

# SENATE . . . . . No. 2210

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Senate April 5, 2016 -- Text of amendment (51) (offered by Senator Tarr) to the Senate Bill enhancing reform, innovation and success in education (Senate, No. 2203)

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## The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
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1 By striking all after the enacting clause in inserting in place thereof the following new  
2 text:

3 SECTION 1 . Chapter 10 of the General Laws as appearing in the 2014 Official Edition  
4 is hereby amended by inserting after section 35CCC the following section:-

5 Section XXX. There shall be established upon the books of the commonwealth a separate  
6 fund to be known as the Innovative Education Trust Fund. The secretary of education shall be  
7 the trustee of the fund and may expend monies from the fund, without further appropriation;  
8 provided, however, that amounts credited to the fund shall be expended to support and  
9 incentivize innovative education by enhancing Horace Mann and Innovation Schools, and,  
10 provided further, that the grants provided from the fund shall be matched by private sector  
11 donations at a rate of not less than \$1 for every \$1 of state funding.

12 The fund shall consist of: (i) any unexpended funds from item 7061-9011; (ii) revenue  
13 from appropriations or other monies authorized by the general court and specifically designated  
14 to be credited to the fund; (iii) any interest earned on monies in the fund; and (iv) any funds from  
15 private sources including, but not limited to, gifts, grants and donations received by the

16 commonwealth that are specifically designated to be credited to the fund, the state shall provide a  
17 match \$1 for every \$1 of funds from private sources not to exceed ten million dollars. The  
18 secretary of education may incur expenses and the comptroller may certify for payments  
19 amounts in anticipation of expected receipts, but no expenditure shall be made from the fund  
20 which shall cause the fund to be in deficit at the close of a fiscal year. Amounts credited to the  
21 fund shall not be subject to further appropriation and monies remaining in the fund at the end of  
22 a fiscal year shall not revert to the General Fund. The secretary shall report annually not later  
23 than October 1 to the house and senate committees on ways and means on the fund's activity.

24 Section 2 . Said chapter 10 of the general laws is hereby amended by inserting after  
25 section 35CCC the following section:-

26 Section XXX. There shall be established upon the books of the commonwealth a  
27 separate fund to be known as the Education Innovation Fund. The secretary of education shall be  
28 the trustee of the fund and may expend monies from the fund, without further appropriation;  
29 provided, however, that amounts credited to the fund shall be expended for innovation.

30 The fund shall consist of: (i) Not less than twenty million plus five per cent of surplus  
31 over required debt service from the Convention Center Fund as established under section 10 of  
32 chapter 152 of the acts of 1997; (ii) revenue from appropriations or other monies authorized by  
33 the general court and specifically designated to be credited to the fund; (iii) any interest earned  
34 on monies in the fund; (iv) any funds from private sources including, but not limited to, gifts,  
35 grants and donations received by the commonwealth that are specifically designated to be  
36 credited to the fund; and (v) not less than sixty percent from the education fund established under  
37 section 64 of chapter 23k of the general laws. The secretary of education may incur expenses and

38 the comptroller may certify for payments amounts in anticipation of expected receipts, but no  
39 expenditure shall be made from the fund which shall cause the fund to be in deficit at the close of  
40 a fiscal year. Amounts credited to the fund shall not be subject to further appropriation and  
41 monies remaining in the fund at the end of a fiscal year shall not revert to the General Fund. The  
42 secretary shall report annually not later than October 1 to the house and senate committees on  
43 ways and means on the fund's activity.

44 Section 3 . Chapter 15 of the general laws as appearing in the 2014 official edition is  
45 hereby amended by inserting at the end thereof the following section:-

46 SECTION XX. Unfunded Education Mandates

47 If the division of local mandates, established under section 6 of chapter 11, determines  
48 that a law, rule or regulation related to education has not been paid in full by the commonwealth  
49 using the procedures established by section 27C(d) of chapter 29, then a city, town, or school  
50 district may petition the department of elementary and secondary education for a waiver from  
51 said law, rule or regulation, or any part thereof. The department shall grant the waiver unless it  
52 determines that the absence of the mandate will lower the quality of education provided;  
53 provided, however, that the petition shall be deemed granted if the department fails to respond  
54 within 90 days of the submission of the petition request.

