

APPENDIX E

This appendix contains the text of a Bill approved by the House Education Committee and filed in the House as redraft of House Bill 3874. It is based on legislation proposed by the Executive Office of Education and the Regionalization Advisory Commission. It has not been passed by either the House or the Senate. The timetable for debate in the Legislature is unclear at this time.

H. 3874 redraft

SECTION 1.

Section 42B of chapter 71 is hereby amended by striking out paragraph 4, as appearing in the 2008 Official Edition, and inserting in place thereof the following paragraph:-

All personnel in a district whose positions are superseded by reason of the establishment and operation of either a newly created regional school district or a regional school district created through expansion or consolidation of existing regional school districts shall be elected to serve in such district by the regional school district committee; provided, however, that there is an available position which such person is qualified to fill. All such personnel employed by the new regional school district committee shall be compensated not less than the compensation received by such school personnel immediately prior to his employment by the new regional school district committee. Such compensation shall remain in effect until the regional school district committee and the appropriate exclusive bargaining representative for regional school district employees reach a successor to the bargaining agreement or agreements previously negotiated by the preceding school or regional school district committees. In any newly created, expanded, or consolidated regional school district, the bargaining unit structure and questions concerning representation, if any, shall be determined pursuant to chapter 150E. All other terms and conditions of employment for personnel whose positions are superseded by reason of the establishment and operation of a regional school district shall be subject to chapter 150E. Personnel shall be given credit by the regional school district committee for all accumulated sick leave, accumulated time towards service and accumulated sabbatical leave years of service, and for terminal compensation due such school personnel on the termination of service.

SECTION 2.

Section 1. There shall be a commission to examine efficient and effective strategies to implement school district collaboration and regionalization. The commission shall consist of 16 members: 2 of whom shall be the co-chairs of the Joint Committee on Education, who shall serve as co-chairs of the commission; 1 of whom shall be a member of the house of representatives appointed by the minority leader; 1 of whom shall be a member of the senate appointed by the minority leader; 1 of whom shall be the secretary of education, or his designee; 1 of whom shall be the commissioner of the department of elementary and secondary education, or his designee; 1 of whom shall be the executive director of the Massachusetts school building authority, or her designee; 9 of whom shall be appointed by the secretary of education, 1 of whom shall be selected from a list of 3 nominees offered by a representative of the Massachusetts Association of School Superintendents, 1 of whom shall be selected from a list of 3 nominees offered by a representative of the Massachusetts

Association of School Committees, 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Association of Regional Schools, 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Teachers Association, 1 of whom shall be selected from a list of 3 nominees offered by the American Federation of Teachers of Massachusetts, 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Association of School Business Officials, 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Business Alliance for Education, 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Municipal Association, and 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Organization of Educational Collaboratives.

The commission shall examine and make recommendations on model approaches regarding, but not limited to, the following areas: (1) identifying indicators for assessing the academic and programmatic quality, overall district capacity, including the effectiveness of the central office, and the fiscal viability, efficiency, and long-term sustainability of school districts; (2) cooperative purchasing of materials and services; (3) inter-district academic and extracurricular programs; (4) merger of school district central office buildings, staff, and operational systems; (5) merger of collective bargaining agreements; (6) merger of debt obligations, including for school building projects; (7) the effect of school district regionalization on educational and instructional outcomes; (8) the effect of school district regionalization on school funding allocations; (9) school consolidation; (10) transitional costs associated with school district regionalization; (11) appropriate time frames for implementing school district regionalization; (12) incentives for school districts to increase collaboration and/or regionalize; (13) revisions of chapter 71 of the General Laws to facilitate the effective implementation of existing and future regional school district agreements; (14) school building capacity and facilities; (15) the feasibility of adopting a regional district finance structure in which the local contribution of the member cities or towns that such regional district serves is assessed on the basis of a uniformly measured fiscal capacity; and (16) in-district collaborations between schools, including consolidating buildings, programs, school and central office administration, special education and food service.

