The Commonwealth of Massachusetts

PRESENTED BY:

Eric P. Lesser

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

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

An Act relative to Innovation Partnership Zones.

PETITION OF:

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<td>Eric P. Lesser</td>
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An Act relative to Innovation Partnership Zones.

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

SECTION 1. Subsection (a) of section 1J of chapter 69 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by adding the following paragraph:-

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

SECTION 2. Chapter 71 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after section 92 the following section:-

Section 92A. Innovation Partnership Zones.
(a) An Innovation Partnership Zone shall consist of at least two public schools, operating within a public school district, that is established for the purpose of improving school performance and student achievement through increased autonomy and flexibility. An Innovation Partnership Zone and its member schools shall have autonomy and flexibility in the following areas: (i) curriculum; (ii) budget; (iii) school schedule and calendar; (iv) staffing policies and procedures, including waivers from or modifications to, contracts or collective bargaining agreements; (v) professional development; and (vi) school district policies and procedures, including those related to procurement, human resources and operations. A student who is enrolled in a school at the time that it is established as a member school within an Innovation Partnership Zone shall retain the ability to remain enrolled in the school if the student chooses to do so, and the overall student assignment system in the district shall be maintained in the Innovation Partnership Zone.

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

(b) An Innovation Partnership Zone established under this section shall operate according to an Innovation Partnership Zone Plan and a memorandum of understanding between the board of directors of the Innovation Partnership Zone and the local school committee. The establishment of an Innovation Partnership Zone may be initiated by: (i) a public school district that has one or more schools that score in the lowest 20 per cent statewide among schools serving common grade levels on a single measure developed by the department that takes into account student performance data and improvement in student academic performance; or (ii) the commissioner of elementary and secondary education in a district that has one or more schools
designated as underperforming or chronically underperforming pursuant to section 1J of chapter 69 or in a district designated as chronically underperforming following a period of receivership pursuant to section 1K of chapter 69.

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

(c) An Innovation Partnership Zone shall be managed by a board of directors that includes at least five but no more than nine members. The majority of the members of the board of directors shall be independent members, defined as individuals who are not elected, appointed or employed by any municipal entity of the community in which the Innovation Partnership Zone is located. The board of directors shall also include at least three members who reside in the community in which the Innovation Partnership Zone is located. Individuals who are serving in elected or appointed positions in the school district or community in which the Innovation Partnership Zone is located may serve as designated ex officio members of the board of directors. For an Innovation Partnership Zone initiated by a school district pursuant to clause (i) of subsection (b), the members of the board of directors shall be identified and listed in the prospectus developed under subsection (d). For an Innovation Partnership Zone initiated by the commissioner pursuant to clause (ii) of subsection (b), the members of the board of directors shall be appointed by the commissioner. The board of directors of an Innovation Partnership Zone shall be deemed to be public agents authorized by the commonwealth to operate and manage the Innovation Partnership Zone and member schools.
The board of directors shall have full managerial and operational control of the Innovation Partnership Zone and its member schools; provided, however, that the school district in which the Innovation Partnership Zone is located shall remain the employer of record for all other purposes.

(d) For an Innovation Partnership Zone initiated by a public school district pursuant to clause (i) of subsection (b), the local school committee, superintendent, and local teacher’s union shall follow a process, consistent with this subsection and subsections (e) to (j), inclusive, by which an Innovation Partnership Zone shall be established within the district. This process shall require that the individual or entity proposing to establish the Innovation Partnership Zone prepare a prospectus regarding the proposed Innovation Partnership Zone. The prospectus shall include, but not be limited to, a description of: (i) the rationale for establishing the proposed Innovation Partnership Zone and the overall vision for the Innovation Partnership Zone, including improving school performance and student achievement; (ii) the names and accountability rankings of each school that will be included in the proposed Innovation Partnership Zone and why these schools have been selected; (iii) the number of students that the Innovation Partnership Zone expects to serve; (iv) a preliminary assessment of the autonomy and flexibility under subsection (a) that the Innovation Partnership Zone will seek; (v) why such flexibility is desirable to carry out the objectives of the Innovation Partnership Zone; (vi) the external partners, if any, that will be involved in supporting the Innovation Partnership Zone and its member schools, and the services that such partners are expected to provide; (vii) a proposed timetable for establishing the Innovation Partnership Zone; and (viii) the names of the individuals who will be appointed to serve as the members of the board of directors for the Innovation Partnership Zone in accordance with the requirements in subsection (c).
(e) Upon completion of the prospectus under subsection (d), the individual or entity proposing to establish the Innovation Partnership Zone shall submit the prospectus to the superintendent, who shall within 30 days convene a screening committee consisting of the superintendent or a designee, the chair of the local school committee or a designee and a representative from the leadership of the local teacher’s union.

