, the board shall take into account the
1323 annual attrition of students. The board shall also consider innovations that have been successfully
1324 implemented by the charter school and the evidence that supports the effectiveness of these practices.
1325 Upon renewal of its charter, a school shall update and enhance its recruitment and retention plan as
1326 necessary to account for changes in enrollment.

1327 (ee) The board may revoke a school's charter if the school has not fulfilled any conditions
1328 imposed by the board in connection with the grant of the charter or the school has violated any provision
1329 of its charter. The board may place conditions on a charter or may place a charter school on a
1330 probationary status to allow the implementation of a remedial plan after which, if said plan is
1331 unsuccessful, the charter may be summarily revoked.

1332 (ff) Commonwealth charter schools shall be funded as follows: the commonwealth shall pay a
1333 tuition amount to the charter school, which shall be the sum of the tuition amounts calculated separately
1334 for each district sending students to the charter school. Tuition amounts for each sending district shall be
1335 calculated by the department using the formula set forth herein, to reflect, as much as practicable, the

1336 actual per pupil spending amount that would be expended in the district if the students attended the
1337 district schools. The tuition amount shall be calculated separately for each district sending students to a
1338 charter school, and for each charter school to which a district sends students. Each district's per pupil
1339 tuition amount for each charter school to which it sends students shall include a per pupil foundation
1340 budget component, adjusted to reflect the actual net school spending in the sending district.

1341 In calculating the per pupil foundation budget component, the department shall calculate a
1342 foundation budget for the students from each sending district attending the charter school in the previous
1343 fiscal year, pursuant to the provisions of section 2 of chapter 70; provided, that the department shall not
1344 include in said calculation the assumed tuitioned-out special education enrollment, nor any amounts
1345 generated by said assumed enrollment, as defined by said section 2. The per pupil foundation budget
1346 component shall be the district's foundation budget for the charter school, as so calculated, divided by
1347 the number of students attending the charter school from the sending district in the previous fiscal year.
1348 The per pupil foundation budget component shall be calculated separately for each charter school to
1349 which a district sends students. The foundation budget for a charter school shall be the sum of the
1350 foundation budgets for the charter school for each district sending students to the charter school.

1351 In adjusting the per pupil foundation budget component, the department shall calculate for each
1352 sending district an above foundation spending percentage, which shall be the percentage by which the
1353 district's actual net school spending exceeds the foundation budget for the district, as calculated pursuant
1354 to the provisions of chapter 70. The department shall further calculate the percentage of actual net school
1355 spending reported by the sending district associated with tuition costs for tuitioned-out special education
1356 students, including education that occurs in educational collaboratives, and with spending on health care
1357 costs for retired employees, for any district for which such costs are included in net school spending, and
1358 shall reduce the district's above foundation spending percentage proportionately. The per pupil
1359 foundation budget component for each charter school to which the sending district sends students shall
1360 be increased by said adjusted above foundation spending percentage.

1361 The total tuition amount owed by a sending district to a charter school shall be the per pupil
1362 tuition amount as defined above, multiplied by the total number of students attending the charter school
1363 from that district in the current fiscal year. The sending district's total charter school tuition amount for
1364 purposes of the following paragraphs shall be the sum of the district's tuition amounts for each charter
1365 school to which the district sends students, calculated using the provisions of this section. The receiving
1366 charter school's total charter school tuition amount shall be the sum of the tuition amounts calculated for
1367 the charter school for each district sending students to the charter school.

1368 If a charter school student previously attended a private or parochial school or was home
1369 schooled, the commonwealth shall assume the first year cost for that student and shall not reduce the
1370 sending district's chapter 70 aid for that student's tuition in that fiscal year.

