

ATTACHMENT R

ARTICLE 19
GRIEVANCE PROCEDURE

It is the intent of the parties to the Agreement to use their best efforts to encourage the informal and prompt settlement of grievances which may arise between the Union or a member or members of the bargaining unit and the District. In recognition of this intent, the parties agree that they shall use the procedure set forth in this Article for the resolution, strictly pursuant to the terms of this Agreement, of all disputes involving alleged violations of specific provisions of this Agreement, provided however, that disputes involving school based decision making and other subject matter identified in Section 6 of this Article shall be resolved solely pursuant to the provisions of Section 6 of this Article. In order to settle grievances at the lowest possible administrative level, the organization and procedure for processing grievances shall be as follows:

Section 1: The term "grievance" shall be construed to mean an express violation of a written provision of this Agreement. Any event which occurred or failed to occur prior to the effective date of this agreement shall not be subject to the grievance and arbitration provision.

Section 2: The grievance shall be submitted in writing to the building principal within 30 days of the alleged violation and shall identify with specificity the provision(s) of the Agreement alleged to have been violated.

Section 3: An aggrieved teacher shall first discuss the dispute with his/her principal either directly or accompanied by the Union representative with the objective of resolving the matter informally. The principal shall communicate his/her decision to the teacher within five (5) school days after receiving the complaint.

Section 4: If the decision of the principal is not satisfactory (or if a decision was not rendered within the time specified), the aggrieved may appeal it within five (5) school days to the Superintendent or his designee. The Superintendent or his designee shall arrange a meeting within five (5) school days from the date of receiving the grievance and shall give his/her decision within five (5) school days of such meeting. Said decisions shall be in writing. If the matter is not satisfactorily handled (or if a decision has not been rendered by the Superintendent or his designee), then where applicable the grievance may be processed as indicated below.

Section 5: Dispute Resolution Processes

The following table outlines processes to be used (i.e., arbitration, mediation, hybrid approach, or not applicable) to resolve disputes arising out of the enumerated articles:

Introductions of Each Section		Mediation
Part I: Introduction		
Article 1:	Parties and Union Recognition	Arbitration
Article 2:	Definitions	Arbitration
Article 3:	Management Rights	N/A
Article 4:	Changes during the Life of the Agreement	N/A
Article 5:	Duration of Agreement	Arbitration
Part II: Union Privileges and Responsibilities		
Article 6:	Fair Practices	Arbitration

Article 7:	Payment of Dues and COPE	Arbitration
Article 8:	Payroll Deduction for Agency Service Fee	Arbitration
Article 9:	Building Cooperation	Arbitration
Article 10:	Protection of Individual and Group Rights	Arbitration
Article 11:	Printing of Agreement	Arbitration
Article 12:	Use of Facilities by Union	Arbitration
Article 13:	Distribution of Materials	Arbitration
Article 14:	Bulletin Boards	Arbitration
Article 15:	School Visitation by Authorized Union Representatives	Arbitration
Article 16:	Schedule of Union President	Arbitration
Article 17:	Union Leave	Arbitration
Article 18:	Leave for Conferences and Conventions	Arbitration
Article 19:	Grievance Procedure	Mediation
Article 20:	Resolution by Peaceful Means	Arbitration
Article 21:	Meeting with Superintendent	Arbitration
Part III: General Working Conditions		
Article 22:	School-based Decision-making	Hybrid**
	<i>**“Changes to School Operational Plans throughout the Year” and “Areas for School-based Decision-making”: Mediation; all else N/A</i>	
Article 23:	Work Year	Mediation
Article 24:	Work Day	Mediation
Article 25:	Academic Calendar	Mediation
Article 26:	Teacher Hiring and Promotions	Hybrid**
	<i>**Posting procedure only subject to Arbitration; all else Mediation</i>	
Article 27:	Teacher Assignments	Mediation
Article 28:	Teacher Displacement	Mediation
Article 29:	Duty Free Lunch	Arbitration
Article 30:	Itinerant Teachers	Mediation
Article 31:	Continuity of the Teaching Process	Mediation
Article 32:	Professional Development	Mediation
Article 33:	Seniority	Hybrid**
	<i>**Creation and accuracy of seniority list subject to Arbitration; all else mediation</i>	
Article 34:	Advance Notice of Resignation or Retirement	Mediation
Article 35:	Reduction in Force	N/A
Article 36:	Teacher Dismissal and Discipline	Hybrid**
	<i>**Teacher Dismissal: Statue: all other teacher discipline: Arbitration</i>	
Article 37:	Damage and Loss of Property	Arbitration
Article 38:	School Facilities/Health and Safety	Arbitration
Article 39:	Notice and Announcements	Mediation
Article 40:	Health and Safety Standards	Arbitration
Article 41:	Assistance in Assault Cases	Arbitration
Article 42:	Personnel Files	Arbitration