The screening committee shall review the prospectus for the purpose of determining whether the prospectus: (i) presents a sound and coherent plan for improving student achievement; (ii) supports or enhances existing educational efforts in the district; and (iii) reasonably can be expanded into a comprehensive Innovation Partnership Zone plan. Within 30 days of receiving a prospectus, the screening committee shall decide, on the basis of a two-thirds vote, to accept, reject or return the prospectus for revisions. If a prospectus is rejected or returned, the screening committee shall provide a detailed explanation for the decision. A prospectus that is rejected or returned may be revised and resubmitted for subsequent consideration. By approving the prospectus, the screening committee shall also approve the establishment of the board of directors for the proposed Innovation Partnership Zone.

(f) Upon the approval of the prospectus by the screening committee under subsection (e), the newly constituted board of directors shall develop a memorandum of understanding with the local school committee that includes, but is not limited to, the following: (i) a detailed description of the division of responsibilities between the board of directors of the Innovation Partnership Zone and the local school committee; (ii) the services that shall be provided by the public school district to member schools in the Innovation Partnership Zone and the amount of funding that shall be allocated by the local school committee to provide such services; (iii) a detailed budget and financial agreement, including the allocation of per-pupil funding for the
Innovation Partnership Zone and its member schools; (iv) the necessary activities to successfully transfer the management of the member schools to the board of directors of the Innovation Partnership Zone; and (v) a description of the anticipated process by which the composition of member schools may be altered as appropriate and necessary. The memorandum of understanding shall be a public document and must be posted on the website of the school district in which the Innovation Partnership Zone is located.

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

To the extent practicable, the Innovation Partnership Zone plan shall be based on student
outcome data, including, but not limited to: (i) student achievement on the Massachusetts
Comprehensive Assessment System, or any successor statewide assessment system approved by
the board of elementary and secondary education pursuant to section 11 of chapter 69; (ii) other
measures of student achievement, approved by the commissioner, as appropriate; (iii) student
promotion, graduation rates and dropout rates; (iv) achievement data for different subgroups of
students, including low-income students as defined by chapter 70, limited English-proficient
students and students receiving special education; and (v) student attendance, dismissal rates and
exclusion rates.

In order to assess the proposed Innovation Partnership Zone and its member schools
across multiple measures of school performance and student success, the Innovation Partnership
Zone plan shall include measurable annual goals including, but not limited to, the following: (i)
student attendance; (ii) student safety and discipline; (iii) student promotion and graduation and
dropout rates; (iv) student achievement on the Massachusetts Comprehensive Assessment
System, or any successor statewide assessment system approved by the board of elementary and
secondary education pursuant to section 11 of chapter 69; (v) progress in areas of academic
underperformance; (vi) progress among subgroups of students, including low-income students as
defined by chapter 70, limited English-proficient students and students receiving special
education; and (vii) reduction of achievement gaps among different groups of students.

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

(h) Upon the completion of the Innovation Partnership Zone plan, the board of directors
and local teachers union shall meet to negotiate waivers or modifications to the applicable
collective bargaining agreement necessary for the implementation of the Innovation Partnership
Zone plan. If the negotiations have not resulted in an agreement within 40 days, either party may
petition the division of labor relations for the selection of an arbitrator. The division shall select
an arbitrator within 3 days of the petition from a list submitted by the parties. The arbitrator shall
conduct a hearing within 14 days of the arbitrator’s selection. The arbitrator shall consider the
parties’ positions and the needs of the students in the district. The arbitrator’s decision shall be
consistent with the contents of the Innovation Partnership Zone plan developed by the board of
directors. The arbitrator shall, within 14 days of the close of the hearing, submit a decision which
shall be final and binding on the parties.
(i) Upon completion of the negotiation process under subsection (h), the board of directors shall undertake a final vote to approve the Innovation Partnership Zone plan developed under subsection (g) and shall submit the plan to the commissioner. Within 45 days of receipt, the commissioner shall accept, reject or request revisions to the plan. The commissioner shall present specific requests for information or data if revisions are required, and shall provide detailed feedback if the plan has been rejected. The board of directors shall submit a revised plan to the commissioner within 30 days of receiving the request, and within 15 days of receiving the revised document, the commissioner shall accept the document or request additional revisions. The board of directors may submit a new plan if the original plan is rejected.

(j) Upon approval of the plan, the commissioner shall, in writing, notify the board of directors of the formal establishment of the Innovation Partnership Zone and the board of directors shall have the authority to operate and manage the Innovation Partnership Zone and its member schools for a term of five years.