1371 The state treasurer is hereby authorized and directed to deduct a district's total charter school
1372 tuition amount, as calculated herein, from the total state school aid, as defined in section 2 of said
1373 chapter 70, of the district in which the student resides prior to the distribution of said aid. In the case of a
1374 child residing in a municipality which belongs to a regional school district, the charter school tuition
1375 amount shall be deducted from said chapter 70 education aid of the school district appropriate to the
1376 grade level of the child. If, in a single district, the total of all such deductions exceeds the total of said
1377 education aid, this excess amount shall be deducted from other aid appropriated to the city or town. If, in
1378 a single district, the total of all such deductions exceeds the total state aid appropriated, the
1379 commonwealth shall appropriate this excess amount; provided, however, that if said district has
1380 exempted itself from the provisions of said chapter 70 by accepting section 14 of said chapter 70, the
1381 commonwealth shall assess said district for said excess amount.

1382 The state treasurer is hereby further authorized and directed to disburse to the charter school an
1383 amount equal to the charter school's total charter school tuition amount as defined above.

1384 If more than 1 charter school is managed by a single network or board of trustees, funding shall
1385 not be transferred among individual schools within the network unless such schools are located in the
1386 same school district.

1387 The department shall, subject to appropriation, provide funding to charter schools for a portion
1388 of the per pupil capital needs component included in the charter tuition amount and shall reimburse the
1389 sending school districts for said costs. In fiscal year 2011 and thereafter, such funding shall not be less
1390 than the per pupil amount provided in fiscal year 2010.

1391 (gg) Any district whose total charter school tuition amount is greater than its total charter school
1392 tuition amount for the previous year shall be reimbursed by the commonwealth in accordance with this
1393 paragraph and subject to appropriation; provided, however, that no funds for said reimbursements shall
1394 be deducted from funds distributed pursuant to chapter 70. The reimbursement amount shall be equal to
1395 100 per cent of the increase in the year in which the increase occurs and 25 per cent in the second, third,
1396 fourth, fifth and sixth years following.

1397 (hh) If the unencumbered amount of cumulative surplus revenue from tuition held by a charter
1398 school at the end of a fiscal year, less (i) the amount of the fourth quarter tuition payment, (ii) the amount
1399 held in reserve for the purchase or renovation of an academic facility pursuant to a capital plan, and (iii)
1400 any reserve funds held as security for bank loans, exceeds 20 per cent of its operating budget and its
1401 budgeted capital costs for the succeeding fiscal year as is reported in a capital plan to be submitted in the
1402 school's most recent annual report, the amount in excess of said 20 per cent shall be returned by the
1403 charter school to the sending district or districts and the state in proportion to their share of tuition paid
1404 during the fiscal year. At the end of each fiscal year, the commissioner shall certify the amounts
1405 described above and the amount, if any, by which it exceeds 20 per cent of the school's operating budget
1406 and its budgeted capital costs for the succeeding fiscal year, and shall report such amount to the school
1407 committee of the sending district or districts and the applicable board of selectmen or city council by

1408 December 1 of each year. A charter school shall annually make any payment required by this subsection
1409 no later than December 31.

1410 (ii) No teacher shall be hired by a commonwealth charter school who is not certified pursuant to
1411 section 38G unless the teacher has successfully passed the state teacher test as required in said section
1412 38G.

1413 (jj) Each charter school shall submit an annual report, no later than August 1, to the board, the
1414 local school committee, each parent or guardian of its enrolled students and each parent or guardian
1415 contemplating enrollment in that charter school. The annual report shall be in such form as may be
1416 prescribed by the board and shall include, but not be limited to: (i) discussion of progress made toward
1417 the achievement of the goals set forth in the charter; and (ii) a financial statement setting forth by
1418 appropriate categories the revenue and expenditures for the year just ended and a balance sheet setting
1419 forth the charter school's assets, liabilities and fund balances or equities.