Part IV: Evaluation and Supervision		
Article 43:	Evaluation	Arbitration**
	<i>**Under the standards set forth in the evaluation document</i>	
Part V: Compensation: Benefits		
Article 44:	Sick Leave	Arbitration
Article 45:	Sick Leave Abuse	Arbitration
Article 46:	Sick Leave for Injury	Arbitration
Article 47:	Military Leave of Absence	Arbitration
Article 48:	Organized Reserved Forces	Arbitration
Article 49:	Personal Leave	Arbitration
Article 50:	Maternity Leave	Arbitration
Article 51:	Funeral Leave	Arbitration
Article 52:	Religious Leave	Arbitration
Article 53:	Professional Leave	Arbitration
Article 54:	Leave without Pay	Arbitration
Article 55:	Return from Leave of Absence	Arbitration
Article 56:	Jury Duty	Arbitration
Article 57:	Tax-Free Annuity	Arbitration
Article 58:	Health Insurance	Mediation
Article 59:	Life Insurance	Arbitration
Article 60:	Individual Retirement Account Deduction	Arbitration
Article 61:	Pension	Mediation
Article 62:	Disability Income Insurance	Arbitration
Article 63:	Tuition Reimbursement	Arbitration
Article 64:	Mileage Allowance	Arbitration

Part VI: Compensation: Salaries		
Article 65:	Professional Compensation System	Mediation
Article 66:	Career Ladder	Hybrid**
	<i>**Explicit salary commitment from Human Resources: Arbitration; all else Mediation</i>	
Article 67:	Expanded Learning Time	N/A
Article 68:	Stipends for Leadership and Other Roles	Mediation
Article 69:	School-wide Awards	Mediation
Article 70:	Other Compensation	Mediation
Article 71:	Severance Pay	Arbitration
Article 72:	Method and Time of Payment	Mediation

Section 6: Arbitration

A grievance dispute which was not resolved at the level of the Superintendent under the grievance procedure may be submitted by the Union to arbitration. The proceeding may be initiated by filing with the Superintendent and the American Arbitration Association a request for arbitration. The notice shall be filed within ten (10) school days after receipt of the decision of the Superintendent or his designee under this Grievance Procedure. The voluntary labor arbitration rules of the American Arbitration Association shall apply to the proceeding. The arbitrator shall issue his/her decision no later than thirty (30) days from the date of the close of the hearings or if oral hearings have been waived, then from the date of transmitting the final statements and proofs to the arbitrator.

The decision shall be in writing and shall set forth the arbitrator's opinion and conclusion on the issued submitted. The decision of the arbitrator, if made in accordance with his/her jurisdiction and authority under this Agreement, will be accepted as initialed by the parties to the dispute, and both will abide by it. The arbitrator's fee will be shared equally by the parties of the dispute. The Superintendent agrees that it will apply to all substantially similar situations the decision of an arbitrator sustaining a grievance, and the Union agrees that it will not bring or continue, and that it will not represent an employee in any grievance which is substantially similar to a grievance denied by the decision of an arbitrator. In rendering a decision, the arbitrator shall have no authority to add to, detract from, alter or amend the agreement in any way and shall have no authority to render an award with respect to matters of inherent managerial rights or other rights granted to the Superintendent and/or School Committee or Receiver by statute.

Any underlying act or omission that results in a grievance shall have occurred while the Agreement was in effect in order to be processed to arbitration.

