

By Mr. Hall of Westford, petition of Geoffrey D. Hall and Janet W. O'Brien relative to the rights of employees of charter schools under the public school laws of the Commonwealth. Education, Arts and Humanities.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE RIGHTS OF CHARTER SCHOOL EMPLOYEES.

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. Section 89 of chapter 71 of the General Laws,
2 as inserted by section 55 of chapter 71 of the acts of 1993, is hereby
3 amended by striking the paragraph in its entirety and substituting
4 therefore the following: —

5 A charter school shall operate in accordance with its charter
6 and the provisions of law regulating other public schools. Charter
7 schools shall comply with the provisions of chapters seventy-
8 one A and seventy-one B; provided, however, that the fiscal
9 responsibility of any special needs student currently enrolled in
10 or determined to require a private day or residential school shall
11 remain with the school district where the student resides.

1 SECTION 2. Section 89 of chapter 71 of the General Laws,
2 as inserted by section 55 of chapter 71 of the acts of 1993, is further
3 amended by striking the fifteenth paragraph in its entirety and
4 substituting therein the following: —

5 Employees of charter schools shall be considered public
6 employees for purposes of tort liability under chapter two hundred
7 and fifty-eight and for collective bargaining purposes under
8 chapter one hundred and fifty E. The board of trustees shall be
9 considered the public employer for purposes of tort liability under
10 said chapter two hundred and fifty-eight and for collective

11 bargaining purposes under said chapter one hundred and fifty E;
12 provided, however, that the provisions of the collective bargaining
13 agreement governing teachers in the school district in which the
14 charter school is located shall apply to charter school teachers
15 unless waived in writing by the school committee and the
16 applicable employee organization.