

Innovation Schools Statute:
Mass. General Laws Chapter 71, Section 92
(as added by Section 8 of Chapter 12 of the Acts of 2010
and including 2011 amendments)

(a) An Innovation School shall be a public school, operating within a public school district, that is established for the purpose of improving school performance and student achievement through increased autonomy and flexibility. An Innovation School may be established as a new public school or as a conversion of an existing public school. A student who is enrolled in a school at the time it is established as an Innovation School shall retain the ability to remain enrolled in the school if the student chooses to do so.

(b) An Innovation School may establish an advisory board of trustees. An Innovation School shall have increased autonomy and flexibility in 1 or more of the following areas: (i) curriculum; (ii) budget; (iii) school schedule and calendar; (iv) staffing policies and procedures, including waivers from or modifications to, contracts or collective bargaining agreements; (v) school district policies and procedures; and (vi) professional development. An Innovation School shall receive each school year from the school committee the same per pupil allocation as any other district school receives. An Innovation School may retain any unused funds and use the funds in subsequent school years. An Innovation School may establish a non-profit organization that may, among other things, assist the school with fundraising. A district shall not reduce its funding to an Innovation School as a result of the school's fundraising activities.

(c) An Innovation School established under this section shall be authorized by the local school committee and shall operate according to an innovation plan, which shall articulate the areas of autonomy and flexibility under subsection (b). To the extent practicable, the innovation plan shall be based on student outcome data, including, but not limited to: (i) student achievement on the Massachusetts Comprehensive Assessment System; (ii) other measures of student achievement, approved by the commissioner, as appropriate; (iii) student promotion, graduation rates and dropout rates; (iv) achievement data for different subgroups of students, including low-income students as defined by chapter 70, limited English-proficient students and students receiving special education; and (v) student attendance, dismissal rates and exclusion rates.

An Innovation School shall operate in accordance with the law regulating other public schools, except as the law conflicts with this section or any innovation plans created thereunder.

(d) An Innovation School is a school in which: (i) faculty and leadership are primarily responsible for developing the innovation plan under which the school operates and leadership is responsible for meeting the terms of the innovation plan; or (ii) an external partner is primarily responsible for developing the innovation plan under which the school operates and the external partner is responsible for meeting the terms of the innovation plan.

(e) Nothing in this section shall be construed to prohibit: (i) the establishment of an Innovation School as an academy within an existing public school; (ii) the establishment of an Innovation School serving students from 2 or more school districts; provided, however, that all of the provisions of this section are met by each school district; (iii) the simultaneous establishment of 2 or more Innovation Schools as an Innovation Schools Zone within a school district; or (iv) the establishment of an Innovation School as a virtual public school that provides instruction to students through distance learning, including online learning programs and courses, subject to regulations adopted by the board of elementary and secondary education.

(f) The following shall be eligible applicants for the purposes of establishing an Innovation School: (i) parents; (ii) teachers; (iii) parent-teacher organizations; (iv) principals; (v) superintendents; (vi) school committees; (vii) teacher unions; (viii) colleges and universities; (ix) non-profit community-based organizations; (x) non-profit business or corporate entities; (xi) non-profit charter school operators; (xii) non-profit education management organizations; (xiii) educational collaboratives; (xiv) consortia of these groups; and (xv) non-profit entities authorized by the commissioner. Private and parochial schools shall not be eligible to operate an Innovation School.

(g) The local school committee, local teacher's union and superintendent of the district shall follow a process, consistent with this subsection and subsections (h) to (o), inclusive, for which an existing district school may be converted to an Innovation School or by which a new Innovation School may be established within the district. This process shall require that an eligible applicant proposing to establish an Innovation School prepare a prospectus regarding the proposed school. The prospectus shall include, but not be limited to, a description of: (i) whether the school will be a new school or a conversion of an existing school; (ii) if the school is a new school, the proposed location of the school; (iii) if the school is a conversion of an existing school, the school that is being proposed for conversion; (iv) the external partners, if any, that will be involved in the school; (v) the number of students the school is anticipated to serve and the number of staff expected to be employed at the school; (vi) the overall vision for the school, including improving school performance and student achievement; (vii) specific needs or challenges the school shall be designed to address; (viii) a preliminary assessment of the autonomy and flexibility under subsection (b) that the school will seek; (ix) why such flexibility is desirable to carry out the objectives of the school; (x) anticipated components of the school's innovation plan; (xi) a preliminary description of the process that shall be used to involve appropriate stakeholders in the development of the innovation plan; and (xii) a proposed timetable for development and establishment of the proposed school.

(h) Upon completion of the prospectus under subsection (g), an eligible applicant shall submit the prospectus to the superintendent, who shall within 30 days convene a screening committee consisting of the superintendent or a designee, a school committee member or a designee selected by the school committee and a representative from the leadership of the local teacher's union.

