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December 22, 2009

The Honorable Robert A. DeLeo
Speaker of the House
State House, Room 356
Boston, MA 02133

RE: Education Reform Bill

Dear Speaker DeLeo:

I write to express the view of the Boston Municipal Research Bureau that the House of Representatives should seize the opportunity to achieve fundamental educational reform in Massachusetts by approving its education reform bill with important modifications from the Senate bill, S. 2216. The confluence of forces from the federal Race to the Top competitive grant to the urgent need to turn around chronically underperforming schools found mainly in the cities of Massachusetts makes now the time for the next significant education reform bill since 1993 to be enacted. The social order and economy of this state depend on the students from its public schools being fully prepared to succeed in higher education or career and all students are needed based on population trends in Massachusetts.

The Research Bureau has been engaged in school improvement in the City of Boston through governance and contract reform over the years. We are convinced that bold state legislation is needed now to provide the flexibility required by school districts to successfully improve the academic achievement of all students and address the urgent need to turn around chronically underperforming schools.

The state has designated 55 schools in the Boston Public Schools as underperforming of which 20 are considered chronically underperforming. Boston Superintendent Carol Johnson has released her Acceleration Agenda plan to improve student academic achievement over the next five years. Core reforms are targeted to close the achievement gap, address the dropout rate and prepare Boston students to exceed in college and career. In this plan, 14 schools are named turnaround schools for which additional administrative flexibility and resources would be required. The degree to which the final education reform act will provide the Superintendent with these tools will greatly influence the success of the plan.

We have reviewed the Joint Education Committee's education reform bill (S. 2201) as well as the Senate's approved bill (S. 2216) and believe that further amendment of the Senate bill is absolutely necessary for the final legislation to assist Boston and

other urban school systems in improving student achievement. Specifically, we make the following four recommendations:

Section 3: Underperforming Schools

The Research Bureau believes that for a selected number of underperforming schools, superintendents should have the administrative flexibility to maximize the rapid academic achievement of students. In the Senate bill, these schools would have to be first designated by the Commissioner of Elementary and Secondary Education and would be further limited by a cap established by law. In the case of Boston, Superintendent Johnson has designated 14 of the City's chronically underperforming schools as turnaround schools, only 10% of the total 135 schools. The administrative capacity of a district to make personnel changes and manage these turnaround schools will also limit the number of schools. It is clear in Boston's case that state policies or local contract provisions are not adequate to turn around the most chronically underperforming schools and additional management flexibility by the school system is required to achieve results and prevent the need for state intervention with more dramatic changes. Finally, if this bill will expand the number of Commonwealth charter schools, it should also include more flexibility for the district to improve the academic achievement of students and allow it to be more competitive with the charter schools. While the Joint Education Committee's bill provided this flexibility, the final Senate bill amended two key provisions.

The Senate bill (S. 2216, lines 209-215) establishes restrictions on a superintendent's ability to have full discretion over the hiring of teachers and staff in Level 4 underperforming schools by requiring that a teacher can only be dismissed for "good cause" and that the teacher may appeal the dismissal through expedited arbitration. **These Senate amendments would restrict the superintendent's actions for a small number of schools and delay decision-making and should not be adopted by the House.**

The Senate bill (lines 269-272) restricts a superintendent's ability to alter provisions of a collective bargaining contract in selected underperforming schools if it is felt necessary to maximize student academic achievement by requiring that any unresolved issues after efforts to negotiate would be appealed through expedited binding arbitration. This change introduces a new element into Chapter 150E where, other than public safety unions, if impasse is reached and all steps exhausted, the employer is allowed to implement its last best offer. **We recommend that last best offer language be included in the House bill, consistent with current collective bargaining law.**

Section 6: Charter Schools

Raising the cap of charter schools in Massachusetts is a necessary part in the education reform legislation because of its importance in the federal Department of Education's evaluation of competitive grant applications from states for Race to the Top funding. The federal evaluation system does award points for expanding charter school opportunities and no facet of the evaluation should be ignored in this high stakes competition. The Research Bureau believes that charter schools should be an available choice to students and parents. We are also sensitive that the expansion of Commonwealth charter schools will increase the charter school tuition loss for a district. Boston students attend 24 charter schools and in fiscal 2010, the City's charter school tuition assessment is \$66 million. The charter tuition reimbursement is \$14.9 million for a net revenue loss of \$51.1 million. The lifting of the Commonwealth charter school cap should be accompanied by tools for local districts to be more competitive and better positioned to retain students.

The Senate bill (lines 797-807) allows the creation of new Horace Mann charter schools after the school district consults with the local teachers' union. However, in the situation of the conversion of an existing school to a Horace Mann charter school, a majority of the school faculty must approve the change. With the expansion of Commonwealth charter schools and the resulting tuition loss for districts in this bill, local school districts should have the ability to convert underperforming schools into in-district Horace Mann charter schools without restriction to turn around the schools, expand the charter school option and be more competitive in retaining students. **We recommend that the House bill include authorization for in-district Horace Mann charter schools as determined by the superintendent and school committee after consulting with the local teachers' union but not requiring its approval.**

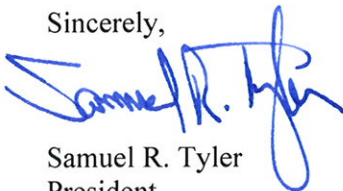
The Research Bureau believes that any expansion of Commonwealth charter schools should be accompanied with changes in the current charter tuition reimbursement formula. The current reimbursement schedule of 100% reimbursement of the tuition loss in the first year, followed by 60% in the second year and ending with a final 40% reimbursement in the third year should be modified to more fairly reflect a district's ability to reduce spending due to student reduction. We understand that this is a policy issue that will require further discussion and should not be a reason to delay timely approval of the bill in early January. At this point, we are assessing the proposal made by Senator Creem to extend the reimbursement by 25% for two additional years. **We recommend that the House retain the current tuition reimbursement schedule with the expectation that the Legislature will revisit this issue early next year.**

Conclusion

The opportunity to secure millions in federal Race to the Top grants and the urgency to solve the challenge of chronically underperforming schools have joined at this time to call for bold educational reform in Massachusetts as was last achieved in 1993. This is a unique opportunity to enable local districts and the Commonwealth to address the primary factors that have limited student academic achievement by providing districts with greater flexibility in selected underperforming schools and the tools to enable local districts to be more competitive with an expanding number of Commonwealth charter schools. We urge the House to adopt the recommendations made here as it prepares to act on education reform legislation.

I would welcome the opportunity to discuss these issues with you further at your convenience.

Sincerely,



Samuel R. Tyler
President