Section 7: Mediation

A grievance alleging a violation of one of the articles identified as subject to mediation may be filed under the provisions of sections 1 through 4 of this Article. If the grievance is not resolved after presentation at step 4, mediation of the grievance may be initiated in accordance with the following provisions.

- A. Within 10 days of receipt of the decision at step 4, the Union may demand mediation of the dispute. Within forty (40) days of the demand for mediation the parties shall meet for the purpose of mediation. The mediations shall take place at the District Administration Building. The parties agree to maintain a list of mutually agreed upon

- mediators to be assigned grievances on a rotating basis. The parties agree to review their list annually, or more often if requested by either party, and adjust the list as mutually agreed upon by the parties.
- B. The mediator selected by the parties shall be assigned to mediate on the same day a minimum of four grievances unless otherwise agreed by the parties. If one of the above mediators is unable to schedule a mediation conference within forty (40) days from the receipt of the appeal, it will be referred to the next mediator in line. The fees and expenses of the mediators shall be shared equally by the parties.
 - C. Mediation is an informal, off-the-record process in which the parties are free to disclose to the mediator the essence of the dispute without detriment to their legal position. Confidential information disclosed to a mediator in the course of the mediation shall not be divulged by the mediator. All records, reports, or other documents received by the mediator while serving in that capacity shall be confidential. The mediator shall not be compelled to divulge such records or to testify in regard to the mediation in any adversarial proceeding or judicial forum. The parties shall maintain the confidentiality of the mediation and shall not rely on or introduce as evidence in any arbitral, judicial or other proceeding:
 - a. Views expressed or suggestions made by another party with respect to a possible settlement of the dispute;
 - b. Admissions made by another party in the course of the mediation proceeding;
 - c. Proposals made or views expressed by the mediator; or
 - d. The fact that another party had or had not indicated willingness to accept a proposal for settlement made by the mediator.
 - D. The mediator does not have the authority to impose a settlement on the parties but will attempt to help them reach a satisfactory resolution of their dispute.
 - E. Mediation shall conclude in one of the following ways:
 - a. By the execution of a settlement agreement by the parties; or
 - b. By a written declaration of the mediator, a party, or the parties to the effect that the mediation proceedings are concluded.

Section 8: Miscellaneous Provisions

All appeals within Section 1 through 5 of this article must be taken within seven (7) calendar days of a decision. Failure to process a dispute within the allotted time shall result in the waiver of the grievance.

Time limits specified in these procedures may be extended in any specific instance in writing by mutual agreement.

The Union shall have the right to initiate and process grievances at any appropriate steps which are, in its judgment, general in nature.

Any aggrieved person may be represented at all meetings and at all hearings at all steps in the procedures by the Union representative or by any other teacher of his/her choosing provided,

however, that the aggrieved may not be represented by any officer, agent, or other representative of any other teacher organization other than the Union.

When a teacher does not wish to be represented in the grievance procedures by the Union, the Union will have the right to be present at all steps and to state its views.

No individual who does not represent the Union may act as a representative of any other teacher on more than one occasion.

If hearings are held during school hours, the aggrieved and members of the Grievance Committee of the Union may attend without loss of pay. The time of the hearings shall be held at the discretion of the arbitrator; the arbitrator shall obtain the Superintendent's approval for the time of hearing.

The following matters shall not be considered to be the basis of any grievance under this procedure:

- The termination of the service of or the failure to re-employ any probationary teacher by the Superintendent.
- The granting of professional teacher status to a teacher without professional teacher status.

The Union agrees that it will set up a Grievance Committee not to exceed three (3) members.

Both the Superintendent and the Union shall have the right to legal assistance and/or stenographic assistance at all hearings, at their respective expense.

The Introduction and the narratives in each section of this document shall not subject to the provisions of this article.

