



The Research Bureau

Bureau Brief— Changing the Worcester School Committee to District Representation

Currently, the City of Worcester’s municipal Charter calls for the School Committee to be composed of “the mayor, who shall chair the committee and six members elected at-large.” In response to a lawsuit, the City of Worcester is evaluating three potential structures for the School Committee in order to select one that would utilize district-based representation in replacing the current six At-Large seats.

This evaluation is being conducted by the City Council’s Committee on Municipal and Legislative Operations, which is holding public meetings until December 1 (details below). The Subcommittee’s recommendation will then go before the full City Council, and must be acted upon by December 7. As a result of the City Council’s action, a Home Rule Petition will be filed with the Legislature to amend the City’s Charter accordingly.

Following the Legislature’s adoption of the Home Rule Petition, the City must then develop the specified voting districts – which notably will differ from the current five City Council Districts – and will be used to elect School Committee members from 2023 on. These Districts must contain approximately the same number of residents, and two of the Districts must be majority-minority, where Hispanic/Latino/a and Black residents together comprise a majority of the citizen voting age population. To achieve this, three options are under active consideration:

- Option #1: Mayor and 6 District seats (0 At-Large seats)
- Option #2: Mayor and 7 District seats + 1 At-large seat
- Option #3: Mayor and 6 District seats + 2 At-Large seats

Given the legal deadline of December 7 for action by the City Council, and given the profound implications for the Worcester Public Schools, particularly with a Superintendent search getting underway, it is vital for the community to share input and perspective through this evaluative process.

Why is this change to the School Committee election process happening?

In February 2021, a federal voting rights lawsuit was filed challenging the School Committee election process by plaintiffs Worcester Interfaith, Inc., the National Association for the Advancement of Colored People (NAACP), Inc., Worcester Branch; Casandra Bensahih; James Berry; Maritza Cruz; Holli Hill; Jessenia Kolaco; Nelly Medina; Ruth Rodriguez-Fay; and Delia Vega, represented by Lawyers for Civil Rights and Brown Rudnick, LLP. The suit was filed against the City of Worcester, naming the City Manager, Mayor, City Council, School Committee, Clerk, and Election Commissioners in their official capacities as defendants.

The suit cited Section 2 of the Voting Rights Act of 1965 and the 14th and 15th Amendments to the Constitution, while referencing 2018 census data showing that Black and Hispanic/Latino/a residents make up more than a third of the city’s population and likewise, from the 2019-2020, 60% of students in the Worcester Public Schools. The complaint is intended to address criteria used in such cases, as outlined in a September 2021 [guidance document](#) by the U.S. Department of Justice that reviews preconditions laid out by the U.S. Supreme Court in *Thornburg v. Gingles* 478 U.S. 30 (1986), as well as the “Senate

Factors” that accompanied 1982 amendments to the Voting Rights Act.

There is also ongoing precedent for this suit in Massachusetts, with details elsewhere in this Brief on changed elections in Lowell and Everett, as well as potential changes in Haverhill in response to such concerns raised by the Lawyers for Civil Rights.

Municipal and Legislative Operations

Subcommittee Members:

Councilor Khrystian E. King, Chair (At-Large)
Councilor Candy F. Mero-Carlson (District 2)
Councilor Kathleen M. Toomey (At-Large)

Meeting Dates:

Thursday, November 4 at 6 PM
 WHA Gym at Great Brook Valley, 33 Freedom Way

Wednesday, November 10 at 6 PM
 Auditorium at City View School, 80 Prospect Street

Thursday, November 18 at 6 PM
 Auditorium at Union Hill School, 1 Chapin Street

Monday, November 22 at 6 PM
 Belmont AME Zion Church, 55 Illinois Street

Wednesday, December 1 at 6 PM
 Worcester Youth Center, 326 Chandler Street

Further details, including how to participate virtually, are at <http://www.worcesterma.gov/elections>

How is the City responding to this lawsuit?

In April 2021, the Worcester City Council voted 8-2 (with Councilors Bergman and Colorio dissenting) not to fight the lawsuit, and instead enter into negotiations. For the next five months, those negotiations continued with briefings for elected officials held in Executive Session. Then on October 12, the Worcester City Council voted 8-3 (with Councilors Bergman, Colorio, and Mero-Carlson dissenting) to enter into an agreement to settle the lawsuit by restructuring the School Committee to include district-based representation.

