

**SENATE . . . . . No. 00187**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Katherine M. Clark*

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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 passage of the accompanying bill:

An Act to promote collaboration in Horace Mann and innovation schools.

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PETITION OF:

NAME:

*Katherine M. Clark*

*Joyce A. Spiliotis*

DISTRICT/ADDRESS:

*Middlesex and Essex*

*12th Essex*

**SENATE . . . . . No. 00187**

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By Ms. Clark, petition (accompanied by bill, Senate, No. 187) of Clark and Spiliotis for legislation to promote collaboration in Horace Mann and innovation schools [Joint Committee on Education].

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The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven  
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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. Sec 89 of Chapter 71, as most recently amended by Section 7 of Chapter 12 of  
2 the Acts of 2010, is hereby amended in subsection (i), clause (1) by replacing the words:-  
3 “further, that if an agreement is not reached on the memorandum of understanding at least 30  
4 days before the scheduled opening of the school, the charter school shall operate under the terms  
5 of its charter until an agreement is reached;”with the words:- “If the negotiations have not  
6 resulted in an agreement within 40 days, either party may petition the division of labor relations  
7 for the selection of an arbitrator. The division shall select an arbitrator within 3 days of the  
8 petition from a list submitted by the parties. The arbitrator shall conduct a hearing within 14 days  
9 of the arbitrator’s selection. The arbitrator shall consider the parties’ positions and the needs of  
10 the students in the district. The arbitrator’s decision shall be consistent with the contents of the  
11 innovation plan developed by the applicant. The arbitrator shall, within 14 days of the close of  
12 the hearing, submit a decision which shall be final and binding on the parties.”

13           Section 2. Sec 92 of Chapter 71, as added by Section 8 of Chapter 12 of the Acts of  
14 2010, is hereby amended by rewriting subsection (l) as follows:-

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

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

24           In the case of a new school or a school conversion, if the negotiations have not resulted in  
25 an agreement within 40 days, either party may petition the division of labor relations for the  
26 selection of an arbitrator. The division shall select an arbitrator within 3 days of the petition from  
27 a list submitted by the parties. The arbitrator shall conduct a hearing within 14 days of the  
28 arbitrator's selection. The arbitrator shall consider the parties' positions and the needs of the  
29 students in the district. The arbitrator's decision shall be consistent with the contents of the  
30 innovation plan developed by the applicant. The arbitrator shall, within 14 days of the close of  
31 the hearing, submit a decision which shall be final and binding on the parties.