



## Education Reform Act of 2009

### Creating Innovation Schools and Raising the Charter School Cap

The Education Reform bill enacted by the Senate on November 17 is expected to be taken up by the House when formal sessions resume in January. Combining elements of Governor Patrick's proposals from July, which MBAE supported, the bill would establish "Innovation Schools" with increased autonomy and flexibility in operation; and methods for turning around underperforming and chronically underperforming schools and districts. In addition, the bill raises caps on charter schools, doubling the amount of funds for the 10% of lowest performing districts from 9 to 18% of net school spending.

#### Management Rights

MBAE emphasized the importance of retaining management rights provisions which faced strong union opposition. While some of the most egregious amendments were avoided, other strong tools that would empower school leaders to turn around underperforming schools were undermined. We will work to restore these in the House.

- Clerk 26, 31, 32, 33 Withdrawn – As urged by MBAE, the Senate preserved the option for the commissioner to alter collective bargaining agreements in chronically underperforming schools as a crucial tool in generating real change.
- Clerk 71 Adopted – Virtually eliminates the ability of superintendents to require teachers and principals to reapply for their jobs in turnaround schools by mandating "good cause" and arbitrator review of teacher dismissals in underperforming and chronically underperforming schools.
- Clerk 73 Adopted – Drastically weakens the bargaining position of superintendents by replacing "last best offer" with arbitration in renegotiation of collective bargaining agreements in underperforming schools.

#### Management Rights

MBAE advocated for raising charter school caps without imposing constraints on the very conditions that lead to the success of these schools in raising student achievement. Although the Senate bill lifts statewide charter caps and doubles the district spending caps for the lowest performing districts, it contains additional charter application and operation requirements that could restrict charter growth and innovation.

- Clerk 25 (amended) Adopted – As amended, avoids restoring a potential union veto of Horace Mann charter schools, but adds an application hurdle by requiring a majority of teachers to approve a school conversion to this type of charter.
- Clerk 79 Adopted – Prevents funding shift of charter "growth" into a precarious line-item; keeping it in Chapter 70 where it will remain like all district funding.
- Clerk 78 (redrafted) Adopted – Compromise reduces impact of the original bill provision requiring charters to "backfill" vacancies with students from the same grade (rather than the youngest grade, as most currently do) by excluding Grades 11 and 12 or the "last grade" taught in lower grade schools from this mandate.

Passage of the bill would make Massachusetts eligible for the Race to the Top competitive federal grants which could mean \$100 - \$250 million for the Commonwealth. State applications are due January 19<sup>th</sup>. MBAE will continue to provide analysis and commentary as the bill proceeds through the legislative process to the Governor's desk.