1420 The department shall promulgate regulations creating a reporting requirement for a charter
1421 school's net asset balance at the end of the fiscal year; provided, however, that said regulations shall
1422 require, without limitation, the following: the revenue and expenditures for the year just ended with a
1423 specific accounting of the uses of public and private dollars; how the capital needs component of the
1424 charter school's tuition was spent; compensation and benefits for teachers, staff, administrators,
1425 executives, and board of trustees; the amount of any and all funds transferred to a management company;
1426 the sources of any surplus funds, specifically whether they are private or public; how any surplus funds
1427 were used in the previous fiscal year; and the planned use of any surplus funds in the upcoming fiscal
1428 year on in future fiscal years.

1429 Each charter school shall keep an accurate account of all its activities and all its receipts and
1430 expenditures and shall annually cause an independent audit to be made of its accounts. Such audit shall
1431 be filed annually on or before January 1 with the department and the state auditor and shall be in a form

1432 prescribed by the state auditor. The state auditor may investigate the budget and finances of charter
1433 schools and their financial dealings, transactions and relationships, and shall have the power to examine
1434 the records of charter schools and to prescribe methods of accounting and the rendering of periodic
1435 reports.

1436 (kk) The commissioner shall collect data on the racial, ethnic and socio-economic make-up of
1437 the student enrollment of each charter school in the commonwealth. The commissioner shall also collect
1438 data on the number of students enrolled in each charter school who have individual education plans
1439 pursuant to chapter 71B and those requiring English language learners programs under chapter 71A. The
1440 commissioner shall file said data annually with the clerks of the house and senate and the joint
1441 committee on education not later than December 1.

1442 (ll) Individuals or groups may complain to a charter school's board of trustees concerning any
1443 claimed violations of the provisions of this section by the school. If, after presenting their complaint to
1444 the trustees, the individuals or groups believe their complaint has not been adequately addressed, they
1445 may submit their complaint to the board which shall investigate such complaint and make a formal
1446 response.

1447 (mm) The board shall promulgate regulations for implementation and enforcement of this
1448 section.

1449 SECTION 8. Said chapter 71 is hereby further amended by adding the following section:-

1450 Section 92. (a) An Innovation School shall be a public school, operating within a public school
1451 district, that is established for the purpose of improving school performance and student achievement
1452 through increased autonomy and flexibility. An Innovation School may be established as a new public
1453 school or as a conversion of an existing public school. A student who is enrolled in a school at the time
1454 it is established as an Innovation School shall retain the ability to remain enrolled in the school if the
1455 student chooses to do so.

1456 (b) An Innovation School may establish an advisory board of trustees. An Innovation School
1457 shall have increased autonomy and flexibility in 1 or more of the following areas: (i) curriculum; (ii)
1458 budget; (iii) school schedule and calendar; (iv) staffing policies and procedures, including waivers from
1459 or modifications to, contracts or collective bargaining agreements; (v) school district policies and
1460 procedures; and (vi) professional development. An Innovation School shall receive each school year
1461 from the school committee the same per pupil allocation as any other district school receives. An
1462 Innovation School may retain any unused funds and use the funds in subsequent school years. An
1463 Innovation School may establish a non-profit organization that may, among other things, assist the
1464 school with fundraising. A district shall not reduce its funding to an Innovation School as a result of the
1465 school's fundraising activities.

1466 (c) An Innovation School established under this section shall be authorized by the local school
1467 committee and shall operate according to an innovation plan, which shall articulate the areas of
1468 autonomy and flexibility under subsection (b). To the extent practicable, the innovation plan shall be
1469 based on student outcome data, including, but not limited to: (i) student achievement on the
1470 Massachusetts Comprehensive Assessment System; (ii) other measures of student achievement,
1471 approved by the commissioner, as appropriate; (iii) student promotion, graduation rates and dropout
1472 rates; (iv) achievement data for different subgroups of students, including low-income students as
1473 defined by chapter 70, limited English-proficient students and students receiving special education; and
1474 (v) student attendance, dismissal rates and exclusion rates.

1475 An Innovation School shall operate in accordance with the law regulating other public schools,
1476 except as the law conflicts with this section or any innovation plans created thereunder.