The commission shall conduct its first meeting not less than 45 days after the date of enactment of this act and shall issue a final report containing recommendations on or before March 31, 2011. The commissioner of elementary and secondary education shall consider such recommendations in implementing the provisions of this act. Said commission shall report to the general court the results of its study and its recommendations, if any, together with drafts of legislation necessary to carry out such recommendations, by filing the same with the clerks of the senate and house of representatives who shall forward the same to the chairs of the joint committee on education and the chairs of the senate and house committees on ways and means on or before March 31, 2011.

Section 2. Not later than 60 days after the submission of the report described in section 1, the commissioner shall commence an expedited review of school districts for which collaboration and/or regionalization plans have been developed as of the date of enactment of this act. The collaboration and/or regionalization plan for each district or group of districts shall be reviewed to examine the extent to which proposed strategies for increased collaboration or regionalization result in: (1) increased academic and programmatic quality of the school district(s); (2) increased effectiveness of the central office of the school

district(s) in supporting student achievement and the improvement of its schools; (3) increased fiscal viability and efficiency of the school district(s); and (4) stronger sustainability of the school district(s) in future years. The purpose of the review shall be to determine whether the collaboration and/or regionalization plan for the district(s) is sufficient in such areas.

Section 3. Not later than 60 days after the submission of the report described in section 1 of this act, the commissioner of elementary and secondary education shall commence a review of school districts with less than 1,000 students to examine: (1) the academic and programmatic quality of the school district; (2) the capacity of the district, including the effectiveness of the central office of the school district, to support high levels of student achievement; (3) the fiscal viability and efficiency of the school district; and (4) the overall sustainability of the school district in future years. The purpose of the review shall be to identify areas of need, if any, in these four areas and determine whether those identified areas of need could be adequately addressed through greater collaboration with another district, an educational collaborative, a city, town, or other entity, or through the regionalization of such school district.

The commissioner shall prioritize for review partial school districts, superintendency unions as defined in section 61 of said chapter 71, and any school district that, in the commissioner's judgment, warrants immediate review on the basis of exigent concerns related to one or more factors that comprise the review, including academic performance and fiscal viability. The commissioner may also select 2 or more districts for concurrent review if, in the commissioner's judgment, such concurrent review would promote the purposes of this act.

In reviewing the academic and programmatic quality of the school district, the commissioner shall examine multiple indicators, which may include the following factors: (1) student performance on the Massachusetts Comprehensive Assessment System; (2) accountability status under state performance measures; (3) accountability status under the Elementary and Secondary Education Act, including for the district, individual schools, and subgroups of students; (4) the percentage of teachers licensed in their teaching assignment; (5) attendance rates; (6) student promotion and graduation rates; (7) student discipline and suspension and expulsion rates; (8) the availability and variety of academic classes, including enrichment classes and electives, as applicable; (9) the availability and variety of honors, Advanced Placement, and International Baccalaureate classes, as applicable, and the participation of diverse groups of students in such classes; (10) scheduling flexibility in order to access the available and diverse array of electives and educational options; (11) the availability of extracurricular, arts, and athletic activities for students and the participation of diverse groups of students in such activities; (12) school building capacity and facilities; (13) the quality of school leaders and staff; and (14) possible in-district collaborations between school buildings, including consolidating buildings, programs, school building and central office administration, special education and food service.

In reviewing the effectiveness of the central office of the school district to support high levels of student achievement, the commissioner shall examine multiple indicators, which may include the following factors: (1) the number of staff members in the central office; (2) the number of such staff members whose primary responsibility involves academic and instructional support for schools, faculty, and students; (3) the extent to which the central office uses data and analysis of such data to tailor effective educational improvement strategies for district schools; (4) the overall provision of services by the district to special

populations of students, including, but not limited to, low-income students, English Language Learners, and students with disabilities; (5) the provision of targeted programs by the district to address identified areas of academic need in one or more schools; (6) the provision of professional development programs and activities to improve teacher quality; and (7) the extent of inter-district collaborations and partnerships with outside organizations focused on school performance and student academic achievement.

