

SENATE No.

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:

NAME:

Eric P. Lesser

DISTRICT/ADDRESS:

First Hampden and Hampshire

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

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:

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

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

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

12 Section 92A. Innovation Partnership Zones.

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

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

28 (b) An Innovation Partnership Zone established under this section shall operate according
29 to an Innovation Partnership Zone Plan and a memorandum of understanding between the board
30 of directors of the Innovation Partnership Zone and the local school committee. The
31 establishment of an Innovation Partnership Zone may be initiated by: (i) a public school district
32 that has one or more schools that score in the lowest 20 per cent statewide among schools
33 serving common grade levels on a single measure developed by the department that takes into
34 account student performance data and improvement in student academic performance; or (ii) the
35 commissioner of elementary and secondary education in a district that has one or more schools

36 designated as underperforming or chronically underperforming pursuant to section 1J of chapter
37 69 or in a district designated as chronically underperforming following a period of receivership
38 pursuant to section 1K of chapter 69.

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

44 (c) An Innovation Partnership Zone shall be managed by a board of directors that
45 includes at least five but no more than nine members. The majority of the members of the board
46 of directors shall be independent members, defined as individuals who are not elected, appointed
47 or employed by any municipal entity of the community in which the Innovation Partnership Zone
48 is located. The board of directors shall also include at least three members who reside in the
49 community in which the Innovation Partnership Zone is located. Individuals who are serving in
50 elected or appointed positions in the school district or community in which the Innovation
51 Partnership Zone is located may serve as designated ex officio members of the board of
52 directors. For an Innovation Partnership Zone initiated by a school district pursuant to clause (i)
53 of subsection (b), the members of the board of directors shall be identified and listed in the
54 prospectus developed under subsection (d). For an Innovation Partnership Zone initiated by the
55 commissioner pursuant to clause (ii) of subsection (b), the members of the board of directors
56 shall be appointed by the commissioner. The board of directors of an Innovation Partnership
57 Zone shall be deemed to be public agents authorized by the commonwealth to operate and
58 manage the Innovation Partnership Zone and member schools.

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

63 (d) For an Innovation Partnership Zone initiated by a public school district pursuant to
64 clause (i) of subsection (b), the local school committee, superintendent, and local teacher's union
65 shall follow a process, consistent with this subsection and subsections (e) to (j), inclusive, by
66 which an Innovation Partnership Zone shall be established within the district. This process shall
67 require that the individual or entity proposing to establish the Innovation Partnership Zone
68 prepare a prospectus regarding the proposed Innovation Partnership Zone. The prospectus shall
69 include, but not be limited to, a description of: (i) the rationale for establishing the proposed
70 Innovation Partnership Zone and the overall vision for the Innovation Partnership Zone,
71 including improving school performance and student achievement; (ii) the names and
72 accountability rankings of each school that will be included in the proposed Innovation
73 Partnership Zone and why these schools have been selected; (iii) the number of students that the
74 Innovation Partnership Zone expects to serve; (iv) a preliminary assessment of the autonomy and
75 flexibility under subsection (a) that the Innovation Partnership Zone will seek; (v) why such
76 flexibility is desirable to carry out the objectives of the Innovation Partnership Zone; (vi) the
77 external partners, if any, that will be involved in supporting the Innovation Partnership Zone and
78 its member schools, and the services that such partners are expected to provide; (vii) a proposed
79 timetable for establishing the Innovation Partnership Zone; and (viii) the names of the
80 individuals who will be appointed to serve as the members of the board of directors for the
81 Innovation Partnership Zone in accordance with the requirements in subsection (c).

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

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

97 (f) Upon the approval of the prospectus by the screening committee under subsection (e),
98 the newly constituted board of directors shall develop a memorandum of understanding with the
99 local school committee that includes, but is not limited to, the following: (i) a detailed
100 description of the division of responsibilities between the board of directors of the Innovation
101 Partnership Zone and the local school committee; (ii) the services that shall be provided by the
102 public school district to member schools in the Innovation Partnership Zone and the amount of
103 funding that shall be allocated by the local school committee to provide such services; (iii) a
104 detailed budget and financial agreement, including the allocation of per-pupil funding for the

105 Innovation Partnership Zone and its member schools; (iv) the necessary activities to successfully
106 transfer the management of the member schools to the board of directors of the Innovation
107 Partnership Zone; and (v) a description of the anticipated process by which the composition of
108 member schools may be altered as appropriate and necessary. The memorandum of
109 understanding shall be a public document and must be posted on the website of the school
110 district in which the Innovation Partnership Zone is located.