55 Section 4 . Section 64 of chapter 23k of the general laws as appearing in the 2014 official  
56 edition is hereby amended by striking out from line 6-12 the following:-“provided, however that  
57 35 per cent of the funds received shall be appropriated for the purposes of higher education to  
58 supplement, not offset, any reduction in the general appropriation act from the previous fiscal  
59 year; and provided further, that any expenditures from the fund for K-12 education shall be used

60 to supplement, and not offset, any reduction in line item 7061-0008 of the general appropriation  
61 act from the previous fiscal year's general appropriation act" and inserting in place thereof the  
62 following:—"provided, however, that 40 per cent of the funds received shall be appropriated for  
63 the purposes of higher education and provided further, that 60 per cent of the funds received  
64 shall be appropriate for the purposes of K-12 education

65 SECTION 5 . Chapter 29 of the General Laws is hereby amended by inserting after  
66 section 5B the following section:-

67 Section 5B½. (a) On or before January 15 the secretary of administration and finance  
68 shall meet with the house and senate committees on ways and means and shall jointly determine  
69 an implementation schedule to fulfill the recommendations filed on November 2, 2015 by the  
70 foundation budget review commission established under section 4 of chapter 70. The  
71 implementation schedule shall establish a foundation budget as defined in section 2 of said  
72 chapter 70 incorporating the categories of tuitioned-out special education rate, assumed in-school  
73 special education enrollment, low-income increment, low-income enrollment, foundation  
74 benefits, retired employee health insurance and English language learner increment as defined in  
75 section 2 of chapter 70 over a period of 7 fiscal years; provided, however, that in the first year of  
76 the term of office of a governor who has not served in the preceding year the parties shall  
77 determine an implementation schedule not later than January 31 of that year. Said schedule of  
78 implementation shall not exceed 7 fiscal years and shall in each fiscal year set the appropriation  
79 required to fully fund the foundation budget incorporating the aforementioned categories by  
80 fiscal year 2025 in equal increments for each fiscal year. In determining the schedule of  
81 implementation, the secretary of administration and finance and house and senate committees on  
82 ways and means shall hold a public hearing and receive testimony from the commissioner of

83 elementary and secondary education and other interested parties. The schedule may be amended  
84 by agreement of the senate and house ways and means committees in any of the 7 fiscal years to  
85 reflect changes in enrollment, inflation, student populations, or other factors that would affect the  
86 remaining costs in the schedule; provided, however, that the final year of the schedule shall not  
87 surpass fiscal year 2025, but the schedule may be fully implemented prior to fiscal year 2025.  
88 The implementation schedule shall be included in a joint resolution and placed before the  
89 members of the general court for their consideration. The implementation schedule shall be  
90 subject to appropriation.

91 SECTION 6 . Chapter 59 of the General Laws as appearing in the 2014 official edition is  
92 hereby amended by inserting at the end thereof the following new section:-

93 “Section xx. By approval of the local governing authority, any municipality that has a  
94 surplus from funds receives district mitigation funds as established under section 89 of chapter  
95 71, may create a education stabilization fund which said funds may be transferred.

96 SECTION 7 . The third paragraph of section 1I of chapter 69 of the General Laws, as so  
97 appearing, is hereby amended by inserting after the second sentence the following sentence:-  
98 When reporting outcomes on diagnostic assessments to the department, each school shall include  
99 the number of students who were enrolled in the school on the first day of the school year and  
100 unenrolled from the school prior to administration of the assessments.

101 SECTION 8. The fifth paragraph of said section 1I of said chapter 69, as so appearing, is  
102 hereby amended by inserting after the first sentence the following sentence:- When evaluating  
103 public schools, school districts, teachers or administrators in a given year, the board shall not  
104 consider the student performance data of students who have withdrawn from 1 school and

105 enrolled in another school during that year or the student performance data of students whose  
106 formal education has been substantially interrupted during the previous 3 years.

107 SECTION 9. Said section 1I of said chapter 69, as so appearing, is hereby further  
108 amended by inserting after the fourteenth paragraph the following paragraph:-

109 The department shall annually review and report on the amount each school district  
110 expends on administration as a percentage of total annual costs by December 31. The department  
111 shall develop target percentages and standards for administrative costs.

112 SECTION 10 . Section 1J of said chapter 69, as so appearing, is hereby amended by  
113 striking out subsection (a) and inserting in place thereof the following 2 subsections:-

114 (a) Prior to October 1, the commissioner of elementary and secondary education may, on  
115 the basis of (i) student performance data collected pursuant to section 1I, (ii) a school or district  
116 review performed under section 55A of chapter 15 or (iii) regulations adopted by the board of  
117 elementary and secondary education, designate 1 or more schools in a school district other than a  
118 Horace Mann charter school as a priority, underperforming or chronically underperforming  
119 school. The board shall adopt regulations establishing standards for the commissioner to make  
120 such designations on the basis of data collected pursuant to section 1I or information from a  
121 school or district review performed under section 55A of chapter 15. Upon the release of the  
122 proposed regulations, the board shall file a copy the proposed regulations with the clerks of the  
123 senate and house of representatives who shall forward the regulations to the joint committee on  
124 education. Within 30 days of the filing, the joint committee may hold a public hearing and issue  
125 a report on the regulations and file the report with the board. The board, pursuant to applicable  
126 law, may adopt final regulations making revisions to the proposed regulations as it deems

