

HOUSE No. 449

The Commonwealth of Massachusetts

PRESENTED BY:

James J. O'Day

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 to promote collaboration in Horace Mann and innovation schools.

PETITION OF:

NAME:

James J. O'Day

DISTRICT/ADDRESS:

14th Worcester

HOUSE No. 449

By Mr. O'Day of West Boylston, a petition (accompanied by bill, House, No. 449) of James J. O'Day relative to Horace Mann charter school collective bargaining applicability. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 451 OF 2013-2014.]

The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**
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An Act to promote collaboration in Horace Mann and innovation schools.

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 89 of chapter 71 of the General Laws, as most recently amended by
2 chapter 199 of the Acts of 2011, is hereby amended in subsection (i), clause (1) by replacing
3 striking the words “provided, however, notwithstanding subsection (c) the 14 new Horace Mann
4 charter schools shall not be subject to the requirement of an agreement with the local collective
5 bargaining unit prior to board approval; provided, further, that after the charter for these 14 new
6 Horace Mann charter schools have been granted by the board, the schools shall develop a
7 memorandum of understanding with the school committee and the local union regarding any
8 waivers to applicable collective bargaining agreements; provided, further, that if an agreement is
9 not reached on the memorandum of understanding at least 30 days before the scheduled opening
10 of the school, the charter school shall operate under the terms of its charter until an agreement is
11 reached”

12 Section 2. Section 92 of Chapter 71, as most recently amended by chapter 68 of the Acts
13 of 2011, is hereby amended by rewriting subsection (l) as follows:-

14 (l) Upon the completion of the innovation plan in subsection (j), the applicant, a local
15 union and the superintendent shall negotiate waivers or modifications to the applicable collective
16 bargaining agreement necessary for the school to implement the innovation plan.

17 In the case of a school conversion, upon the conclusion of the negotiations, the
18 innovation plan shall be submitted immediately to the teachers in the school that is proposed for
19 conversion for approval by secret ballot within 30 days. A two-thirds vote of the teachers shall
20 be required to approve the plan. If a two-thirds vote is not achieved, the local union and
21 superintendent may revise the innovation plan as necessary and submit the revised plan to the
22 teachers for a subsequent vote.

23 Upon the conclusion of the negotiations, the innovation plan shall be submitted
24 immediately to the school committee.