In reviewing the fiscal viability and efficiency of the school district, the commissioner shall examine multiple indicators, which may include the following factors: (1) the overall budget of the school district; (2) the percentage of such budget expended on instructional purposes; (3) the percentage of such budget expended on non-instructional or operational purposes; (4) the extent of inter-district collaborations, arrangements with educational collaboratives, or partnerships with cities or towns for the purpose of generating economic efficiencies; and (5) in-district collaboration between school buildings, programs, services and administration.

In reviewing the overall sustainability of the school district in future years, the commissioner shall examine multiple indicators, which may include the following factors: (1) school enrollment data for the district and individual schools, including enrollment projections; (2) population data for the city or town served by the district, including population projections; (3) demographic data for the district and the city or town served by the district, including data related to the number of school-aged children; (4) income data for the city or town served by the district; (5) school building capacity and facilities; and (6) the experience of the district and the city or town served by the district in efficiently and effectively securing budget agreements from year to year.

In conducting any review or concurrent review, the commissioner shall provide ample opportunity for a district or districts to present data or evidence that, in the judgment of the district, is relevant to the review. At the request of the district, the commissioner shall make any and all data or evidence being used in the review available to the district or districts under review. At the request of the commissioner, the district or districts under review shall make all existing data or evidence reasonably needed to conduct the review available to the commissioner.

Section 4. Not later than 60 days after commencing a review, a concurrent review, or an expedited review, the commissioner shall publicly release a report containing detailed findings of the review. The commissioner shall, on the basis of one or more such findings and the model approaches recommended by the commission in section 1 of this act, recommend options for the district, including but not limited to: (1) collaborate with one or more districts, an educational collaborative, a city, town, or other entity to address one or more areas of need identified in the review, (2) form a regional school district to address one or more areas of need identified in the review, or (3) continue to operate with no changes in its level of collaboration or governance structure.

A district or districts shall, within 60 days of receiving recommendations from the commissioner submit a report to the commissioner that shall identify which, if any, option will be pursued by the district or districts. If a district declines to pursue the commissioner's recommendations, it shall submit a detailed report to the commissioner explaining why his recommendations have been rejected. If a district agrees to pursue one or more of the commissioner's recommendations, said report shall also include specific strategies that will be strategies for district schools; (4) the overall provision of services by the district to special

implemented by the district or districts.

In the case of a recommendation for increased collaboration, the report shall include, but not be limited to: (1) identification of partners and strategies for engaging those partners in increased collaboration, (2) programs and services that will be affected by increased collaboration, (3) a description of how the aforementioned programs and services will be administered more effectively or efficiently due to increased collaboration, and (4) how increased collaboration will improve the overall capacity, academic performance, and fiscal viability and sustainability of the district or districts.

In the case of a recommendation for regionalization, the report shall identify the district or districts plan that includes, but is not limited to: (1) the geographical characteristics of the new district; (2) an inventory of all academic and programmatic offerings in the new district; (3) an inventory of all educational facilities, and the anticipated plan for such facilities; (4) the administrative structure of the new district; (5) a plan for merging the school district central office buildings, staff, and operational systems of the applicable districts into the new district; (6) a plan for commencing collective bargaining negotiations for the new district; (7) a plan for merging debt obligations of the applicable districts into the new district; (8) a proposed budget for the new district; (9) a student transportation plan and budget for the new district; (10) an expenditure plan related to transition costs in establishing the new district; and (11) an assurance that the new district will comply with all applicable federal and state laws.

The commissioner shall assess district reports based on the likelihood of their success in addressing the areas of need included in the commissioner's review of the applicable districts, and shall provide written agreement with the report or propose amendments to such report within 30 days.

The school committee or committees may make further amendments prior to approving its plan. In such cases, the committee or committees shall provide the commissioner with a detailed statement explaining why the amendments are necessary for success in addressing the areas of need identified in the commissioner's review and subsequent report. In such cases, the district or districts shall amend its plan according to the school committee or committees' statement.

The final plan shall be submitted to the local school committee or committees for approval. If the plan proposes the creation of a regional school district, the towns that would become members of such district shall conduct a vote pursuant to chapter 71, section 15.

Section 5. Within 60 days of approval of the collaboration or regionalization plan as described in section 4, districts shall submit to the commissioner a detailed implementation plan.