

# HOUSE . . . . . No. 4

---

---

## The Commonwealth of Massachusetts

---

DEPARTMENT OF EDUCATION  
350 MAIN STREET  
MALDEN, MASSACHUSETTS 02148-5023

The Honorable Steven James  
*Clerk of the House of Representatives*  
State House, Room 145  
Boston, Massachusetts 02133  
November 1, 2006

Dear Clerk James:

On behalf of the Massachusetts Board of Education and in accordance with G.L. c. 30, s. 33, I am transmitting seven recommendations for legislative consideration during the 2007-2008 legislative session that the Board voted to file at its meeting on October 24, 2006. The seven legislative proposals are as follows:

1. AN ACT PROVIDING FOR FAIR AND EQUITABLE SCHOOL FUNDING.
  - Codification in the Mass. General Laws of the Chapter 70 school finance reforms that were included in the FY07 state budget
2. AN ACT PROVIDING FOR THE ESTABLISHMENT OF LOCAL GROUP INSURANCE COMMITTEES
  - Health insurance reform providing authorization and incentives for the creation of local group insurance committees
3. AN ACT TO IMPROVE EDUCATIONAL SERVICES IN SMALL SCHOOL DISTRICTS
  - Establishment of superintendency unions to provide economies of scale and school improvement planning

4. AN ACT RELATIVE TO PRIVATE OCCUPATIONAL SCHOOLS
  - Clarifying that students need not obtain judgments from a court to receive reimbursement from the surety when a school closes
5. AN ACT PROVIDING FOR OPPORTUNITIES FOR SINGLE-SEX SCHOOLS AND CLASSES
  - Authority for school committees and charter schools to operate single-sex schools and programs, to the extent consistent with federal law and the Massachusetts Constitution
6. AN ACT ENHANCING OPTIONS AVAILABLE FOR UNDER-PERFORMING AND CHRONICALLY UNDER-PERFORMING SCHOOLS AND CLASSIFYING CERTAIN MANAGEMENT POSITIONS
  - Additional options and authority to improve under-performing and chronically under-performing schools, and classification of management positions
7. AN ACT RELATIVE TO HORACE MANN CHARTER SCHOOLS
  - Horace Mann charter school revisions regarding applications, cost allocation and dispute resolution

The full text of each legislative proposal is enclosed. If you have any questions or need additional information, please call me or Sylvia Smith, the Director of External Partnerships, at (781) 338-3105.

Thank you very much.

Sincerely,

DAVID P. DRISCOLL,  
*Commissioner of Education*

**BOARD OF EDUCATION LEGISLATIVE PROPOSALS:  
BRIEF SUMMARIES****AN ACT PROVIDING FOR FAIR AND EQUITABLE SCHOOL FUNDING.**

The FY2007 state budget included the first major overhaul of the Chapter 70 school financing formula since the enactment of the Commonwealth's landmark 1993 education reform law. These changes are the result of several years of discussions and debate, involving the Department of Education, other state agencies, legislators, municipal and school officials, parents, researchers, and many others. In particular the new formula addresses the issue of "taxpayer equity," using updated municipal income and property data to ensure that communities of similar wealth are treated comparably. It also simplifies the calculation of state aid allotments and ensures that state aid will keep pace in districts with growing enrollments. This bill would codify the school finance reforms in the Massachusetts General Laws.

**AN ACT PROVIDING FOR THE ESTABLISHMENT OF LOCAL GROUP INSURANCE COMMITTEES.**

This legislation further enhances health care reform, by providing authorization and incentives for the creation of local group insurance committees. These changes would help school districts address skyrocketing health care costs, which are an increasingly serious problem affecting schools throughout the Commonwealth.

**AN ACT TO IMPROVE EDUCATIONAL SERVICES IN SMALL SCHOOL DISTRICTS.**

Massachusetts General Laws chapter 71, sections 61-64, currently authorize the school committees of two or more small towns to form a "union" to employ a superintendent jointly. This is different from the formation of a unified regional school district. This legislation would authorize the Commissioner of Education to establish new superintendency unions if needed to increase the effectiveness and efficiency of educational programs, thereby providing economies of scale as well

as the opportunity for school improvement planning on a broader scale.

#### AN ACT RELATIVE TO PRIVATE OCCUPATIONAL SCHOOLS.

The Board and Department of Education license and regulate certain private trade and business schools (proprietary schools) that provide training to adults. This is a consumer protection function as well as an educational one. All private occupational schools in the Commonwealth are required to provide some type of surety (e.g. an insurance bond, letter of credit, or certificate of deposit) to provide refunds to students who were unable to complete a program due to a school's closure. When a school closes, students file claims for tuition refunds with the Department. This legislation puts consumer protections in place for students in such circumstances, by clarifying that students do not have to obtain court judgments in order to receive reimbursement from the surety after a school has closed.

#### AN ACT PROVIDING OPPORTUNITIES FOR SINGLE-SEX SCHOOLS AND CLASSES.

This legislation would authorize school committees and charter schools to establish single-sex schools and programs to the extent that such programs are consistent with the Massachusetts Constitution and federal law. Any school committee or charter school board that chooses to provide a single-sex school or program as an option for parents and students would still have to ensure that it is consistent with the equal rights amendment to the State Constitution as well as federal civil rights law (Title IX).

#### AN ACT ENHANCING OPTIONS AVAILABLE FOR UNDER-PERFORMING AND CHRONICALLY UNDER-PERFORMING SCHOOLS AND CLASSIFYING CERTAIN MANAGEMENT POSITIONS.

Local school officials have made clear that they need more tools and resources to address the needs of students, and those needs are especially urgent in schools that are under-performing or chronically

under-performing. Mindful of these concerns, the Board of Education (a) has amended its regulations on under-performing schools and districts, (b) will request additional funding in its FY08 budget proposal, and (c) is filing this legislation to authorize district and school leaders, notwithstanding any contrary provisions in the collective bargaining agreement, to assign teachers and other personnel and provide supplemental compensation to attract and retain highly qualified personnel. The bill would authorize school committees to apply for Horace Mann charters for under-performing schools under an expedited process. The Board of Education would have authority to place a chronically under-performing school under alternative management, transfer governance of the school to a third party, or close the school. The bill would also enhance the effectiveness of school and district management by classifying assistant principals and district administrator positions as management positions not subject to collective bargaining.

AN ACT RELATIVE TO HORACE MANN CHARTER SCHOOLS.

This legislation amends the charter school statute concerning applications, cost allocation and dispute resolution for Horace Mann charter schools. A school committee would apply for a Horace Mann charter and, if the Board of Education grants the charter, the charter school would be exempt from local collective bargaining agreements to the extent provided by the terms of its charter and agreed to by the local collective bargaining agent. The district's allocation of funds to the charter school and the timeline for subsequent appeals by the charter school board of trustees are also addressed.