

By Messrs. King of Boston and Royal L. Bolling, Sr., of Boston, petition of Royal L. Bolling, Sr., Melvin H. King, Doris Bunte, Bill Owens and Barney Frank relative to establishing standards for quality education for all schools in the Commonwealth and establishing a division within the Department of Education to enforce said standards. Education.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Four.

AN ACT ESTABLISHING STANDARDS FOR QUALITY EDUCATION FOR ALL SCHOOLS IN THE COMMONWEALTH AND ESTABLISHING A DIVISION WITHIN THE DEPARTMENT OF EDUCATION TO ENFORCE SAID STANDARDS.

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. It is hereby declared that the State shall assume
2 responsibility for guaranteeing equal educational opportunity to
3 each child in the Commonwealth by establishing a set of
4 standards for quality education which shall be enforced in all
5 schools in the Commonwealth. The State hereby establishes a
6 Division of Equal Educational Opportunity (D.E.E.O.), in section
7 three of this act. The D.E.E.O. shall be responsible for the
8 enforcement of state standards of quality education as defined in
9 section two of this act. Any school which falls below these
10 standards shall be deemed to be in violation of this act; and the
11 State shall take the steps outlined in section five of this act to
12 bring said school up to standard.

1 SECTION 2. As used herein the following words shall have
2 the following meanings: — “standards for quality education”
3 means those standards that all schools in the Commonwealth
4 shall be required to meet at a minimum. The standards shall be
5 the following: —

6 1. The percentage of students in a school who fail to exhibit
7 minimum levels of educational competence as defined in section
8 four, shall not exceed by ten percent or more the average
9 percentage of such students in all other schools in the Common-
10 wealth.

11 2. Current direct instructional costs per pupil of each school
12 shall not fall fifteen percent or more below the average of all
13 schools in the Commonwealth. "Current direct instructional
14 cost" shall be defined pursuant to section 4 to include the cost
15 of instructional and support services offered directly to the child.

16 3. The percentage of school-age children in a school attend-
17 ance area not attending a school shall not exceed by ten or more
18 percent the average percentage of children in all other school
19 attendance areas within the Commonwealth not attending
20 school.

21 4. Faculty and Administrative Personnel of schools where
22 there are five percent or more ethnic and racial minority student
23 enrollments must reflect an equivalent percentage of said ethnic
24 or racial minorities to the extent feasible in each in the
25 Commonwealth.

26 5. School buildings, other physical facilities, equipment,
27 supplies and books shall be provided in conformity with
28 minimum standards which shall be set pursuant to section 4.

29 6. Curriculum in every school in the Commonwealth must
30 reflect the heritage and culture of all racial and ethnic minorities
31 in the Commonwealth. The school environment and special
32 programs of every school shall reflect the racial and ethnic
33 background of all children attending a given school.

34 7. All schools must demonstrate parent involvement and
35 parent consultation in such areas as curriculum planning,
36 personnel selection, facilities planning, priorities planning for the
37 allocation of financial resources and evaluation.

38 "Policy Board" means an elected body, a majority of which
39 shall be parents of children of the school, which includes
40 teachers, administrators, citizens at large and students on policy
41 board for secondary schools, serving as an operational body for
42 the benefit of a particular school or group of schools under a
43 common administration. Policy Boards will have two major

44 functions: - 1) A policy board shall be elected for each school to
45 serve an advisory and monitoring function over the ongoing
46 operation of each school; 2) Should State control of a school
47 become necessary, the Policy Board is the delegated agent of the
48 State entrusted with the responsibility and authority for the
49 operation of the school. The Policy Board shall determine the
50 curriculum, materials, required qualifications of personnel, and
51 number of personnel needed in school. The Board shall be
52 involved in a systematic monitoring and evaluation function.

53 "School" includes any elementary, middle or secondary
54 school, group of schools, school district, regional school district
55 or any other institution having as its primary responsibility the
56 education of children of the general public which is run by a
57 local school authority.

58 "Local school authority" means a school committee or any
59 other municipal authority having the responsibility for adminis-
60 tering the education of children of the general public.

61 "Certification Board" means a fifteen-member board estab-
62 lished by the D.E.E.O. composed of a cross-section of citizens of
63 the Commonwealth of various economic, racial and ethnic
64 communities of the Commonwealth, of whom at least one-third
65 shall be parents of school-age children. The Board shall have
66 responsibility for certifying whether or not each school in the
67 Commonwealth meets the standards for quality education. Said
68 Boards shall be compensated at a rate to be set by the
69 Commissioner.