1477 (d) An Innovation School is a school in which: (i) faculty and leadership are primarily
1478 responsible for developing the innovation plan under which the school operates and leadership is
1479 responsible for meeting the terms of the innovation plan; or (ii) an external partner is primarily

1480 responsible for developing the innovation plan under which the school operates and the external partner
1481 is responsible for meeting the terms of the innovation plan.

1482 (e) Nothing in this section shall be construed to prohibit: (i) the establishment of an Innovation
1483 School as an academy within an existing public school; (ii) the establishment of an Innovation School
1484 serving students from 2 or more school districts; provided, however, that all of the provisions of this
1485 section are met by each school district; (iii) the simultaneous establishment of 2 or more Innovation
1486 Schools as an Innovation Schools Zone within a school district; or (iv) the establishment of an
1487 Innovation School as a virtual public school that provides instruction to students through distance
1488 learning, including online learning programs and courses, subject to regulations adopted by the board of
1489 elementary and secondary education.

1490 (f) The following shall be eligible applicants for the purposes of establishing an Innovation
1491 School: (i) parents; (ii) teachers; (iii) parent-teacher organizations; (iv) principals; (v) superintendents;
1492 (vi) school committees; (vii) teacher unions; (viii) colleges and universities; (ix) non-profit community-
1493 based organizations; (x) non-profit business or corporate entities; (xi) non-profit charter school
1494 operators; (xii) non-profit education management organizations; (xii) educational collaboratives; (xiv)
1495 consortia of these groups; and (xv) non-profit entities authorized by the commissioner. Private and
1496 parochial schools shall not be eligible to operate an Innovation School.

1497 (g) The local school committee, local teacher's union and superintendent of the district shall
1498 follow a process, consistent with this subsection and subsections (h) to (o), inclusive, for which an
1499 existing district school may be converted to an Innovation School or by which a new Innovation School
1500 may be established within the district. This process shall require that an eligible applicant proposing to
1501 establish an Innovation School prepare a prospectus regarding the proposed school. The prospectus shall
1502 include, but not be limited to, a description of: (i) whether the school will be a new school or a
1503 conversion of an existing school; (ii) if the school is a new school, the proposed location of the school;

1504 (iii) if the school is a conversion of an existing school, the school that is being proposed for conversion;
1505 (iv) the external partners, if any, that will be involved in the school; (v) the number of students the
1506 school is anticipated to serve and the number of staff expected to be employed at the school; (vi) the
1507 overall vision for the school, including improving school performance and student achievement; (vii)
1508 specific needs or challenges the school shall be designed to address; (viii) a preliminary assessment of
1509 the autonomy and flexibility under subsection (b) that the school will seek; (ix) why such flexibility is
1510 desirable to carry out the objectives of the school; (x) anticipated components of the school's innovation
1511 plan; (xi) a preliminary description of the process that shall be used to involve appropriate stakeholders
1512 in the development of the innovation plan; and (xii) a proposed timetable for development and
1513 establishment of the proposed school.

1514 (h) Upon completion of the prospectus under subsection (g), an eligible applicant shall submit
1515 the prospectus to the superintendent, who shall within 30 days convene a screening committee consisting
1516 of the superintendent or a designee, a school committee member or a designee selected by the school
1517 committee and a representative from the leadership of the local teacher's union.

1518 The screening committee shall review the prospectus for the purpose of determining whether the
1519 prospectus: (i) presents a sound and coherent plan for improving school performance and student
1520 achievement; (ii) supports or enhances existing educational efforts in the district; and (iii) reasonably can
1521 be expanded into a comprehensive innovation plan. In the case of a new school, the committee will
1522 prepare an impact statement describing how the new school will affect the children and faculty in the
1523 district. Within 30 days of receiving a prospectus, the screening committee shall decide, on the basis of
1524 a two-thirds vote, to accept or reject the prospectus, or return the prospectus to the eligible applicant for
1525 revisions. If a prospectus is rejected or returned, the screening committee shall submit a detailed
1526 explanation for the decision to the applicant. A prospectus that is rejected or returned may be revised
1527 and resubmitted for subsequent consideration.