127 appropriate after consideration of the report and shall immediately file a copy of the regulations  
128 with the chairs of the joint committee on education. Not earlier than 30 days from the filing, the  
129 board shall file the final regulations with the state secretary. Schools that score in the lowest 20  
130 per cent statewide among schools serving common grade levels on a single measure developed  
131 by the department that takes into account student performance data and improvement in student  
132 academic performance, shall be deemed eligible for designation as a priority, underperforming or  
133 chronically underperforming school; provided, however, that any school designated as a priority  
134 school shall be drawn from those schools most likely to be designated as underperforming. Not  
135 more than 4 per cent of the total number of public schools may be designated as a priority,  
136 underperforming or chronically underperforming school at any given time.

137         In adopting regulations allowing the commissioner to designate a school as a priority,  
138 underperforming or chronically underperforming school, the board shall ensure that such  
139 regulations take into account multiple indicators of school quality in making such designations,  
140 including, but not limited to: student attendance rates, dismissal rates and exclusion rates,  
141 promotion rates, graduation rates or the lack of demonstrated significant improvement for at least  
142 2 consecutive years in core academic subjects, either in the aggregate or among subgroups of  
143 students, including designations based on special education, low-income, English language  
144 proficiency, and racial or ethnic classifications.

145         Before a school is designated as chronically underperforming by the commissioner, a  
146 school shall have been designated as underperforming and failed to improve.

147         A priority, underperforming or chronically underperforming school described in the  
148 following subsections shall operate in accordance with laws regulating other public schools,

149 except as such provisions may conflict with this section or any turnaround plans created  
150 thereunder. A student who is enrolled in a school at the time it is designated as a priority,  
151 underperforming or chronically underperforming school may elect to remain enrolled in the  
152 school while remaining a resident of the district if the student chooses to do so.

153           (a $\frac{1}{2}$ ) (1) Within 15 days of the commissioner's designating a school as a priority  
154 school, the school committee and the local teachers union shall meet to negotiate a waiver  
155 agreement, if necessary, which shall identify any provisions of the collective bargaining  
156 agreement that would be subject to a waiver upon a 2/3 vote of the teachers working at least 50  
157 per cent of the time in the designated priority school. Such waivers shall be designed to permit  
158 the implementation of a turnaround plan and may include provisions that are inconsistent with  
159 the existing collective bargaining agreement. Such negotiations shall be completed not later than  
160 30 days from the date the commissioner designated the school as a priority school and the parties  
161 shall not be eligible for relief under section 9 of chapter 150E. If the school committee and the  
162 union fail to reach an agreement, the process provided in this subsection shall be terminated and  
163 the commissioner may designate the school as underperforming pursuant to subsection (a).

164           Within 15 days of the completion of the waiver negotiation process, the superintendent  
165 shall convene a local stakeholder group to develop a turnaround plan for the school. The local  
166 stakeholder group shall include: (i) the superintendent, or a designee; (ii) the chair of the school  
167 committee, or a designee; (iii) the president of the local teacher's union, or a designee; (iv) an  
168 administrator from the school, who may be the principal, chosen by the superintendent; (v) 2  
169 educators chosen by the faculty of the school, 1 of whom shall be a classroom teacher and 1 of  
170 whom shall be a certified non-teaching professional from the school; (vi) a parent member of the  
171 school council, established pursuant to section 59C of chapter 71, chosen by the school council;



172 (vii) not less than 1 representative of applicable state and local social service, health and child  
173 welfare agencies chosen by the superintendent; and (viii) as deemed appropriate by the  
174 superintendent, 1 or more representatives of state and local workforce development agencies,  
175 chosen by the superintendent. Meetings of the local stakeholder group shall be open to the  
176 public.

177 (2) In creating the turnaround plan, the local stakeholder group shall, to the extent  
178 practicable, base the plan on student outcome data, including, but not limited to: (i) data  
179 collected pursuant to section 1I or information from a school or district review performed under  
180 section 55A of chapter 15; (ii) student achievement on the statewide assessment system approved  
181 by the board under section 1I; (iii) other measures of student achievement, approved by the  
182 commissioner; (iv) student promotion and graduation rates; (v) achievement data for different  
183 subgroups of students, including low-income students as defined in section 2 of chapter 70,  
184 limited English proficient students and students receiving special education; and (vi) student  
185 attendance, dismissal rates and exclusion rates.