70 "Special educational financing unit" means a school which the
71 Certification Board has certified as needing additional funds to
72 raise its educational level to the point of being in compliance
73 with the standards of quality education. A special educational
74 financing unit shall have a yearly budget prepared by the Policy
75 Board of the school with the assistance of the D.E.E.O. Said
76 budget shall be based upon the necessary funds to bring school
77 up to standards.

1 SECTION 3. a. The Secretary of Education shall establish
2 within the Department of Education a Division of Equal
3 Educational Opportunity vested with the authority and responsi-
4 bility to carry out the purposes of this act.

5 b. The staff for the D.E.E.O. shall consist of a Director, an
6 Assistant Director and all other staff as are necessary to perform
7 all the duties of this Division. The State shall appropriate all
8 necessary funds for the complete operation of the D.E.E.O.

1 SECTION 4. The duties of the D.E.E.O. shall be as fol-
2 lows: —

3 To establish the Certification Board.

4 To inform all school systems in the Commonwealth of the
5 standards for quality education.

6 To ensure the election of Policy Boards in all schools that do
7 not meet state standards.

8 Make known the standards for equal educational opportunity
9 to all school districts in the Commonwealth.

10 Make sure that Policy Boards are elected in all schools found
11 to be denying equal educational opportunities.

12 Define "current direct instructional costs" in a manner which
13 includes all costs incurred in producing the educational instruc-
14 tion transmitted in the classroom, and related services adminis-
15 tered directly to the child.

16 Provide the technical assistance to local school districts and
17 Policy Boards necessary to comply with the provisions of this
18 act.

19 Issue opinions, where appropriate, to school officials and
20 Policy Boards seeking clarity on the requirements for equal
21 educational opportunities in accordance with section 2.

22 Establish a set of standardized tests and set standards of
23 achievement which shall define standards of minimum education-
24 al competence for purposes of section 2. (This shall be
25 accomplished within six months of enactment of this act.)

26 Establish a set of regulations for purposes of defining proper
27 standards for buildings, physical facilities, equipment supplies,
28 and books. (This shall be done within six months of enactment
29 of this act.)

30 The D.E.E.O. shall work with all existing agencies of the
31 Department of Education handling matters which effect equal
32 educational opportunities for the more efficient conduct of its
33 duties.

34 Where goals of programs of the D.E.E.O. conflict with those of
35 other areas of the department, the conflict shall be made known
36 by the D.E.E.O. to the Commissioner who shall resolve all
37 inconsistencies such that equal educational opportunities are
38 neither denied nor abridged.

1 SECTION 5. Enforcement procedures for insuring that all
2 schools meet standards for quality education outlined in section
3 2, shall be as follows: –

4 a. Immediately upon enactment the standards for quality
5 education outlined in section 2 shall be in effect. All schools in
6 the Commonwealth shall be accountable for said standards and
7 all schools will be expected to immediately adjust their opera-
8 tions.

9 b. Schools will be given twelve months after passage of this
10 act to meet the standards. After this twelve-month period, the
11 D.E.E.O. will issue a detailed report to the general public on
12 the status of each school in the Commonwealth as it relates to
13 the standards.

14 c. The Certification Board, shall rule on each school in the
15 Commonwealth, beginning as of the date of release of the
16 D.E.E.O. report, as either complying with or not complying with
17 state standards for quality education.

18 Upon finding that a school is not complying with standards
19 the Certification Board shall determine the measures necessary to
20 bring each particular school into compliance. With respect to
21 each school, the Certification Board may take action including
22 but not limited to the following: –

23 1. Removing a school or school district completely from the
24 control of the local school authority and operating it in
25 conjunction with the Policy Board of said school.

26 2. Requiring the local school authority to present a plan for
27 compliance with standards and to demonstrate its intent and
28 ability to achieve compliance.

29 Those schools which can demonstrate their intent to meet
30 standards but which are unable to meet standards for the lack of
31 financial or technical resources shall also be asked to submit
32 plans for compliance.

33 In (1) the Certification Board may designate the school a
34 special educational finance unit.

35 In (2) the Certification Board may extend the time for
36 compliance, in the first instance, or extend the time for
37 compliance and designate the affected school a special educa-
38 tional finance unit, in the second instance.