ATTACHMENT S

Ch. 69, §1J
Underperforming & Chronically Underperforming Schools

<u>Topic by Section</u>	<u>Statutory Text</u> [Effective January 19, 2010]
<p>(a) Authority of Comm’r to designate underperforming (Level 4) or chronically underperforming (Level 5) schools</p> <p>Board to adopt regs establishing standards for such designation</p> <p>Statutory eligibility for designation</p> <p>Regs must use multiple indicators of school quality</p>	<p>(a) The commissioner of elementary and secondary education may, on the basis of student performance data collected pursuant to section 11, a school or district review performed under section 55A of chapter 15, or regulations adopted by the board of elementary and secondary education, designate 1 or more schools in a school district other than a Horace Mann charter school as underperforming or chronically underperforming. The board shall adopt regulations establishing standards for the commissioner to make such designations on the basis of data collected pursuant to section 11 or information from a school or district review performed under section 55A of chapter 15. Upon the release of the proposed regulations, the board shall file a copy there with the clerks of the house of representatives and the senate who shall forward the regulations to the joint committee on education. Within 30 days of the filing, the committee may hold a public hearing and issue a report on the regulations and file the report with the board. The board, pursuant to applicable law, may adopt final regulations making revisions to the proposed regulations as it deems appropriate after consideration of the report and shall forthwith file a copy of the regulations with the chairpersons of the joint committee on education and, not earlier than 30 days of the filing, the board shall file the final regulations with the state secretary. 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, beginning on July 1, 2011, improvement in student academic performance, shall be deemed eligible for designation as underperforming or chronically underperforming. Not more than 4 per cent of the total number of public schools may be designated as underperforming or chronically underperforming at any given time.</p> <p>In adopting regulations allowing the commissioner to designate a school as underperforming or chronically underperforming, the board shall ensure that such regulations take into account multiple indicators of school quality in making determinations regarding underperformance or chronic underperformance, such as student attendance, dismissal rates and exclusion rates, promotion rates, graduation rates or the lack of demonstrated significant improvement for 2 or more consecutive years in core academic subjects, either in the aggregate or among subgroups of students, including designations based special education, low income, English language proficiency and racial classifications.</p> <p>Before a school is designated chronically underperforming by the commissioner, a school must be designated underperforming and fail to improve.</p> <p>An underperforming or chronically underperforming school described in the following subsections shall operate in accordance with laws regulating other public schools, except as such provisions may conflict with this section or any turnaround plans created thereunder. A student who is enrolled in a school at the time it is designated as underperforming or chronically underperforming shall retain the ability to remain enrolled in the school while remaining a resident of the district if the student chooses to do so.</p>
<p>(m) Level 5 – Turnaround Plan (“TP”) created by Comm’r</p>	<p>(m) Upon the designation of a school as a chronically underperforming school in accordance with the regulations developed under this section, the commissioner shall create a turnaround plan for the school under this subsection and subsections (n) to (p), inclusive.</p> <p>Before creating the turnaround plan required in this subsection, the commissioner shall</p>

Ch. 69, §1J
Underperforming & Chronically Underperforming Schools

<p>Comm’r convenes Local Stakeholder Group (“LSG”) to make recommendations on TP, which shall be given due consideration</p>	<p>convene a local stakeholder group of not more than 13 individuals for the purpose of soliciting recommendations on the content of such plan in order to maximize the rapid academic achievement of students. The commissioner shall provide due consideration to the recommendations of the stakeholder group. The group shall include: (1) the superintendent, or a designee; (2) the chair of the school committee, or a designee; (3) the president of the local teacher's union, or a designee; (4) an administrator from the school, who may be the principal, chosen by the superintendent; (5) a teacher from the school chosen by the faculty of the school; (6) a parent from the school chosen by the local parent organization; (7) representatives of applicable state and local social service, health and child welfare agencies, chosen by the commissioner; (8) as appropriate, representatives of state and local workforce development agencies, chosen by the commissioner; (9) for elementary schools, a representative of an early education and care provider chosen by the commissioner of the department of early education and care and, for middle schools or high schools, a representative of the higher education community selected by the secretary of education; and (10) a member of the community appointed by the chief executive of the city or town. If the school or district does not have a parent organization or if the organization does not select a parent, the commissioner shall select a volunteer parent of a student from the school. The commissioner shall convene the group within 30 days of the designation of a school as chronically underperforming and the group shall make its recommendations to the commissioner within 45 days of its initial meeting. Meetings of the local stakeholder group shall be open to the public and the recommendations submitted to the commissioner under this subsection shall be publicly available immediately upon their submission.</p>
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Ch. 69, §1J
Underperforming & Chronically Underperforming Schools