186 In creating the turnaround plan, the local stakeholder group shall consider the following:  
187 (i) steps to address the social service and health needs of students at the school and their families,  
188 to help ensure students arrive and remain at school ready to learn; provided, that such services  
189 may include mental health and substance use screening; (ii) steps to improve or expand child  
190 welfare services and, as appropriate, law enforcement services in the school community, in order  
191 to promote a safe and secure learning environment; (iii) steps to improve workforce development  
192 services provided to students and their families at the school, to provide students and families  
193 with meaningful employment skills and opportunities; (iv) steps to address achievement gaps for  
194 limited English-proficient, special education and low-income students; and (v) notwithstanding

195 chapter 71A, alternative English language learning programs for limited English proficient  
196 students. The school committee may retain such programs after the school is no longer  
197 designated a priority school. The secretary of health and human services, the secretary of labor  
198 and workforce development and the secretary of public safety and security and other applicable  
199 state and local social service, health and child welfare officials shall coordinate with the  
200 superintendent to support and implement the strategies established pursuant to clauses (i) to (iii),  
201 inclusive, that are included in a final turnaround plan and shall, subject to appropriation,  
202 reasonably support the implementation, which shall be consistent with the requirements of all  
203 state and federal law applicable to the relevant programs to be administered. The secretary of  
204 education shall assist the superintendent in facilitating the coordination.

205           To assess the school across multiple measures of school performance and student  
206 success, the turnaround plan shall include measurable annual goals including, but not limited to:  
207 (i) student attendance, dismissal rates and exclusion rates; (ii) student safety and discipline; (iii)  
208 student promotion, graduation and dropout rates; (iv) student achievement on the statewide  
209 assessment system approved by the board under section 11I; (v) progress in improving areas of  
210 academic underperformance; (vi) progress among subgroups of students, including low-income  
211 students as defined in section 2 of chapter 70, limited English proficient students and students  
212 receiving special education; (vii) reduction of achievement gaps among different groups of  
213 students; (viii) student acquisition and mastery of STEM-related; (ix) development of college  
214 and career readiness, including at the elementary and middle school levels; (x) parent and family  
215 engagement; (xi) building a culture of academic success among students; (xii) building a culture  
216 of student support and success among school faculty and staff; and (xiii) developmentally  
217 appropriate child assessments from pre-kindergarten through third grade, if applicable.

218 (3) The plan shall: maximize the rapid achievement of students at the school by  
219 addressing the conditions for school effectiveness as determined by the department; identify the  
220 specific provisions of the collective bargaining agreement that shall be waived in order to  
221 implement the plan developed under paragraph (1); and describe the process and schedule for  
222 seeking approval of the plan by the teachers in the school pursuant to paragraph (5).

223 Notwithstanding any general or special law to the contrary, the turnaround plan may  
224 include provisions that allow the superintendent to: (i) expand, alter or replace the curriculum  
225 and program offerings of the school, including the implementation of research-based early  
226 literacy programs, early interventions for struggling readers and the teaching of advanced  
227 placement courses or other rigorous nationally or internationally recognized courses, if the  
228 school does not already have such programs or courses; (ii) reallocate the uses of the existing  
229 budget of the school; (iii) provide additional funds to the school from the budget of the district, if  
230 the school does not receive funding from the district at least equal to the average per pupil  
231 funding received for students of the same classification and grade level in the district; (iv)  
232 provide funds, subject to appropriation, to expand the length of the school's day, year or both;  
233 (v) limit, suspend or change 1 or more school district policies or practices that relate to improved  
234 student performance and achievement at the school; (vi) for an elementary school, add pre-  
235 kindergarten and full-day kindergarten classes, if the school does not already have such classes;  
236 (vii) include a provision of job-embedded professional development for teachers at the school,  
237 with an emphasis on strategies that involve teacher input and feedback; (viii) provide for  
238 increased opportunities for teacher planning time and collaboration, including professional  
239 learning communities focused on improving student instruction; (ix) establish a plan for  
240 professional development for administrators at the school, with an emphasis on strategies that

241 develop leadership skills and use the principles of distributive leadership; (x) redesign and  
242 refocus the use of existing teacher preparation periods in the school to ensure that such  
243 preparation period is utilized to improve student instruction with an emphasis on improved  
244 student performance and achievement at the school; (xi) develop a strategy to search for and  
245 study best practices in areas of demonstrated deficiency in the school; (xii) establish strategies to  
246 address student attendance, mobility and transiency among the student population of the school;  
247 and (xiii) use formative and summative assessments to track student progress and to inform the  
248 instructional strategies employed in the classroom. The plan may also include a financial plan for  
249 the school based on additional funds provided by the district, state, federal government, private  
250 foundations or other sources and may include a process for modifying the plan.