39 d. In determining what action to take with respect to a
40 particular school, the Certification Board shall, as a primary
41 consideration, examine the views and suggestions of the Policy
42 Board, or where there is no existing Policy Board, the parents at
43 the affected school.

44 e. Should a school be removed completely from the control of
45 the local school authority by the D.E.E.O. the deed shall
46 authorize the withholding of the proportionate amount of State
47 funds designated for that school system as would have been
48 allocated to that school, shall notify federal funding sources that
49 the removal of control of said school(s) from said school system
50 has occurred as a result of said school system's noncompliance
51 with standards in order to bring school up to quality standards,
52 and shall file suit against the local school authority to secure use
53 of local funds for the operation of that school during the period
54 of control by the D.E.E.O. and the Policy Board. The D.E.E.O.
55 shall administer said funds with the advice and approval of the
56 Policy Board of said school.

57 f. Upon assuming control of a school, the D.E.E.O. shall make
58 all necessary changes and additions in the school necessary to
59 bring said school into compliance with the standards of section 2.
60 Such steps shall include, but shall not be limited to, the
61 following: -

62 1. Provide all funds necessary to produce the proper levels
63 of expenditures per pupil.

64 2. Provide special staff, remedial programs, special pro-
65 grams necessary to achieve minimal educational standards.

66 3. Provide special programs for children out of school
67 including programs for dropouts and programs for identifying
68 and enrolling children who have not been previously enrolled in
69 school.

70 4. Increase the number of teachers and administrators so as
71 to reflect the proper ethnic and racial composition.

72 5. Build and remodel school facilities so as to bring them
73 up to minimal standards.

74 g. The Certification Board shall annually evaluate each school
75 found to have been in violation of state standards and may
76 certify such school as complying or not complying with said
77 standards.

78 h. Upon obtaining certification of compliance with the
79 standards of quality education for a school under its control, the
80 D.E.E.O. shall work toward enabling the local school authority
81 to resume control of the D.E.E.O. controlled school. Said local
82 school authority shall operate the school in conjunction with the
83 Policy Board in a manner similar to that in which D.E.E.O. and
84 the Policy Board operated said school.

85 i. All employees of a D.E.E.O. controlled school, for purposes
86 of tenure, advancement and rating, shall be considered employees
87 of the local school authority. The D.E.E.O. after consultation
88 with the local school authority rating department and the Policy
89 Board shall establish a system for supervising and rating teachers
90 in the affected school which shall have the same force and effect
91 as that system previously used by the local school authority.

92 j. No injunction shall be issued to a local school authority to
93 restrain enforcement of a decision made by the D.E.E.O. which
94 has been made with the advise and approval of the Policy Board.
95 Any such decision shall be enforced until such time as a final
96 adjudication on the merits has been had with respect to any
97 challenge by said local school authority.

98 k. All disputes or grievances between the D.E.E.O. and a
99 particular Policy Board shall be submitted to the Board of
100 Education for resolution. A Policy Board may appeal a decision
101 by the Board of Education in the courts of the Commonwealth.

102 After a resumption of operation by the local school authority,
103 the Policy Board shall have the same channels of recourse against
104 the local authority that it has against the D.E.E.O.

105 l. Once the D.E.E.O. takes control of a school, it must take
106 action to improve educational standards of said school within 18
107 months. The Policy Board must simultaneously take action to aid
108 the local school authority in developing the capability to operate
109 a school which meets state standards. The Policy Board may

110 petition the Board of Education to return control of said school
111 to the local authority as soon as conditions in the school are
112 raised to state standards. If either the D.E.E.O. or the local
113 school authority fails to take necessary action to raise standards
114 of the school within an 18-month period, the Policy Board may
115 have recourse through the courts to negotiate with another local
116 school authority which has adequate educational standards to
117 control said school.

1 SECTION 6. Nothing in this act shall be construed to
2 impede the achievement of quality integrated education within
3 the Commonwealth in the placement of teachers, administrators
4 or pupils.

5 If any clause, sentence, paragraph, section or part of this act
6 shall be adjudged by any court of competent jurisdiction to be
7 invalid, such judgment shall not affect, impair or invalidate the
8 remainder thereof, but shall be confined in its operation to the
9 clause, sentence, paragraph, section or part thereof directly
10 involved in the controversy in which such judgment shall have
11 been rendered.