

**HOUSE . . . . . No. 236**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

*Marjorie C. Decker*

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*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 promoting school services.

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PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Marjorie C. Decker*

*25th Middlesex*

*Patricia D. Jehlen*

*Second Middlesex*

**HOUSE . . . . . No. 236**

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By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 236) of Marjorie C. Decker and Patricia D. Jehlen relative to underperforming or chronically underperforming schools. Education.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act promoting school services.

*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. Section 1J of said chapter 69, as so appearing, is hereby amended by  
2 striking out subsection (a) and inserting in place thereof the following subsection:

3           (a) Prior to October 1, the commissioner of elementary and secondary education may, on  
4 the basis of (i) student performance data collected pursuant to section 1I; (ii) a school or district  
5 review performed under section 55A of chapter 15; or (iii) regulations adopted by the board of  
6 elementary and secondary education, designate 1 or more schools in a school district other than a  
7 Horace Mann charter school as a underperforming or chronically underperforming school. The  
8 board shall adopt regulations establishing standards for the commissioner to make such  
9 designations on the basis of data collected pursuant to section 1I or information from a school or  
10 district review performed under section 55A of chapter 15. Upon the release of the proposed  
11 regulations, the board shall file a copy of the proposed regulations with the clerks of the senate  
12 and house of representatives who shall forward the regulations to the joint committee on

13 education. Within 30 days of the filing, the joint committee may hold a public hearing and issue  
14 a report on the regulations and file the report with the board. The board, pursuant to applicable  
15 law, may adopt final regulations making revisions to the proposed regulations as it deems  
16 appropriate after consideration of the report and shall immediately file a copy of the regulations  
17 with the chairs of the joint committee on education. Not earlier than 30 days from the filing, the  
18 board shall file the final regulations with the state secretary. Schools that score in the lowest 10  
19 per cent statewide among schools serving common grade levels on a single measure developed  
20 by the department that takes into account student performance data and improvement in student  
21 academic performance, shall be deemed eligible for designation as a underperforming or  
22 chronically underperforming school.. Not more than 4 per cent of the total number of public  
23 schools may be designated as an underperforming or chronically underperforming school at any  
24 given time.

25 In adopting regulations allowing the commissioner to designate a school as an  
26 underperforming or chronically underperforming school, the board shall ensure that such  
27 regulations take into account multiple indicators of school quality in making such designations,  
28 including, but not limited to: student attendance rates, dismissal rates and exclusion rates,  
29 promotion rates, graduation rates or the lack of demonstrated significant improvement for at least  
30 2 consecutive years in core academic subjects, either in the aggregate or among subgroups of  
31 students, including designations based on special education, low-income, English language  
32 proficiency, and racial or ethnic classifications.

33 Before a school is designated as chronically underperforming by the commissioner, a  
34 school shall have been designated as underperforming and failed to improve. Before a school  
35 designation is updated to underperforming or to chronically underperforming, the commissioner

36 shall make funds available for at least three of the following services for a period of not less than  
37 two years: (1) Early childhood services including early childhood education, programs under the  
38 federal Head Start Act, or child care services; (2) Academic support and enrichment activities,  
39 including expanded learning time, summer or after-school enrichment and learning experiences;  
40 (3) Job training, internship, and apprenticeship opportunities and career counseling services; (4)  
41 Programs that provide assistance to students who have been truant, suspended, or expelled; (5)  
42 GED programs for youth and community members; (6) programs to promote parental  
43 involvement, including family literacy programs, parent professional development activities and  
44 parenting education activities; (7) Mental health counseling services; (8) youth leadership  
45 development opportunities; (9) juvenile crime prevention and rehabilitation programs; (10)  
46 primary health and dental care; (11) adult education for parents, including instruction in English  
47 as a second language, or (12) homeless prevention services and mortgage revision services for  
48 parents. In determining which of the above services will be provide, a superintendent shall  
49 convene a local stakeholder group of not more than 15 individuals, for the purpose of allocating  
50 and overseeing the funding provided by the department. The group shall include: (1) the  
51 commissioner, or a designee; (2) the chair of the school committee, or a designee; (3) the  
52 president of the local teacher's union, or a designee; (4) an administrator from the school, who  
53 may be the principal, chosen by the superintendent; (5) two teachers from the school chosen by  
54 the faculty of the school; (6) two parents from the school chosen by the local parent organization;  
55 (7) representatives of applicable state and local social service, health and child welfare agencies,  
56 chosen by the superintendent; (8) as appropriate, representatives of state and local workforce  
57 development agencies, chosen by the superintendent; (9) for elementary schools, a representative  
58 of an early education and care provider chosen by the commissioner of the department of early

59 education and care and, for middle schools or high schools, a representative of the higher  
60 education community selected by the secretary; and (10) a member of the community appointed  
61 by the chief executive of the city or town. If the school or district does not have a parent  
62 organization or if the organization does not select a parent, the superintendent shall select a  
63 volunteer parent of a student from the school.

64 Funds provided for these purposes shall supplement, not supplant, existing services and  
65 funds. Funding provide shall equal two hundred fifty thousand dollars or two percent of the  
66 district's net school spending per year, whichever is greater.

67 An underperforming or chronically underperforming school described in the following  
68 subsections shall operate in accordance with laws regulating other public schools, except as such  
69 provisions may conflict with this section or any turnaround plans created thereunder. A student  
70 who is enrolled in a school at the time it is designated as an underperforming or chronically  
71 underperforming school may elect to remain enrolled in the school while remaining a resident of  
72 the district if the student chooses to do so.