1528 (i) Upon the acceptance of a prospectus by the screening committee under subsection (h), the
1529 applicant shall form an innovation plan committee of not more than 11 individuals within 30 days. The
1530 purpose of the innovation plan committee shall be to: (i) develop the innovation plan described in
1531 subsection (c); (ii) assure that appropriate stakeholders are represented in the development of the
1532 proposed Innovation School; and (iii) provide meaningful opportunities for the stakeholders to contribute
1533 to the development of such school. The size and composition of the innovation plan committee shall be
1534 determined by the applicant; provided, however, that the committee shall include: (i) the applicant; (ii)
1535 the superintendent or a designee; (iii) a school committee member or a designee; (iv) a parent who has 1
1536 or more children enrolled in the school, or in the case of a new school, from the district; (v) a principal
1537 employed by the district; and (vi) 2 teachers employed by the district. The applicant shall select the
1538 parent from among nominees submitted by parent-teacher organizations in the district. If the district
1539 does not contain a parent-teacher organization or if the organization does not submit nominees, the
1540 applicant shall select the parent from among volunteers in the area or community the proposed school is
1541 expected to serve. The applicant shall select the principal and 1 teacher from among volunteers in the
1542 district and 1 teacher from among nominees submitted by the local teacher's union.

1543 (j) Upon the formation of the innovation plan committee in subsection (i), the committee shall
1544 develop the innovation plan for the proposed Innovation School. The purpose of the innovation plan
1545 shall be to comprehensively articulate the areas of autonomy and flexibility under subsection (b) that the
1546 proposed school will use. The innovation plan shall include, but not be limited to: (i) a curriculum plan,
1547 which shall include a detailed description of the curriculum and related programs for the proposed school
1548 and how the curriculum is expected to improve school performance and student achievement; (ii) a
1549 budget plan, which shall include a detailed description of how funds shall be used differently in the
1550 proposed school to support school performance and student achievement; (iii) a school schedule plan,
1551 which shall include a detailed description of the ways, if any, the program or calendar of the proposed
1552 school will be enhanced or expanded; (iv) a staffing plan, which shall include a detailed description of

1553 how the school principal, administrators, faculty and staff will be recruited, employed, evaluated and
1554 compensated in the proposed school and any proposed waivers or modifications of collective bargaining
1555 agreements; (v) a policy and procedures plan, which shall include a detailed description of the unique
1556 operational policies and procedures to be used by the proposed school and how the procedures shall
1557 support school performance and student achievement; and (vi) a professional development plan, which
1558 shall include a detailed description of how the school may provide high-quality professional
1559 development to its administrators, teachers and staff.

1560 In order to assess the proposed school across multiple measures of school performance and
1561 student success, the innovation plan shall include measurable annual goals including, but not limited to,
1562 the following: (i) student attendance; (ii) student safety and discipline; (iii) student promotion and
1563 graduation and dropout rates; (iv) student achievement on the Massachusetts Comprehensive Assessment
1564 System; (v) progress in areas of academic underperformance; and (vi) progress among subgroups of
1565 students, including low-income students as defined by chapter 70, limited English-proficient students
1566 and students receiving special education; (7) reduction of achievement gaps among different groups of
1567 students.

1568 A majority vote of the innovation plan committee shall be required for approval of the
1569 innovation plan.

1570 (k) The provisions of the collective bargaining agreements applicable to the administrators,
1571 teachers and staff in the school shall be considered to be in operation at an Innovation School, except to
1572 the extent the provisions are waived or modified under the innovation plan and such waivers or
1573 modifications are approved under subsections (l) and (m).