The screening committee shall review the prospectus for the purpose of determining whether the prospectus: (i) presents a sound and coherent plan for improving school performance and student achievement; (ii) supports or enhances existing educational efforts in the district; and (iii) reasonably can be expanded into a comprehensive innovation plan. In the case of a new school, the committee will prepare an impact statement describing how the new school will affect the children and faculty in the district. Within 30 days of receiving a prospectus, the screening committee shall decide, on the basis of a two-thirds vote, to accept or reject the prospectus, or return the prospectus to the eligible applicant for revisions. If a prospectus is rejected or returned, the screening committee shall submit a detailed explanation for the decision to the applicant. A prospectus that is rejected or returned may be revised and resubmitted for subsequent consideration.

(i) Upon the acceptance of a prospectus by the screening committee under subsection (h), the applicant shall form an innovation plan committee of not more than 11 individuals within 30 days. The purpose of the innovation plan committee shall be to: (i) develop the innovation plan described in subsection (c); (ii) assure that appropriate stakeholders are represented in the development of the proposed Innovation School; and (iii) provide meaningful opportunities for the stakeholders to contribute to the development of such school. The size and composition of the innovation plan committee shall be determined by the applicant; provided, however, that the committee shall include: (i) the applicant; (ii) the superintendent or a designee; (iii) a school committee member or a designee; (iv) a parent who has 1 or more children enrolled in the school, or in the case of a new school, from the district; (v) a principal employed by the district; and (vi) 2 teachers employed by the district. The applicant shall select the parent from among nominees submitted by parent-teacher organizations in the district. If the district does not contain a parent-teacher organization or if the organization does not submit nominees, the applicant shall select the parent from among volunteers in the area or community the proposed school is expected to serve. The applicant shall select the principal and 1 teacher from among volunteers in the district and 1 teacher from among nominees submitted by the local teacher's union.

(j) Upon the formation of the innovation plan committee in subsection (i), the committee shall develop the innovation plan for the proposed Innovation School. The purpose of the innovation plan shall be to comprehensively articulate the areas of autonomy and flexibility under subsection (b) that the proposed school will use. The innovation plan shall include, but not be limited to: (i) a curriculum plan, which shall include a detailed description of the curriculum and related programs for the proposed school and how the curriculum is expected to improve school performance and student achievement; (ii) a budget plan, which shall include a detailed description of how funds shall be used differently in the proposed school to support school performance and student achievement; (iii) a school schedule plan, which shall include a detailed description of the ways, if any, the program or calendar of the proposed school will be enhanced or expanded; (iv) a staffing plan, which shall include a detailed description of how the school principal, administrators, faculty and staff will be recruited, employed, evaluated and compensated in the proposed school and any proposed waivers or modifications of

collective bargaining agreements; (v) a policy and procedures plan, which shall include a detailed description of the unique operational policies and procedures to be used by the proposed school and how the procedures shall support school performance and student achievement; and (vi) a professional development plan, which shall include a detailed description of how the school may provide high-quality professional development to its administrators, teachers and staff.

In order to assess the proposed school across multiple measures of school performance and student success, the innovation plan shall include measurable annual goals including, but not limited to, the following: (i) student attendance; (ii) student safety and discipline; (iii) student promotion and graduation and dropout rates; (iv) student achievement on the Massachusetts Comprehensive Assessment System; (v) progress in areas of academic underperformance; and (vi) progress among subgroups of students, including low-income students as defined by chapter 70, limited English-proficient students and students receiving special education; (7) reduction of achievement gaps among different groups of students.

A majority vote of the innovation plan committee shall be required for approval of the innovation plan.

(k) The provisions of the collective bargaining agreements applicable to the administrators, teachers and staff in the school shall be considered to be in operation at an Innovation School, except to the extent the provisions are waived or modified under the innovation plan and such waivers or modifications are approved under subsections (l) and (m).

(l) In the case of a school conversion, upon completion of the innovation plan in subsection (j), , the applicant shall submit the innovation plan to teachers in the school that is proposed for conversion for approval by secret ballot within 30 days. A two-thirds vote of the teachers shall be required to approve the plan. Upon approval of an innovation plan by the applicable union members the plan shall, within 7 days, be submitted to the school committee. If a two-thirds vote is not achieved, the innovation plan committee may revise the innovation plan as necessary and submit the revised plan to the teachers for a subsequent vote.

In the case of a new school, upon the completion of the innovation plan in subsection (j), the applicant, a local union and the superintendent shall negotiate waivers or modifications to the applicable collective bargaining agreement necessary for the school to implement the innovation plan. Upon the conclusion of the negotiations, the innovation plan shall be submitted immediately to the school committee. If the negotiations have not resulted in an agreement within 40 days, either party may petition the division of labor relations for the selection of an arbitrator. The division shall select an arbitrator within 3 days of the petition from a list submitted by the parties. The arbitrator shall conduct a hearing within 14 days of the arbitrator's selection. The arbitrator shall consider the parties' positions and the needs of the students in the district. The arbitrator's decision shall be consistent with the contents of the innovation

plan developed by the applicant. The arbitrator shall, within 14 days of the close of the hearing, submit a decision which shall be final and binding on the parties.