251 For a school with limited English proficient students, the professional development and  
252 planning time for teachers and administrators shall include specific strategies and content  
253 designed to maximize the rapid academic achievement of limited English proficient students at  
254 the school.

255 (4) The local stakeholder group shall submit an initial turnaround plan to the  
256 school committee within 30 days of its initial meeting. The school committee may propose  
257 modifications to the turnaround plan and shall submit any proposed modifications to the  
258 superintendent within 10 days of receiving the initial plan. The superintendent shall consider and  
259 may incorporate, alter or reject the proposed modifications submitted by the school committee  
260 and may propose additional modifications to the plan. Within 15 days of receiving any proposed  
261 modifications from the school committee, the superintendent shall issue the final turnaround plan  
262 for the school; provided, however, that if the plan requires any waiver of provisions of the  
263 collective bargaining agreement beyond those authorized by the negotiated agreement pursuant

264 to paragraph (1), the school committee and the local teachers union shall meet to negotiate  
265 additional waivers. Such negotiations shall be completed within 15 days and the parties shall not  
266 be eligible for relief under section 9 of chapter 150E. If the school committee and the union fail  
267 to reach an agreement, the process provided in this subsection shall be terminated and the  
268 commissioner may designate the school as underperforming pursuant to subsection (a).

269 (5) The superintendent shall submit the final turnaround plan to the school  
270 committee and the teachers in the school for approval and shall forward a copy of the plan to the  
271 commissioner. A 2/3 vote of the teachers, including teachers on approved leave, shall be required  
272 to approve the plan and shall be conducted by the local teachers union. A copy of the plan shall  
273 be provided to the faculty at least 5 days in advance of an informational meeting, which shall be  
274 held at least 5 days in advance of the vote. The vote shall be by secret ballot. For the purposes of  
275 the vote, a teacher shall be any person working at least 50 per cent of the time in the designated  
276 priority school under a license listed in 603 CMR 7.04 (3) (a), (b) or (d). A teacher on an  
277 approved leave at the time of the election may vote in such election. A teacher (i) who has prior  
278 to such vote given notice to leave the school the following year because of retirement,  
279 resignation, voluntary transfer or any other reason or (ii) who has received notice to leave the  
280 school the following year because of involuntary transfer, dismissal or any other reason shall not  
281 be eligible to vote on whether to approve the plan. If a final turnaround plan is not approved  
282 within the time frame provided in this subsection, the process provided in this subsection shall be  
283 terminated and the commissioner may designate the school as underperforming pursuant to  
284 subsection (a). Each turnaround plan shall be authorized for a period of not more than 2 years.  
285 The superintendent, as applicable, shall be responsible for meeting the goals of the plan.

286 (6) Each school designated by the commissioner as a priority school pursuant to  
287 this subsection shall be reviewed by the superintendent, in consultation with the principal of the  
288 school, not less frequently than annually. The purpose of the review shall be to determine  
289 whether the school has met the annual goals in its turnaround plan and to assess the overall  
290 implementation of the plan. The review shall be in writing, shall be submitted to the relevant  
291 school committee, not later than July 1 for the preceding school year, and shall be available to  
292 the public on the school district's website.

293 If the superintendent, in consultation with the principal of the school, determines that the  
294 school has met the annual performance goals stated in the turnaround plan, the review shall be  
295 considered sufficient and the implementation of the turnaround plan shall continue. If the  
296 superintendent determines that the school has not met 1 or more goals in the turnaround plan and  
297 that the failure to meet the goals may be corrected through reasonable modification of the plan,  
298 the superintendent may reconvene the local stakeholder group and may amend the turnaround  
299 plan in a manner consistent with the requirements of paragraphs (1) to (5), inclusive; provided,  
300 however, that if a turnaround plan includes a process for modifying the plan, such modifications  
301 shall be implemented under the plan.

302 (7) Not more than 2 years after the designation of a school as a priority school, the  
303 commissioner shall determine whether the school has improved sufficiently, requires further  
304 improvement or has failed to improve. The commissioner may determine that: (i) the school has  
305 improved sufficiently for the designation of the school as a priority school to be removed; (ii) the  
306 school has improved, but has not improved sufficiently for the designation of the school as a  
307 priority school to be removed, in which case the superintendent may, with the approval of the  
308 commissioner, reconvene the local stakeholder group to renew the plan or creating a new or

309 modified plan for an additional period of not more than 2 years, consistent with the requirements  
310 of paragraphs (1) to (5), inclusive; or (iii) consistent with the requirements of subsection (a), the  
311 school is underperforming.

312 SECTION 11. Said section 1J of said chapter 69, as so appearing, is hereby further  
313 amended by inserting after the word “System”, in lines 101, 144, 451 and 492, each time it  
314 appears, the following words:- , or any successor statewide assessment system approved by the  
315 board pursuant to section 11.