1574 (l) In the case of a school conversion, upon completion of the innovation plan in subsection (j), ,
1575 the applicant shall submit the innovation plan to teachers in the school that is proposed for conversion
1576 for approval by secret ballot within 30 days. A two-thirds vote of the teachers shall be required to

1577 approve the plan. Upon approval of an innovation plan by the applicable union members the plan shall,
1578 within 7 days, be submitted to the schoolcommittee. If a two-thirds vote is not achieved, the innovation
1579 plan committee may revise the innovation plan as necessary and submit the revised plan to the teachers
1580 for a subsequent vote.

1581 In the case of a new school, upon the completion of the innovation plan in subsection (j), the
1582 applicant, a local union and the superintendent shall negotiate waivers or modifications to the applicable
1583 collective bargaining agreement necessary for the school to implement the innovation plan. Upon the
1584 conclusion of the negotiations, the innovation plan shall be submitted immediately to the school
1585 committee. If the negotiations have not resulted in an agreement within 40 days, either party may
1586 petition the division of labor relations for the selection of an arbitrator. The division shall select an
1587 arbitrator within 3 days of the petition from a list submitted by the parties. The arbitrator shall conduct a
1588 hearing within 14 days of the arbitrator's selection. The arbitrator shall consider the parties' positions
1589 and the needs of the students in the district. The arbitrator's decision shall be consistent with the
1590 contents of the innovation plan developed by the applicant. The arbitrator shall, within 14 days of the
1591 close of the hearing, submit a decision which shall be final and binding on the parties.

1592 (m) Upon receipt of an innovation plan regarding an Innovation School, a school committee
1593 shall hold at least 1 public hearing on the innovation plan. After the public hearing, but not later than 60
1594 days after the receipt of the innovation plan, the school committee shall, on the basis of the quality of the
1595 plan and in consideration of comments submitted by the public, undertake a final vote to authorize the
1596 Innovation School for a period of not more than 5 years, subject to subsection (n). Approval of the
1597 majority of the school committee as fully constituted shall be required to authorize an Innovation School.
1598 If the approval is not obtained, an innovation plan committee may revise the innovation plan and: (i) in
1599 the case of a new school, submit the revised plan to the school committee for a subsequent vote; or (ii)
1600 in the case of a conversion, submit the revised plan to the teachers in the school that is proposed for
1601 conversion for a vote, pursuant to subsection (l); provided, however, that the plan meets the requirements

1602 for approval under subsection (l), submit the revised plan to the school committee for a subsequent vote.
1603 A school committee shall vote on a revised plan submitted pursuant to this subsection within 60 days of
1604 the receipt of such plan and contract.

1605 (n) All Innovation Schools authorized under subsection (m) shall be evaluated by the
1606 superintendent at least annually. The superintendent shall transmit the evaluation to the school
1607 committee and the commissioner of elementary and secondary education. The purpose of the evaluation
1608 shall be to determine whether the school has met the annual goals in its innovation plan and assess the
1609 implementation of the innovation plan at the school. If the school committee determines, on the advice
1610 of the superintendent, that the school has not met 1 or more goals in the innovation plan and that the
1611 failure to meet the goals may be corrected through reasonable modification of the plan, the school
1612 committee may amend the innovation plan as necessary. After the superintendent assesses the
1613 implementation of the innovation plan at the school, the school committee may, on the advice of the
1614 superintendent, amend the plan if the school committee determines that the amendment is necessary in
1615 view of subsequent changes in the district that affect 1 or more components of the plan, including, but
1616 not limited to, changes to contracts, collective bargaining agreements or school district policies;
1617 provided, however, that an amendment involving a subsequent change to a teacher contract shall first be
1618 approved by teachers at the school under the procedures in subsection (l).

1619 If the school committee determines, on the advice of the superintendent, that the school has
1620 substantially failed to meet multiple goals in the innovation plan, the school committee may: (i) limit 1
1621 or more components of the innovation plan; (ii) suspend 1 or more components of the innovation plan; or
1622 (iii) terminate the authorization of the school; provided, however, that the limitation or suspension shall
1623 not take place before the completion of the second full year of the operation of the school and the
1624 termination shall not take place before the completion of the third full year of the operation of the school.