<p>Bargaining changes to collective bargaining agreement</p> <p>Cannot reduce compensation of staff</p>	<p>literacy programs, early interventions for struggling readers and the teaching of advanced placement courses or other rigorous nationally or internationally recognized courses, if the school does not already have such programs or courses; (2) reallocate the uses of the existing budget of the school; (3) provide additional funds to the school from the budget of the district, if the school does not already receive funding from the district at least equal to the average per pupil funding received for students of the same classification and grade level in the district; (4) provide funds, subject to appropriation, to increase the salary of an administrator, or teacher in the school, in order to attract or retain highly qualified administrators or teachers or to reward administrators, or teachers who work in chronically underperforming schools that achieve the annual goals set forth in the turnaround plan; (5) expand the school day or school year or both of the school; (6) for an elementary school, add pre kindergarten and full day kindergarten classes, if the school does not already have such classes; (7) limit, suspend, or change 1 or more provisions of any contract or collective bargaining agreement, as the contract or agreement applies to the school; provided, however, that the commissioner shall not reduce the compensation of an administrator, teacher or staff member unless the hours of the person are proportionately reduced; and provided further, that the commissioner may require the school committee and any applicable unions to bargain in good faith for 30 days before exercising authority pursuant to this clause; (8) following consultation with applicable local unions, require the principal and all administrators, teachers and staff to reapply for their positions in the school, with full discretion vested in the superintendent regarding his consideration of and decisions on rehiring based on the reapplications; (9) limit, suspend or change 1 or more school district policies or practices, as such policies or practices relate to the school; (10) include a provision of job embedded professional development for teachers at the school, with an emphasis on strategies that involve teacher input and feedback; (11) provide for increased opportunities for teacher planning time and collaboration focused on improving student instruction; (12) establish a plan for professional development for administrators at the school, with an emphasis on strategies that develop leadership skills and use the principles of distributive leadership; (13) establish steps to assure a continuum of high expertise teachers by aligning the following processes with the common core of professional knowledge and skill: hiring, induction, teacher evaluation, professional development, teacher advancement, school culture and organizational structure; (14) develop a strategy to search for and study best practices in areas of demonstrated deficiency in the school; (15) establish strategies to address mobility and transiency among the student population of the school; and (16) include additional components, at the discretion of the commissioner, based on the reasons the school was designated as chronically underperforming and the recommendations of the local stakeholder group in subsection (m).</p> <p>If the commissioner does not approve a reapplication submitted by an employee pursuant to clause (7) for a position in the school or if an employee does not submit a reapplication for a position in the school, the employee shall retain such rights as may be provided under law or any applicable collective bargaining agreement, in relation to the employee's ability to fill another position in the district; provided, however, that the employee shall not have the right to displace any teacher with professional teacher status in any other school during a school year.</p> <p>A teacher with professional teacher status in a school declared underperforming or chronically underperforming may be dismissed for good cause; provided, however, that the teacher receives 5 days written notice of the decision to terminate which shall include without limitation an explanation of the reason why the commissioner or superintendent is not retaining the teacher in the school; provided, further, that the teacher may seek review of a termination decision within 5 days after receiving notice of the teacher's termination by filing a petition for expedited arbitration with the commissioner; provided further, that</p>
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Ch. 69, §1J
Underperforming & Chronically Underperforming Schools