To achieve this, the three School Committee election options were identified and embodied in a consent decree. This requires the City to determine which of the three options is the best structure for the School Committee by December 7, with accompanying requirements on timeline and other details.

What is a consent decree?

As defined in a [2018 memo](#) from the U.S. Attorney General, a consent decree “means a negotiated agreement that is entered as a court order and is enforceable through a motion for contempt.” This is distinguishable from a “settlement agreement”, which is an out-of-court resolution that requires performance by the defendant, including a memorandum of agreement (“MOA”) or memorandum of understanding (“MOU”), enforcement of which requires filing a lawsuit for breach of contract.

Can a consent decree be changed?

According to legal research service [Lexis-Nexis](#), a party cannot disobey a consent decree, even if there has been a significant change of circumstance, and instead must seek modification from the court. Those requesting a modification to the consent decree have the burden of “showing a significant change either in factual conditions or the law that makes compliance with the decree substantially more onerous.”

Significant of note is that after this year’s School Committee election, representatives for the plaintiffs were quoted in the media that there still needs to be systemic and structural change as called for in the lawsuit. Likewise, in other media coverage, the City Solicitor has indicated that due to the structure of the consent decree, any alternative to the three identified options for School Committee election process would have to come from the plaintiffs, not from the City.

What are the specific terms of the consent decree?

The consent decree lays out the requirements for the City in determining a new district-based structure for the School Committee. Beyond the broad explanation of the process noted above, the consent decree has these specific provisions:

- By no later than December 7, 2021, the City Council shall select one of the three agreed-to electoral options for the School Committee, through an open session with opportunity for public comment. The plaintiffs must be notified of the Council meeting date at least 14 days in advance (so no later than November 23), with the item included on the Council agenda.
- Within 30 days of selecting the School Committee election structure, the City shall prepare and adopt a Home Rule Petition to make relevant changes to the City Charter. The Mayor and members of the City Council are required to vote in favor of the Home Rule Petition, and in their official capacities, cannot oppose its adoption by the Legislature.
- The City Council shall consider whether to also change the City Council Districts (as shown in Map 1 on page 5) to align with the selection for the School Committee, but that decision is within the City’s sole discretion and not subject to the consent decree requirements.
- The boundaries of the new School Committee Districts must contain approximately the same number of residents, and two of the Districts must be majority-minority, where Hispanic/Latino/a and Black residents together comprise a majority of the citizen voting age population. The Districts will be prepared in consultation with a mutually determined independent expert retained by the City, while having final decision on the boundaries. The same expert who was used in Lowell - Professor Nathaniel Persily, the James B. McClatchy Professor of Law at Stanford University – is providing perspective during the public meetings. In the November 10 meeting, he explained that “what schools are located in what districts has no bearing on the consent decree... It’s about the representation of voters, not buildings and schools.”
- These District boundaries will be drawn within three months of the Home Rule Petition’s passage.
- The City shall undertake a robust public education campaign to educate residents on the changes to the electoral system, while consulting with non-profit agencies serving the Hispanic/Latino/a and Black populations in the city, and providing materials in English, Spanish, and any other

language spoken by more than 5% of city residents.

- If the Home Rule Petition is not approved by December 31, 2022, either party can seek recourse from the Court, with 30 days’ notice of such action, and two weeks to respond to the other’s proposed election plan.
- When the District boundaries are in effect, School Committee candidates must have been a resident of that District for at least one year prior to the election. If the District boundaries are not set by September 1, 2022, then candidates for the 2023 municipal elections only must be a resident of that District 60 days from when the boundaries are finalized by the independent expert.
- Worcester’s Charter requires preliminary elections when the number of candidates exceed twice the number of seats up for election, and that provision will be kept at least through the 2025 municipal election, when those provisions may be altered or eliminated.
- If a School Committee seat is vacated before the 2023 municipal election, it will be filled according to the current method, appointing the next highest vote getter in the 2021 election results.

Has such a change to the School Committee been previously discussed in Worcester?