1625 (o) At the end of the period of authorization of an Innovation School approved under subsection
1626 (m), the leadership of the school may petition the school committee to extend the authorization of the
1627 school for an additional period of not more than 5 years. Before submitting the petition, the leadership
1628 of the school shall convene a selection of school stakeholders, including, but not limited to,
1629 administrators, teachers, other school staff, parents and external partners, as applicable, to discuss
1630 whether the innovation plan at the school requires revision and to solicit recommendations as to the
1631 potential revisions. After considering the recommendations of the stakeholder group, the leadership of
1632 the school and the applicable superintendent shall jointly update the innovation plan as necessary;
1633 provided, however, that a proposal regarding a new waiver or exemption from the local teacher's union
1634 contract shall be approved by teachers at the school, under subsection (l). Approval of the majority of
1635 the school committee as fully constituted shall be required to extend the period of authorization of an
1636 Innovation School. If the approval is not obtained, the leadership of the school and superintendent may
1637 jointly revise the innovation plan and submit the revised plan to the school committee for a subsequent
1638 vote. If the school committee does not extend the authorization of the school, the leadership of the
1639 school may seek the authorization from the board of elementary and secondary education. The board
1640 shall vote on the requested extension within 60 days of its receipt for approval of such extension.

1641 (p) The commissioner of elementary and secondary education shall, to the extent practicable, be
1642 responsible for the following: (i) the provision of planning and implementation grants to eligible
1643 applicants to establish Innovation Schools; (ii) provision of technical assistance and support to eligible
1644 applicants; (iii) the collection and publication of data and research related to the Innovation Schools
1645 initiative; (iv) the collection and publication of data and research related to successful programs serving
1646 limited English-proficient students attending Innovation Schools; and (v) the collection and
1647 dissemination of best practices in Innovation Schools that may be adopted by other public schools. The
1648 board of elementary and secondary education shall promulgate regulations necessary to carry out this
1649 section. Annually, the commissioner shall report to the joint committee on education, the house and

1650 senate committees on ways and means, the speaker of the house of representatives and the senate
1651 president on the implementation and fiscal impact of this section.

1652 SECTION 9. For the school districts in which net school spending on charter school tuition does
1653 not exceed 18 per cent as set forth in subsection (i) of section 89 of chapter 71, the following shall apply:
1654 (1) in fiscal year 2011, a public school district's total charter school tuition payment to commonwealth
1655 charter schools shall be limited to 12 per cent of the district's net school spending; (2) in fiscal year
1656 2012, a public school district's total charter school tuition payment to commonwealth charter schools
1657 shall be limited to 13 per cent of the district's net school spending; (3) in fiscal year 2013, a public
1658 school district's total charter school tuition payment to commonwealth charter schools shall be limited to
1659 14 per cent of the district's net school spending; (4) in fiscal year 2014, a public school district's total
1660 charter school tuition payment to commonwealth charter schools shall be limited to 15 per cent of the
1661 district's net school spending; (5) in fiscal year 2015, a public school district's total charter school tuition
1662 payment to commonwealth charter schools shall be limited to 16 per cent of the district's net school
1663 spending; (6) in fiscal year 2016, a public school district's total charter tuition payment to
1664 commonwealth charter schools shall be limited to 17 per cent of the district's net school spending; and
1665 (7) in fiscal year 2017, a public school district's total charter tuition payment to commonwealth charter
1666 schools shall be limited to 18 per cent of the district's net school spending.

1667 SECTION 10. Within 6 months of the receipt of any federal funding through Race to the Top
1668 program realized through the adoption of this act, the executive office of education shall report to the
1669 house and senate committees on ways and means and the joint committee on education a detailed plan
1670 providing for the use and potential future uses of the funding along with an accounting therein.