316 SECTION 12. Said section 1J of said chapter 69, as so appearing, is hereby  
317 further amended by inserting after the figure “chapter 71A”, in line 123, the following words:- ;  
318 provided, however, that the school committee may retain the programs after the school is no  
319 longer designated as underperforming.

320 SECTION 13. Said section 1J of said chapter 69, as so appearing, is hereby further  
321 amended by striking out, in line 217, the words “or chronically underperforming”.

322 SECTION 14 . Said section 1J of said chapter 69, as so appearing, is hereby further  
323 amended by inserting after the word “issues”, in line 290, the following word:- to.

324 SECTION 15. Subsection (l) of said section 1J of said chapter 69, as so appearing, is  
325 hereby amended by adding the following sentence:- Until the commissioner makes the  
326 determination required under this section and any new or amended turnaround plan is approved,  
327 the terms of the expired turnaround plan shall remain in effect.

328 SECTION 16. Said section 1J of said chapter 69, as so appearing, is hereby further  
329 amended by inserting after the figure “chapter 71A”, in line 473, the following words:- ;

330 provided, however, that the school committee may retain the programs after the school is no  
331 longer designated as chronically underperforming.

332 SECTION 1 7. Said section 1J of said chapter 69, as so appearing, is hereby further  
333 amended by striking out, in line 536, the words “regarding his” and inserting in place thereof the  
334 following words:-or, if 1 has been appointed pursuant to subsection (r), the school’s receiver  
335 regarding the superintendent’s or receiver’s.

336 SECTION 1 8. Said section 1J of said chapter 69, as so appearing, is hereby further  
337 amended by striking out, in line 558, the word “commissioner” and inserting in place thereof the  
338 following words:- superintendent or, if 1 has been appointed pursuant to subsection (r), the  
339 school’s receiver.

340 SECTION 1 9. Said section 1J of said chapter 69, as so appearing, is hereby further  
341 amended by striking out, in line 559, the figure “(7)” and inserting in place thereof the following  
342 figure:- (8).

343 SECTION 20. Said section 1J of said chapter 69, as so appearing, is hereby further  
344 amended by striking out, in line 568, the words “underperforming or”.

345 SECTION 21. Said section 1J of said chapter 69, as so appearing, is hereby further  
346 amended by striking out, in lines 571 and 572, the words “commissioner or superintendent” and  
347 inserting in place thereof the following words:- superintendent or receiver .

348 SECTION 22. Subsection (s) of said section 1J of said chapter 69, as so appearing, is  
349 hereby amended by adding the following 2 sentences:- Following the annual appropriation of the  
350 school district's operating budget, the amount approved for the operation of each chronically



351 underperforming school shall be available for expenditure by the superintendent or the external  
352 receiver for any lawful purpose. A chronically underperforming school shall not expend or incur  
353 obligations in excess of its budget; provided, however, that a chronically underperforming school  
354 may spend federal and state grants and other funds received independently of its operating  
355 budget without approval from the school committee or by the superintendent if a receiver has  
356 been appointed.

357 SECTION 23. Said section 1J of said chapter 69, as so appearing, is hereby amended by  
358 striking out, in lines 749 and 750, and in line 751, the words “an underperforming” and inserting  
359 in place thereof, in each instance, the following words:- a priority, underperforming,.

360 SECTION 24. Said section 1J of said chapter 69, as so appearing, is hereby further  
361 amended by striking out, in line 762, the words “district previously designated as” and inserting  
362 in place thereof the following words:- school previously designated as underperforming or.

363 SECTION 25. Said section 1J of said chapter 69, as so appearing, is hereby further  
364 amended by striking out, in line 769, the word “underperforming” and inserting in place thereof  
365 the following words:- priority, underperforming.

366 SECTION 26. The second paragraph of subsection (a) of section 1K of said chapter 69,  
367 as so appearing, is hereby amended by adding the following sentence:- At the request of the  
368 commissioner, the secretary of administration and finance may appoint a chief procurement  
369 officer for a district designated as chronically underperforming.

370 SECTION 27. Said section 1K of said chapter 69, as so appearing, is hereby further  
371 amended by striking out, in line 54, the word “an” and inserting in place thereof the following  
372 word:- a.

373 SECTION 2 8. Said section 1K of said chapter 69, as so appearing, is hereby further  
374 amended by inserting after the word “System”, in lines 99 and 140, the following words:- , or  
375 any successor statewide assessment system approved by the board pursuant to section 1I.

376 SECTION 2 9. Said section 1K of said chapter 69, as so appearing, is hereby further  
377 amended by inserting after the figure “71A”, in line 121, the following words:- ; provided,  
378 however, that the school committee may retain the programs after the school is no longer  
379 designated as chronically underperforming.