(k) At the end of each five-year term, if the Innovation Partnership Zone and its member schools have substantively achieved academic and other goals and have fulfilled all material responsibilities articulated in the Innovation Partnership Zone plan, the term for the Innovation Partnership Zone may be renewed for another five years, subject to the approval of the local school committee. The board of directors and local school committee may mutually agree to terminate the Innovation Partnership Zone at any point during a five-year term or at the end of the term.

(l) Pursuant to clause (ii) of subsection (b), the commissioner of elementary and secondary education may, on the basis of student performance data collected pursuant to section
II of chapter 69, a school or district review performed under section 55A of chapter 15, or regulations adopted by the board of elementary and secondary education, initiate the establishment of an Innovation Partnership Zone in a public school district that has one or more schools designated as underperforming or chronically underperforming pursuant to section 1J of chapter 69. The commissioner may initiate the establishment of an Innovation Partnership Zone in a district designated as chronically underperforming following a period of receivership pursuant to section 1K of chapter 69.

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

(n) Upon the approval of the board of elementary and secondary education, the commissioner shall, in consultation with representatives from the local school district and community in which the proposed Innovation Partnership Zone shall operate, select and appoint the members of the board of directors for the Innovation Partnership Zone in accordance with the requirements set forth in subsection (c).
(o) The newly constituted board of directors shall develop a memorandum of understanding with the local school committee that includes, but is not limited to the components listed in subsection (f). The commissioner shall serve as a signatory for the memorandum of understanding. The memorandum of understanding shall be a public document and must be posted on the website of the school district in which the Innovation Partnership Zone is located.

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

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

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

The bargaining shall be conducted in good faith and completed within 30 days. The
agreement shall be subject to ratification within 10 business days by the bargaining unit members
employed in the Innovation Partnership Zone member schools at the time of negotiation. If the
parties are unable to reach an agreement within 30 days or if the agreement is not ratified within
10 business days by the bargaining unit members employed in the Innovation Partnership Zone
member schools at the time of negotiation, the parties shall submit remaining unresolved issues
to a joint resolution committee for dispute resolution process on the next business day following
the end of the 30 day bargaining period or failure to ratify.

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

Notwithstanding any other provision of this chapter, the unanimous decision of the joint resolution committee shall be dispositive of all the issues in dispute and shall be submitted to the parties within 10 business days of the completion of the process. In the event that a unanimous decision is not submitted to the parties within 10 business days, the commissioner will resolve all outstanding issues. The commissioner may extend any deadline as needed.

(r) Upon completion of the negotiation process under subsection (q), the board of directors shall undertake a final vote to approve the Innovation Partnership Zone plan developed under subsection (p) and shall submit the plan to the commissioner. Within 45 days of receipt, the commissioner shall accept, reject or request revisions to the plan. The commissioner shall present specific requests for information or data if revisions are required, and shall provide detailed feedback if the plan has been rejected. The board of directors shall submit a revised plan to the commissioner within 30 days of receiving the request, and within 15 days of receipt, the commissioner shall accept the revised document or request additional revisions. The board of directors may submit a new plan if the original plan is rejected.

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

(t) Upon approval of the establishment of the Innovation Partnership Zone by the board of elementary and secondary education, the commissioner shall, in writing, notify the board of directors of the formal establishment of the Innovation Partnership Zone and the board of directors shall have the authority to operate and manage the Innovation Partnership Zone and its member schools for a term of five years.

(u) At the end of each five-year term, if the Innovation Partnership Zone and its member schools have substantively achieved academic and other goals and have fulfilled all material responsibilities articulated in the Innovation Partnership Zone plan, the term for the Innovation Partnership Zone may be renewed for another five years, subject to the approval of the commissioner and the board of elementary and secondary education. The board of directors and commissioner may mutually agree to terminate the Innovation Partnership Zone at any point during a five-year term or at the end of the term.
(v) The commissioner shall report annually to the joint committee on education, the house and senate committees on ways and means, the speaker of the house of representatives and the senate president on the implementation and fiscal impact of this section. The report shall include, but not be limited to, the following: (i) a list of all Innovation Partnership Zones and their member schools, descriptions of academic and career themes as applicable and student enrollment, retention and demographic data; (ii) information about the uses of autonomy and flexibility in the Innovation Partnership Zones and how they are enabling the Zones and the member schools to achieve academic and other goals; (iii) student achievement and school performance data, including achievement data by student subgroup; (iv) information about the instructional, operational, fiscal and other implications of the Innovation Partnership Zones; and (v) information about the establishment of future Innovation Partnership Zones as applicable.

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

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

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

SECTION 3. The board of elementary and secondary education shall promulgate rules and regulations to implement the provisions of this act. Such regulations shall, at a minimum, address the appropriate level of per-pupil funding to be allocated by the local school committee to the board of directors of an Innovation Partnership Zone established pursuant to section 92A of chapter 71.