(m) Upon receipt of an innovation plan regarding an Innovation School, a school committee shall hold at least 1 public hearing on the innovation plan. After the public hearing, but not later than 60 days after the receipt of the innovation plan, the school committee shall, on the basis of the quality of the plan and in consideration of comments submitted by the public, undertake a final vote to authorize the Innovation School for a period of not more than 5 years, subject to subsection (n). Approval of the majority of the school committee as fully constituted shall be required to authorize an Innovation School. If the approval is not obtained, an innovation plan committee may revise the innovation plan and: (i) in the case of a new school, submit the revised plan to the school committee for a subsequent vote; or (ii) in the case of a conversion, submit the revised plan to the teachers in the school that is proposed for conversion for a vote, pursuant to subsection (l); provided, however, that the plan meets the requirements for approval under subsection (l), submit the revised plan to the school committee for a subsequent vote. A school committee shall vote on a revised plan submitted pursuant to this subsection within 60 days of the receipt of such plan and contract.

(n) All Innovation Schools authorized under subsection (m) shall be evaluated by the superintendent at least annually. The superintendent shall transmit the evaluation to the school committee and the commissioner of elementary and secondary education. The purpose of the evaluation shall be to determine whether the school has met the annual goals in its innovation plan and assess the implementation of the innovation plan at the school. If the school committee determines, on the advice of the superintendent, that the school has not met 1 or more goals in the innovation plan and that the failure to meet the goals may be corrected through reasonable modification of the plan, the school committee may amend the innovation plan as necessary. After the superintendent assesses the implementation of the innovation plan at the school, the school committee may, on the advice of the superintendent, amend the plan if the school committee determines that the amendment is necessary in view of subsequent changes in the district that affect 1 or more components of the plan, including, but not limited to, changes to contracts, collective bargaining agreements or school district policies; provided, however, that an amendment involving a subsequent change to a teacher contract shall first be approved by teachers at the school under the procedures in subsection (l). If the school committee determines, on the advice of the superintendent, that the school has substantially failed to meet multiple goals in the innovation plan, the school committee may: (i) limit 1 or more components of the innovation plan; (ii) suspend 1 or more components of the innovation plan; or (iii) terminate the authorization of the school; provided, however, that the limitation or suspension shall not take place before the completion of the second full year of the operation of the school and the termination shall not take place before the completion of the third full year of the operation of the school.

(o) At the end of the period of authorization of an Innovation School approved under subsection (m), the leadership of the school may petition the school committee to extend

the authorization of the school for an additional period of not more than 5 years. Before submitting the petition, the leadership of the school shall convene a selection of school stakeholders, including, but not limited to, administrators, teachers, other school staff, parents and external partners, as applicable, to discuss whether the innovation plan at the school requires revision and to solicit recommendations as to the potential revisions. After considering the recommendations of the stakeholder group, the leadership of the school and the applicable superintendent shall jointly update the innovation plan as necessary; provided, however, that a proposal regarding a new waiver or exemption from the local teacher's union contract shall be approved by teachers at the school, under subsection (l). Approval of the majority of the school committee as fully constituted shall be required to extend the period of authorization of an Innovation School. If the approval is not obtained, the leadership of the school and superintendent may jointly revise the innovation plan and submit the revised plan to the school committee for a subsequent vote. If the school committee does not extend the authorization of the school, the leadership of the school may seek the authorization from the board of elementary and secondary education. The board shall vote on the requested extension within 60 days of its receipt for approval of such extension.

(p) The commissioner of elementary and secondary education shall, to the extent practicable, be responsible for the following: (i) the provision of planning and implementation grants to eligible applicants to establish Innovation Schools; (ii) provision of technical assistance and support to eligible applicants; (iii) the collection and publication of data and research related to the Innovation Schools initiative; (iv) the collection and publication of data and research related to successful programs serving limited English-proficient students attending Innovation Schools; and (v) the collection and dissemination of best practices in Innovation Schools that may be adopted by other public schools. The board of elementary and secondary education shall promulgate regulations necessary to carry out this section. Annually, the commissioner shall report to the joint committee on education, the house and senate committees on ways and means, the speaker of the house of representatives and the senate president on the implementation and fiscal impact of this section.

[Subsection (q) added by 2011, 68, Sec. 74 effective July 1, 2011. See 2011, 68, Sec. 221.]

(q) A school committee operating an Innovation School that is a virtual public school may vote to allow students who do not reside in the district to enroll in the virtual public school pursuant to section 12B of chapter 76; provided, however, that the vote and policy is consistent with department of elementary and secondary education regulations governing enrollment at such schools; provided further, that any student enrolled in a virtual public school shall have no right to attend any other school operated by that school committee. Notwithstanding subsection (b), an Innovation School that is a virtual public school may receive each school year from the school committee less than the same per pupil allocation as any other district school receives.

*[Subsection (r) added by 2011, 68, Sec. 74 effective July 1, 2011 until October 27, 2011.
Deleted by 2011, 142, Sec. 17. See 2011, 68, Sec. 221.]*

(r) Failure by a school district to transfer funds to an Innovation School, as required in subsection (b) shall result in a deduction of the amount therein from the home school district's chapter 70 per pupil allotment for the following fiscal year.