380 SECTION 30. Said section 1K of said chapter 69, as so appearing, is hereby further  
381 amended by striking out, in line 129, the word “an” and inserting in place thereof the following  
382 word:- a.

383 SECTION 31. Said section 1K of said chapter 69, as so appearing, is hereby further  
384 amended by striking out, in lines 181 and 182, the words “reapplications. turnaround plan” and  
385 inserting in place thereof the following word:- reapplications.

386 SECTION 32. Said section 1K of said chapter 69, as so appearing, is hereby further  
387 amended by striking out, in lines 204, 240 and 247, the word “commissioner” and inserting in  
388 place thereof, in each instance, the following word:- receiver.

389 SECTION 33. Said section 1K of said chapter 69, as so appearing, is hereby further  
390 amended by striking out, in lines 217 and 218, the words “commissioner/superintendent” and  
391 inserting in place thereof the following word:- receiver.

392 SECTION 34. Said section 1K of said chapter 69, as so appearing, is hereby further  
393 amended by striking out, in line 239, the word “if” and inserting in place thereof the following  
394 word:- If.

395 SECTION 35. Said section 1K of said chapter 69, as so appearing, is hereby further  
396 amended by striking out, in lines 293 and 303, the words “ subsection (g)” and inserting in place  
397 thereof, in each instance, the following words:- subsection (h).

398 SECTION 36. Said section 1K of said chapter 69, as so appearing, is hereby further  
399 amended by striking out, in line 355, the words “ subsection (h)” and inserting in place thereof  
400 the following words:- subsection (i).

401 SECTION 37. Said section 2 of said chapter 70, as so appearing, is hereby further  
402 amended by inserting after the definition of “Total foundation staff” the following definition:-

403 “Tuitioned-out special education rate”, 4 times the statewide foundation budget per-pupil  
404 amount less the sum of the statewide foundation budget per-pupil amount and out-of-district  
405 special education cost rate; provided, however, that the fiscal year 2018 value shall become the  
406 base rate and shall be annually adjusted according to the foundation inflation index.

407 SECTION 38. Section 15 of chapter 70B of the General Laws, as so appearing, is hereby  
408 amended by striking out, in line 68, the words “lease at” and inserting in place thereof the  
409 following words:- lease, in whole or in part, at.

410 SECTION 39. Section 37H of said chapter 71 as so appearing, is hereby amended by  
411 inserting, after the word “policies”, in line 13, the following words:- shall be publicly available  
412 on the school district’s website and.

413 SECTION 40. Said section 37H ½ of said chapter 71, as so appearing, is hereby further  
414 amended by adding the following subsection:-

415 (3) Each commonwealth charter school shall establish a panel consisting of 3 members of  
416 the board of trustees to hear appeals of disciplinary actions taken by the charter school, 1 of  
417 whom shall be the representative of the district school committee and 2 other members who shall  
418 be appointed by the chairperson of the board of trustees. Unless otherwise provided in this  
419 section, the panel shall have the same rights and responsibilities as a superintendent in hearing  
420 appeals and issuing final decisions. A notice appealing a decision of a charter school principal or  
421 headmaster to suspend or expel a student shall be directed to the chairperson of the board of  
422 trustees who shall provide the notice to the members of the panel and ensure a timely hearing  
423 and final decision. Meetings of the panel shall not be subject to the requirements of sections 18  
424 to 25 of chapter 30A.

425 SECTION 41 . Section 37H¾ of said chapter 71, as so appearing, is hereby amended by  
426 striking out, in lines 2 and 3, the words “in the commonwealth” and inserting in place thereof  
427 the following words:- , including a district or commonwealth charter school.

428 SECTION 42. Section 37H¾ of chapter 71, as so appearing, is hereby amended by  
429 adding the following 2 subsections:-

430 (g) No school district or charter school shall suspend or expel a student from school on  
431 the basis of academic performance.

432 (h) Each commonwealth charter school shall establish a panel consisting of 3 members of  
433 the board of trustees to hear appeals of disciplinary actions taken by the charter school, 1 of  
434 whom shall be the representative of the district school committee and 2 others who shall be

435 appointed by the chairperson of the board of trustees. Unless otherwise stated in this section, the  
436 panel shall have the same rights and responsibilities as a superintendent in hearing appeals and  
437 issuing final decisions. A notice appealing a decision of a charter school principal or headmaster  
438 to suspend or expel a student shall be directed to the chairperson of the board of trustees who  
439 shall provide the notice to the members of the panel and ensure a timely hearing and final  
440 decision. Meetings of the panel shall not be subject to the requirements of sections 18 to 25 of  
441 chapter 30A.