While the School Committee has had six At-Large seats since the City adopted the Plan E Charter, previously there was District representation by Wards. From 1895 to 1926, the School Committee had three

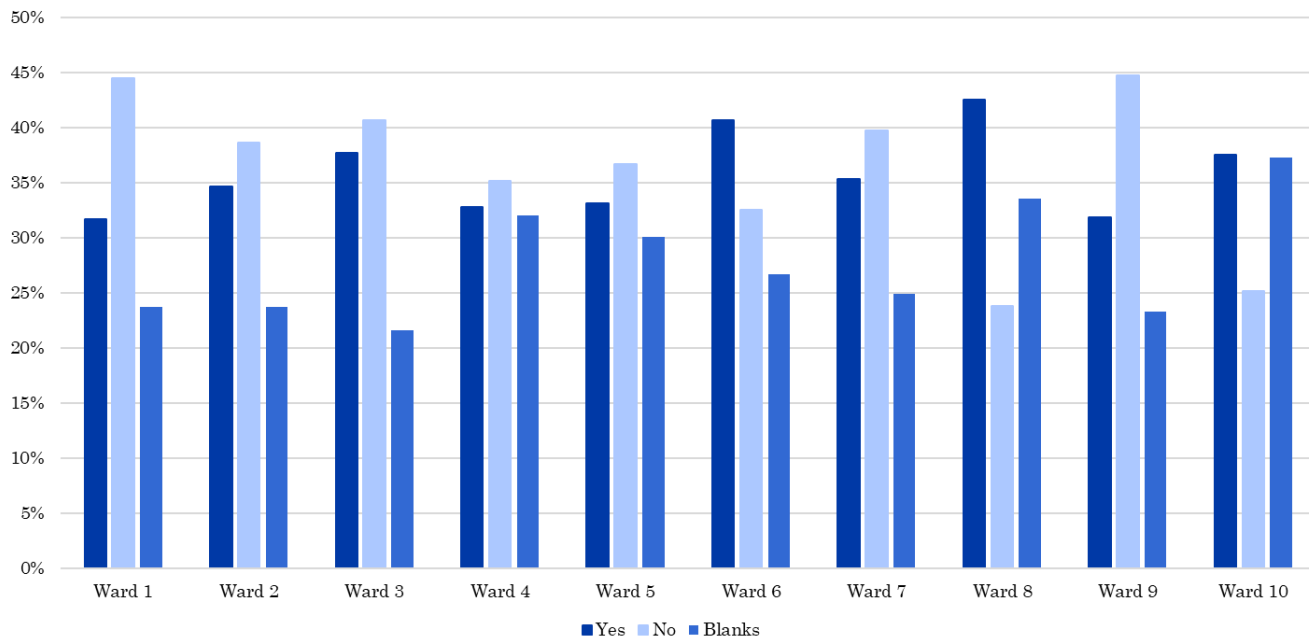
members from each Ward, then until 1950 and the adoption of the Plan E Charter, there was one At-Large member with one from each of the ten Wards. When a Charter Commission was convened that led to the shift to City Council Districts in 1985, there were two minority reports that objected to the lack of District representation on the School Committee.

Before the suit was filed, the potential of revisiting the School Committee election process has arisen periodically in community discussions, most recently in the [report](#) from the Worcester Mayoral Commission on Latino Education and Advancement. That document referenced the shift to District seats in Lowell, while noting that “In order to strengthen local democracy and assure a school committee that better reflects the student population, city leaders should consider alternative methods of electing and appointing school committee members.”

Most notably, in 2011 Worcester voters considered the question of School Committee Districts in a non-binding ballot question – “Do you support changing the membership of the School Committee from its current composition of all At-Large Committee members to a combination of At-Large and District Committee members?”

This ballot question failed at the polls, with 7,360 (38.25%) voting in opposition, and 6,682 (34.72%) voting in support, with a substantial quantity of blank ballots on this question - 5,202 (27.03%). Chart 1 below shows the breakdown of voting on this Question by Ward, including the rate of blank ballots. While it did not pass citywide, the results show significant variance across neighborhoods, with Wards Six, Eight, and Ten supporting the ballot question.

Chart 1: Results of 2011 Non-Binding Ballot Question on School Committee Districts



How do other large New England communities select their School Committee members?