111 (g) Upon the approval of the memorandum of understanding by the board of directors and
112 local school committee, the board of directors shall develop a comprehensive Innovation
113 Partnership Zone plan for the proposed Innovation Partnership Zone. The board of directors shall
114 engage district and community representatives, including but not limited to school
115 administrators, teachers, students, parents and family members, municipal leaders and other
116 members of the community in which the proposed Innovation Partnership Zone will be
117 established, in the development of the plan. The Innovation Partnership Zone plan shall articulate
118 the areas of autonomy and flexibility under subsection (a) that the proposed Innovation
119 Partnership Zone will use, and shall include, but not be limited to, the following: (i) a copy of the
120 prospectus developed under subsection (d); (ii) a copy of the memorandum of understanding
121 approved by the board of directors and the local school committee; (iii) a description of the
122 process by which the member schools will determine the uses of their autonomies and flexibility;
123 (iv) a curriculum plan, which shall include a preliminary description of the curriculum and
124 related programs that may be implemented in the member schools; (v) a proposed budget for the
125 Innovation Partnership Zone, including a description of how funds will be used and distributed
126 among the member schools; (vi) a school schedule plan, which shall include a preliminary
127 description of the ways, if any, the programs or calendars of the member schools within the

128 proposed Innovation Partnership Zone may be enhanced or expanded; (vii) a staffing plan,
129 which shall include a description of how the principals, administrators, faculty, and staff will be
130 recruited, employed, evaluated, and compensated in the member schools of the proposed
131 Innovation Partnership Zone and any proposed waivers or modifications of collective bargaining
132 agreements; (viii) a policy and procedures plan, which shall include a preliminary description of
133 the operational policies and procedures that may be used by the member schools in the proposed
134 Innovation Partnership Zone; and (ix) a professional development plan, which shall include a
135 description of how the Innovation Partnership Zone may provide high-quality professional
136 development to the administrators, teachers and staff working in the member schools of the
137 proposed Innovation Partnership Zone.

138 To the extent practicable, the Innovation Partnership Zone plan shall be based on student
139 outcome data, including, but not limited to: (i) student achievement on the Massachusetts
140 Comprehensive Assessment System, or any successor statewide assessment system approved by
141 the board of elementary and secondary education pursuant to section 1I of chapter 69; (ii) other
142 measures of student achievement, approved by the commissioner, as appropriate; (iii) student
143 promotion, graduation rates and dropout rates; (iv) achievement data for different subgroups of
144 students, including low-income students as defined by chapter 70, limited English-proficient
145 students and students receiving special education; and (v) student attendance, dismissal rates and
146 exclusion rates.

147 In order to assess the proposed Innovation Partnership Zone and its member schools
148 across multiple measures of school performance and student success, the Innovation Partnership
149 Zone plan shall include measurable annual goals including, but not limited to, the following: (i)
150 student attendance; (ii) student safety and discipline; (iii) student promotion and graduation and

151 dropout rates; (iv) student achievement on the Massachusetts Comprehensive Assessment
152 System, or any successor statewide assessment system approved by the board of elementary and
153 secondary education pursuant to section 1I of chapter 69; (v) progress in areas of academic
154 underperformance; (vi) progress among subgroups of students, including low-income students as
155 defined by chapter 70, limited English-proficient students and students receiving special
156 education; and (vii) reduction of achievement gaps among different groups of students.

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

162 (h) Upon the completion of the Innovation Partnership Zone plan, the board of directors
163 and local teachers union shall meet to negotiate waivers or modifications to the applicable
164 collective bargaining agreement necessary for the implementation of the Innovation Partnership
165 Zone plan. If the negotiations have not resulted in an agreement within 40 days, either party may
166 petition the division of labor relations for the selection of an arbitrator. The division shall select
167 an arbitrator within 3 days of the petition from a list submitted by the parties. The arbitrator shall
168 conduct a hearing within 14 days of the arbitrator's selection. The arbitrator shall consider the
169 parties' positions and the needs of the students in the district. The arbitrator's decision shall be
170 consistent with the contents of the Innovation Partnership Zone plan developed by the board of
171 directors. The arbitrator shall, within 14 days of the close of the hearing, submit a decision which
172 shall be final and binding on the parties.