1671 SECTION 11. Notwithstanding any general or special law to the contrary, the department of
1672 elementary and secondary education shall draft a model policy for school districts regarding the grade
1673 placement and eligibility for high school graduation of students leaving a commonwealth charter school

1674 and seeking to enroll in a district school. In drafting the model policy, the department shall confer with
1675 school districts and commonwealth charter schools. The model policy shall be made available not later
1676 than December 31, 2010. Until a school district adopts a policy regarding the grade placement or
1677 eligibility for high school graduation of students leaving a commonwealth charter school, when
1678 determining the appropriate grade placement or eligibility for high school graduation of a student leaving
1679 a commonwealth charter school and enrolling in a district school, a district shall examine the course of
1680 study and level of academic attainment of the student.

1681 SECTION 12. Notwithstanding any general or special law to the contrary, a charter school
1682 whose charter was granted before January 1, 2010 shall have a recruitment and retention plan required
1683 under subsection (f) of section 89 of chapter 71 of the General Laws in effect for the 2011-2012 school
1684 year or at the time of its next charter renewal, whichever occurs first.

1685 SECTION 13. Notwithstanding subsection (gg) of section 89 of chapter 71 of the General Laws,
1686 any district that incurred an increase in commonwealth charter tuition costs between July 1, 2008 and
1687 June 30, 2010 shall be reimbursed in an amount equal to 100 per cent of the increase in the year in which
1688 the increase occurs, 60 per cent of that amount in the first year following and 40 per cent of that amount
1689 in the second year following.

1690 SECTION 14. Notwithstanding any special or general law to the contrary, the department of
1691 elementary and secondary education shall study the possibility of allowing students living outside of the
1692 commonwealth who are eligible to attend public schools operating in the same geographic area as a
1693 charter school or a regional charter school to be eligible to attend the charter or regional charter school.
1694 The department shall examine the rules and regulations necessary to implement this change which shall
1695 include, but not be limited to, collection of out-of-state tuition from students living outside of the
1696 commonwealth and attending a commonwealth charter school, collection of tuition from foreign
1697 exchange students attending a commonwealth charter school and reimbursement of commonwealth

1698 charter schools for services rendered to foreign exchange students and students living outside of the
1699 commonwealth. The department shall issue its report and its recommendations, if any, together with
1700 drafts of legislation necessary to carry those recommendations into effect to the joint committee on
1701 education not later than August 15, 2010.

1702 SECTION 15. Notwithstanding any general or special law to the contrary, regional school
1703 transportation payments made by the state in any fiscal year through the general appropriations act shall
1704 not be lowered by a greater percentage than any reduction made to state chapter 70 payments in that
1705 fiscal year.

1706 SECTION 16. Notwithstanding any general or special law to the contrary, the department of
1707 elementary and secondary education shall prepare a report on the current status of the public education
1708 financing system in the commonwealth as it currently exists. The report shall include, but shall not be
1709 limited to, the following: (1) the source of and potential remedies for any existing discrepancies between
1710 the fiscal demands placed upon and the fiscal assistance provided to municipalities and school districts
1711 with similar fiscal capacity and educational responsibilities, including those placed and provided
1712 pursuant to chapter 70; (2) a consideration and evaluation of all the financial resources made available
1713 to schools and districts, from all sources, and how they relate to student learning and educational
1714 opportunity; and (3) a review of successful educational programs in schools and school districts that
1715 achieve their success at relatively lower per pupil costs when compared with schools and districts
1716 serving student populations with similar academic and socio-economic characteristics and an assessment
1717 of the possibility of replicating such programs in other schools and school districts. In compiling the
1718 report, the department shall consult with various education personnel, advocacy organizations, and
1719 economic experts. The department shall file said report not later than December 31, 2011 to the joint
1720 committee on education.

1721 SECTION 17. By January 1, 2011, the commissioner of elementary and secondary education
1722 shall make a report to the house and senate chairs of the joint committee on education on the
1723 department's plan to implement the inclusion of improvement in student academic achievement data, as
1724 required under sections 1J and 1K of chapter 69 of the General Laws.