<p>PTS teachers may be dismissed for good cause w/ expedited statutory review procedures</p>	<p>except as otherwise provided herein section 42 of chapter 71 shall apply to a petition filed pursuant to this section; provided further, that the commissioner shall cause an arbitrator to be selected pursuant to the procedures in section 42 of chapter 71 within 3 days of receipt of petition and shall ' conduct and complete a hearing within 10 days of receipt of the petition; provided, further, that in reviewing dismissal decisions, the arbitrator shall consider the components of the turnaround plan and shall also consider any personnel evaluations conducted that are consistent with the guidelines established pursuant to section 1B; and provided, further, that the arbitrator's decision shall be issued within 10 days from the completion of the hearing.</p> <p>For a school with limited English proficient students, the professional development and planning time for teachers and administrators identified in clauses (10) to (12), inclusive, shall include specific strategies and content designed to maximize the rapid academic achievement of the limited English proficient students.</p> <p>If the commissioner proposes to reallocate funds to the school from the budget of the district under clause (3), the commissioner shall notify the school committee, in writing, of the amount of and rationale for the reallocation.</p>
<p>(p) Preliminary TP w/in 30 days of LSG recommendations, Comm'r issues to LSG, school comm., superintendent, who may propose modifications w/in 30 days</p> <p>Comm'r shall consider and incorporate modifications if promote the rapid academic achievement of students</p>	<p>(p) Within 30 days of the local stakeholder group making recommendations under subsection (m), the commissioner shall submit a turnaround plan to the local stakeholder group, the superintendent and the school committee, all of whom may propose modifications to the plan. The commissioner shall make the plan immediately available to the public upon submission. The stakeholder group, the superintendent and the school committee shall submit any proposed modifications to the commissioner within 30 days after the date of submission of the turnaround plan and the proposed modifications shall be made public immediately upon their submission to the commissioner. The commissioner shall consider and incorporate the modifications into the plan if the commissioner determines that inclusion of the modifications would further promote the rapid academic achievement of students at the applicable school. The commissioner may alter or reject modifications submitted pursuant to this subsection. Within 30 days of receiving any proposed modifications, the commissioner shall issue a final turnaround plan for the school and the plan shall be made publicly available.</p>
<p>(q) Union, school comm., or superintendent may appeal to Board</p> <p>Majority of Bd. may vote to modify TP plan if:</p> <p>Board decision final</p>	<p>(q) Within 30 days of the issuance of a final turnaround plan under subsection (p), a superintendent, school committee or local union may appeal to the board of elementary and secondary education regarding 1 or more components of the plan, including the absence of 1 or more modifications proposed under subsection (p). A majority of the board, may vote to modify the plan if the board determines that: (1) such modifications would further promote the rapid academic achievement of students in the applicable school; (2) a component of the plan was included, or a modification was excluded, on the basis of demonstrably false information or evidence; or (3) the commissioner failed to meet the requirements of subsections (m) to (p), inclusive. The decision of the board regarding an appeal under this subsection shall be made within 30 days and shall be final.</p>
<p>(r)</p>	<p>(r) In the case of a chronically underperforming school, the commissioner may, under the circumstances described in this subsection, send a targeted assistance team to the school to assist the superintendent with the implementation of the turnaround plan, require the superintendent to implement the turnaround plan, or select an external receiver to operate</p>