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

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

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

193 (l) Pursuant to clause (ii) of subsection (b), the commissioner of elementary and
194 secondary education may, on the basis of student performance data collected pursuant to section

195 II of chapter 69, a school or district review performed under section 55A of chapter 15, or
196 regulations adopted by the board of elementary and secondary education, initiate the
197 establishment of an Innovation Partnership Zone in a public school district that has one or more
198 schools designated as underperforming or chronically underperforming pursuant to section 1J of
199 chapter 69. The commissioner may initiate the establishment of an Innovation Partnership Zone
200 in a district designated as chronically underperforming following a period of receivership
201 pursuant to section 1K of chapter 69.

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

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

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

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

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

235 (q) Upon the completion of the Innovation Partnership Zone plan, the board of directors
236 and local teachers union shall meet to negotiate waivers or modifications to the applicable

237 collective bargaining agreement necessary for the implementation of the Innovation Partnership
238 Zone plan.

239 The bargaining shall be conducted in good faith and completed within 30 days. The
240 agreement shall be subject to ratification within 10 business days by the bargaining unit members
241 employed in the Innovation Partnership Zone member schools at the time of negotiation. If the
242 parties are unable to reach an agreement within 30 days or if the agreement is not ratified within
243 10 business days by the bargaining unit members employed in the Innovation Partnership Zone
244 member schools at the time of negotiation, the parties shall submit remaining unresolved issues
245 to a joint resolution committee for dispute resolution process on the next business day following
246 the end of the 30 day bargaining period or failure to ratify.

247 The joint resolution committee shall be comprised of 3 members, 1 of whom shall be
248 appointed by the employee organization within 3 business days following the submission of
249 unresolved issues to the joint resolution committee, 1 of whom shall be appointed by the board
250 of directors within 3 business days following the submission of unresolved issues to the joint
251 resolution committee and 1 who shall be selected through the American Arbitration Association
252 who shall forthwith forward to the parties a list of 3 conciliators, each of whom shall have
253 professional experience in elementary and secondary education, from which the parties may
254 agree upon a single conciliator; provided, however, that if the parties cannot select a conciliator
255 from among the 3 within 3 business days, the American Arbitration Association shall select a
256 conciliator from the remaining names. The joint resolution committee shall conduct a dispute
257 resolution process to be concluded within 10 business days of selection. This process shall be
258 conducted in accordance with the rules of the American Arbitration Association and consistent
259 with this section; provided however, that all members of the joint resolution committee must

260 agree to any resolution. The fee for the process shall be shared equally between the 2 parties
261 involved.

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

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

276 (s) Upon approving the plan, the commissioner shall present a recommendation to
277 establish the Innovation Partnership Zone to the board of elementary and secondary education.
278 At their first formal meeting following the presentation of the recommendation of the
279 commissioner, the members of the board of elementary and secondary education shall vote on
280 the establishment of the Innovation Partnership Zone in accordance with criteria developed by
281 the board of elementary and secondary education. By a vote of the majority, the board of

282 elementary and secondary education may approve the establishment of the Innovation
283 Partnership Zone, request additional information or data, or reject the recommendation of the
284 commissioner. The commissioner and board of directors of the proposed Innovation Partnership
285 Zone shall respond to any requests for information and data within 30 days, and the members of
286 the board of elementary and secondary education shall vote on the establishment of the
287 Innovation Partnership Zone at a subsequent meeting selected by the chair of the board of
288 elementary and secondary education. If the recommendation to establish the Innovation
289 Partnership Zone is rejected, the chair of the board of elementary and secondary education shall
290 present detailed feedback to the commissioner and the board of directors of the proposed
291 Innovation Partnership Zone.

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

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

304 (v) The commissioner shall report annually to the joint committee on education, the
305 house and senate committees on ways and means, the speaker of the house of representatives and
306 the senate president on the implementation and fiscal impact of this section. The report shall
307 include, but not be limited to, the following: (i) a list of all Innovation Partnership Zones and
308 their member schools, descriptions of academic and career themes as applicable and student
309 enrollment, retention and demographic data; (ii) information about the uses of autonomy and
310 flexibility in the Innovation Partnership Zones and how they are enabling the Zones and the
311 member schools to achieve academic and other goals; (iii) student achievement and school
312 performance data, including achievement data by student subgroup; (iv) information about the
313 instructional, operational, fiscal and other implications of the Innovation Partnership Zones; and
314 (v) information about the establishment of future Innovation Partnership Zones as applicable.

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

327 in any Innovation Partnership Zone or Innovation Partnership Zone member school located in the
328 commonwealth or in another state or with a person doing business with an Innovation
329 Partnership Zone or Innovation Partnership Zone member school.

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

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

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