The lawsuit against Worcester parallels a similar suit brought by Lawyers for Civil Rights against the City of Lowell (another Plan E municipal government) in 2017, objecting to both the City Council and School Committee having only At-Large seats. To develop a new election structure, after a community discussion of potential alternatives including ranked-choice voting and District seats, the residents of Lowell voted for their preference on the 2019 municipal ballot. This resulted in a settlement that shifts their City Council and School Committee to include both At-Large and District seats. On the City Council side, there are eleven members holding three At-Large seats and eight Districts, while the School Committee has two At-Large seats and four Districts, each consisting of two combined Council Districts. Two of the Districts were required to be majority-minority and were developed by an outside expert agreed to by both parties (as noted earlier, Professor Nathaniel Persily from Stanford University). In July, the Lowell City Council voted to request a change to the consent decree to allow their new Districts to be sub-districted, and to take effect, that change had to be reviewed by the plaintiffs’ attorneys before being entered in U.S. District Court for review and approval by a judge.

Haverhill is also in the process of addressing concerns raised by the Lawyers for Civil Rights about their At-Large election structure for City Council and School Committee. In this year’s election, two non-binding ballot questions were approved by substantial margins – to change their City Council from nine At-Large members to eleven members, with four elected At-Large and seven from Districts, and to change their School Committee from the Mayor and six At-Large seats to the Mayor and three At-Large members with five from Districts. In recent correspondence, the Lawyers for Civil Rights shared their position that the best alternative structure to comply with the Voting Rights Act would be to shift to seven Districts for both the City Council and School Committee, joined by two At-Large seats for the Council and one At-Large seat for the School Committee.

Likewise, Lawyers for Civil Rights raised concerns to Everett in 2019 about the structure of their municipal elections for City Council and School Committee, both of which featured District seats that were elected by citywide vote. After deliberation by their City Council, Everett filed a Home Rule Petition that was enacted in May 2021 that shifted District seats to only a District vote, with eleven City Councilors, five At-Large and six District, and nine School Committee members, three At-Large and six District.

For context, Chart 2 shows the School Committee structure for some of the largest communities in New England, with a focus on those in Massachusetts.

Chart 2: New England Communities & their School Committee Structures

Municipality	Population	School Committee Structure
Boston	675,647	7 appointed members
Worcester*	206,518	TBD
Providence, RI	190,934	8 appointed members
Springfield	155,929	Mayor & 6 elected members- 2 At-Large & 4 from Districts
Bridgeport, CT	148,654	9 elected members At-Large
Stamford, CT	135,470	9 elected members At-Large
New Haven, CT	134,023	Mayor & 6 members - 4 appointed by Mayor, 2 elected from Districts
Hartford, CT	121,054	9 members - 5 appointed & 4 elected At-Large
Cambridge	118,403	Mayor & 6 members elected At-Large by ranked choice
Manchester, NH	115,644	Mayor & 14 elected members - 2 At-Large & 12 Districts
Lowell*	115,554	Mayor & 6 elected members - 2 At-Large & 4 Districts
Brockton	105,643	Mayor & 7 elected members from Districts
Quincy	101,636	Mayor & 6 elected members At-Large
Lynn	101,253	Mayor & 6 elected members At-Large
New Bedford	101,079	Mayor & 6 elected members At-Large
Fall River	94,000	Mayor & 6 elected members At-Large
Newton	87,803	Mayor & 8 elected members from Districts
Somerville	80,935	Mayor, City Council President & 7 elected members from Districts
Lawrence	80,007	Mayor & 6 elected members from Districts
Framingham	73,892	Mayor & 9 elected members from Districts
Portland, ME	66,803	9 Elected members - 4 At-Large & 5 from Districts
Haverhill	64,098	Mayor & 6 elected members At-Large
Revere	62,186	Mayor & 6 elected members At-Large
Everett*	49,075	Mayor & 9 elected members - 3 At-Large & 6 from Districts
Pittsfield	43,927	Mayor & 6 elected members At-Large
Fitchburg	41,946	Mayor & 6 elected members At-Large
Holyoke	38,238	Mayor & 9 elected members - 2 At-Large & 7 from Districts

**Change to the School Committee structure underway*

Map 1: Worcester's Wards and Precincts

As approved by the Worcester Election Commission on October 14, 2021