Ch. 69, §1J
Underperforming & Chronically Underperforming Schools

	<p>the school and implement the turnaround plan. The commissioner may appoint such receiver if the commissioner determines that: (1) the superintendent is unlikely to implement the plan successfully; or (2) conditions exist in the district that are likely to negatively affect the ability of the superintendent to implement such plan successfully. A receiver shall be a nonprofit entity or an individual with a demonstrated record of success in improving low performing schools or the academic performance of disadvantaged students. A receiver shall be subject to section 11M of chapter 30A and chapter 66. A receiver who is an individual shall also be subject to chapter 268A.</p> <p>The commissioner may select the external receiver upon the designation of a school as chronically underperforming. The external receiver may serve as the commissioner's designee for the purpose of creating a school's turnaround plan under subsections (m) to (p), inclusive.</p>
<p>(s) Level 5 receiver has managerial and operational control per TP but SC remains employer of record</p>	<p>(s) An external receiver selected by the commissioner to operate a chronically underperforming school shall have full managerial and operational control over the school as provided in the turnaround plan. For all other purposes, the school district in which the school is located shall remain the employer of record.</p>
<p>(t) TP period up to 3 years</p>	<p>(t) Each turnaround plan shall be authorized for a period of not more than 3 years, subject to subsection (v). The superintendent or external receiver, as applicable, may develop additional components of the plan and shall develop annual goals for each component of the plan in a manner consistent with subsection (n), all of which must be approved by the commissioner. The superintendent or external receiver, as applicable, shall be responsible for meeting the goals of the turnaround plan.</p>
<p>(u) Comm'r or receiver provides quarterly reports to school comm.</p>	<p>(u) The commissioner or external receiver, as applicable, shall provide a written report to the school committee on a quarterly basis to provide specific information about the progress being made on the implementation of the school's turnaround plan. One of the quarterly reports shall be the annual evaluation under subsection (v).</p>
<p>(v) Comm'r to conduct annual review, submitted to Superintendent and school comm.</p> <p>Annual review outcomes:</p>	<p>(v) The commissioner shall evaluate each chronically underperforming school at least annually. The purpose of the evaluation shall be to determine whether the school has met the annual goals in its turnaround plan and assess the implementation of the plan at the school. The review shall be in writing and shall be submitted to the superintendent and the school committee not later than July 1 for the preceding school year. The review shall be submitted in a format determined by the department of elementary and secondary education.</p> <p>If the commissioner determines that the school has met the annual performance goals stated in the turnaround plan, the review shall be considered sufficient and the implementation of the turnaround plan shall continue. If the commissioner determines that the school has not met 1 or more goals in the plan, the commissioner may modify the plan in a manner consistent with subsection (n).</p> <p>If the commissioner determines that the school has substantially failed to meet multiple goals in the plan, the commissioner may: (1) if the school is operated by a superintendent, appoint an external receiver, as defined in subsection (r), to operate the school; or (2) if the school is operated by an external receiver terminate the contract of the external receiver; provided, however, that the commissioner shall not terminate the receiver before the completion of the first full school year of the operation of the ,chronically</p>

Ch. 69, §1J
Underperforming & Chronically Underperforming Schools

	underperforming school.
(w) Expiration of TP	(w) Upon the expiration of a turnaround plan for a chronically underperforming school, the commissioner shall conduct a review of the school to determine whether the school has improved sufficiently, requires further improvement or has failed to improve. On the basis of such review, the commissioner may: (1) on the basis of a superintendent's or external receiver's success in meeting the terms of the plan, renew the plan with the superintendent or external receiver for an additional period of not more than 3 years; (2) if a school that is operated by a superintendent and remains chronically underperforming, appoint an external receiver, as defined in subsection (r), to operate the school; (3) if a chronically underperforming school that is operated by an external receiver and remains chronically underperforming, transfer the operation of the school from the receiver to the applicable superintendent or to another external receiver; or (4) determine that the school has improved sufficiently for the designation of chronically underperforming to be removed. The commissioner shall: (1) in the case of a renewal of an turnaround plan, jointly determine subsequent annual goals for each component of the plan with the superintendent or external receiver, as applicable; or (2) create a new or modified turnaround plan as necessary, consistent with the requirements of this section.
(y) Board to adopt regs determining when leave Level 4 or 5 status Regs to allow for transition period	(y) The board of elementary and secondary education shall adopt regulations regarding: (1) the conditions under which an underperforming or chronically underperforming school shall no longer be designated as an underperforming or chronically underperforming school; and (2) the transfer of the operation of an underperforming or a chronically underperforming school from a superintendent or an external receiver, as applicable, to the school committee. The regulations shall include provisions to allow a school to retain measures adopted in an turnaround plan for a transitional period if, in the judgment of the commissioner, the measures would contribute to the continued improvement of the school. Such regulations shall also include provisions that clearly identify the conditions under which such a transitional period shall end and the powers granted to the commissioner and board under this section shall cease to apply to a district previously designated as chronically underperforming.
(z) Comm'r annual reports	(z) 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 and section 1K. The report shall include, but not be limited to, a list of all schools currently designated as underperforming or chronically underperforming, a list of all districts currently designated as chronically underperforming, the plans and timetable for returning the schools and districts to the local school committee and strategies used in each of the schools and districts to maximize the rapid academic achievement of students.