

HOUSE No. 01588

The Commonwealth of Massachusetts

PRESENTED BY:

Christine E. Canavan

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 passage of the accompanying bill:

An Act to promote collaboration at designated schools and districts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Alice K. Wolf</i>	<i>25th Middlesex</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>
<i>Geraldine Creedon</i>	<i>11th Plymouth</i>
<i>Sean Curran</i>	<i>9th Hampden</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex, Suffolk, and Essex</i>
<i>Joyce A. Spiliotis</i>	<i>12th Essex</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Cheryl A. Coakley-Rivera</i>	<i>10th Hampden</i>

HOUSE No. 01588

By Ms. Christine E. Canavan of Brockton, petition (accompanied by bill, House, No. 01588) of Alice K. Wolf and others relative to collective bargaining of certain school employees in response to "rapid academic achievement," so-called. Joint Committee on Public Service.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to promote collaboration at designated schools and districts.

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. Chapter 69 of the General Laws, as most recently amended by Chapter 12 of the Acts
2 of 2010, is hereby amended in Section 1J by deleting subsection (g), and replacing it with a new
3 subsection (g) as follows :-

4 (g) If, after considering the recommendations of the group of stakeholders, the superintendent
5 considers it necessary to maximize the rapid academic achievement of students at the applicable
6 school by altering the compensation, hours and working conditions of the administrators,
7 teachers, principal and staff at the school or by altering other provisions of a contract or
8 collective bargaining agreement applicable to the administrators, teachers, principal and staff, the
9 superintendent shall request that the school committee and any union bargain or reopen the
10 bargaining of the relevant collective bargaining agreement to negotiate such alterations.

11 Section 2. Chapter 69 of the General Laws, as most recently amended by Chapter 12 of the Acts
12 of 2010, is hereby amended in Section 1J by inserting a new subsection after subsection (q) to
13 read as follows :-

14 (q)(1) If, after considering the recommendations of the group of stakeholders, the commissioner
15 considers it necessary to maximize the rapid academic achievement of students at the applicable
16 school by altering the compensation, hours and working conditions of the administrators,
17 teachers, principal and staff at the school or by altering other provisions of a contract or
18 collective bargaining agreement applicable to the administrators, teachers, principal and staff, the
19 commissioner may request that the school committee and any union bargain or reopen the
20 bargaining of the relevant collective bargaining agreement to facilitate such achievement. The
21 bargaining shall be conducted in good faith and completed not later than 60 days from the point
22 at which the commissioner requested that the parties bargain. The agreement shall be subject to
23 ratification within 10 business days by the bargaining unit members in the school. If the parties
24 are unable to reach an agreement within 60 days or if the agreement is not ratified within 10
25 business days by the bargaining unit members of the school, the parties shall submit remaining
26 unresolved issues a joint resolution committee for dispute resolution process on the next business
27 day following the end of the 60-day bargaining period or failure to ratify.

28 The joint resolution committee shall be comprised of 3 members, 1 of whom shall be appointed
29 by the employee organization within 3 business days following the submission of unresolved
30 issues to the joint resolution committee, 1 of whom shall be appointed by the school committee
31 within 3 business days following the submission of unresolved issues to the joint resolution
32 committee and 1 who shall be selected through the American Arbitration Association who shall
33 forthwith forward to the parties a list of 3 conciliators, each of whom shall have professional

34 experience in elementary and secondary education, from which the parties may agree upon a
35 single conciliator provided, however, that if the parties cannot select a conciliator from among
36 the 3 within 5 business days, the American Arbitration Association shall select a conciliator from
37 the remaining names. The joint resolution committee shall conduct a dispute resolution process
38 to be concluded within 30 business days of selection. This process shall be conducted in
39 accordance with the rules of the American Arbitration Association and consistent with this
40 section. The fee for the process shall be shared equally between the 2 parties involved.

41 The joint resolution committee shall consider the positions of the parties, the designation of the
42 school as chronically underperforming and the needs of the students in the school.
43 Notwithstanding any other provision of this chapter, the decision of the joint resolution
44 committee shall be dispositive of all the issues in dispute and shall be submitted to the parties
45 within 10 business days of the completion of the process.

46 Section 3. Chapter 69 of the General Laws, as most recently amended by Chapter 12 of the Acts
47 of 2010, is hereby amended in Section 1K by deleting subsection (e), and replacing it with a new
48 subsection (e) as follows :-

49 (e) If, after considering the recommendations of the group of stakeholders, the commissioner
50 considers it necessary to maximize the rapid academic achievement of students in the applicable
51 school district by altering the compensation, hours and working conditions of the administrators,
52 teachers, principal and staff in the school district, or by altering other provisions of a contract or
53 collective bargaining agreement applicable to the administrators, teachers, principal and staff, the
54 commissioner may request that the school committee and any union bargain or reopen the
55 bargaining of the relevant collective bargaining agreement to facilitate such achievement. The

56 bargaining shall be conducted in good faith and completed not later than 60 days from the point
57 at which the commissioner requested that the parties bargain. The agreement shall be subject to
58 ratification within 10 business days by the bargaining unit members in the school. If the parties
59 are unable to reach an agreement within 60 days, the parties shall submit remaining unresolved
60 issues to a joint resolution committee for dispute resolution process within 3 business days
61 following the end of the 60-day bargaining period.

62 The joint resolution committee shall be comprised of 3 members, 1 of whom shall be appointed
63 by the employee organization within 3 business days following the submission of unresolved
64 issues to the joint resolution committee, 1 of whom shall be appointed by the school committee
65 within 3 business days following the submission of unresolved issues to the joint resolution
66 committee and 1 who shall be selected through the American Arbitration Association who shall
67 forthwith forward to the parties a list of 3 conciliators, each of whom shall have professional
68 experience in elementary and secondary education, from which the parties may agree upon a
69 single conciliator provided, however, that if the parties cannot select a conciliator from among
70 the 3 within 5 business days, the American Arbitration Association shall select a conciliator from
71 the remaining names. The joint resolution committee shall conduct a dispute resolution process
72 to be concluded within 30 business days of selection. This process shall be conducted in
73 accordance with the rules of the American Arbitration Association and consistent with this
74 section. The fee for the process shall be shared equally between the 2 parties involved.

75 The joint resolution committee shall consider the positions of the parties, the designation of the
76 school as chronically underperforming and the needs of the students in the school.
77 Notwithstanding any other provision of this chapter, the decision of the joint resolution

78 committee shall be dispositive of all the issues in dispute and shall be submitted to the parties
79 within 10 business days of the completion of the process.