442           SECTION 43. The second paragraph of said subsection (c) of said section 89 of said  
443 chapter 71 is hereby amended by striking out the last sentence and inserting in place thereof the  
444 following sentences:-

445           Each board of trustees shall consist of not fewer than 5 members and not greater than 20  
446 members, as provided for in the application and approved by the board, 1 of whom shall be a  
447 full-time teacher at the Horace Mann charter school elected by teachers at the school, who shall  
448 be a voting member; 1 of whom shall be an elected or appointed member of the school  
449 committee from the sending district or a designee, who shall be a voting member and who shall  
450 be chosen by the district school committee provided, however, that the board of trustees for a  
451 regional charter school shall include 1 school committee member from 1 of the sending districts  
452 that make up the region served by the charter school who shall be chosen jointly by the school  
453 committees of the sending districts; ; and 25 per cent of the total membership or 2 members,  
454 whichever is greater, shall be parents or guardians of students currently enrolled at the Horace  
455 Mann charter school elected as parent-guardian representatives by parents or guardians, who  
456 shall be voting members; provided, however, that each board of trustees for a Horace Mann  
457 charter high school shall also include 1 member who is a student currently enrolled at the Horace

458 Mann charter high school elected by students at the school, who shall be a voting member; and  
459 provided, further, that any of the specific designations on the board of trustees may be waived  
460 where best efforts have been made but failed to identify a designee. All elections or  
461 appointments to the Horace Mann charter school board of trustees shall serve for an established  
462 term of years as stated in the application to establish the Horace Mann charter school, provided,  
463 however, that a person elected or appointed to fill a vacancy shall serve only for the remainder of  
464 the unexpired term; and provided, further, that members may be elected or appointed for more  
465 than 1 term.

466 SECTION 44. Subsection (d) of said section 89 of said chapter 71, as so appearing, is  
467 hereby amended by adding the following sentence:- Notwithstanding any general or special law  
468 to the contrary, for applicants with a record of operating at least 1 charter school in the  
469 commonwealth, the board shall not accept a new or expansion application if: (i) the average 3  
470 year overall rate of out of school suspensions of the charter school is greater than the sending  
471 district's average 3 year overall rate of out of school suspensions in the same grades served by  
472 the charter school; or (ii) the average 3 year rate of out of school suspensions within any  
473 particular subgroup identified by the board including, but not limited to, race, ethnicity, gender,  
474 special education status, and English language learner status, is greater than the sending district's  
475 average 3 year rate of out of school suspensions within that subgroup in the same grades served  
476 by the charter school; provided, however, that this shall not apply to alternative education  
477 charters as defined under subsection (iii) of paragraph (5) of subsection (i) of this section; and,  
478 provided further that the board may grant a waiver to a charter school relative to a particular  
479 subgroup if the board certifies that the gap in that subgroup is de minimus and that the school has  
480 made a rigorous effort to avoid out of school suspensions for all students.

481 SECTION 45. Subsection (e) of said section 89 of said chapter 71, as so appearing, is  
482 hereby amended by striking out, in line 88, the word “bylaws” and inserting in place thereof, the  
483 following words:- by-laws, including, but not limited to, the proposed composition of the board  
484 of trustees and term of years of service on the board of trustees.

485 SECTION 46. Said subsection (e) of said section 89 of said chapter 71, as so appearing,  
486 is hereby further amended by striking out, in line 108, the word “and”.

487 SECTION 47. Said section 89 of said chapter 71, as so appearing is hereby further  
488 amended by inserting after the word “schools”, in line 109, the following words:- ; (xvii) a  
489 summary, including the date, of the applicant’s meeting with the local superintendents and public  
490 hearings; (xviii) an analysis of the anticipated impact on the community involvement,  
491 educational opportunities and financial capacity of the school districts from which the charter  
492 school is expected to enroll students and (xix) an analysis of the impact on the programs and  
493 services of the sending school district or districts, including, but not limited to, impacts related to  
494 fixed, variable and step variable costs.

495 SECTION 48. Subsection (h) of said section 89 of said chapter 71, as so appearing, is  
496 hereby amended striking out the first paragraph and inserting in place thereof the following 4  
497 paragraphs:-

498 Before filing an application for the establishment of a new commonwealth charter  
499 school, the applicant shall: (i) surveying the school district to identify an unmet need, (ii) meet  
500 with the district superintendent of each school district from which the charter school is expected  
501 to enroll students to review the proposed application, including how the proposed  
502 commonwealth charter school plans to complement the curriculum, instruction in the district,

503 (iii) develop specific plan for meeting unmet need (iv) hold not less than 1 public hearing with  
504 the local school committee of each school district from which the charter school is expected to  
505 enroll students, (iv) hold not less than 1 public hearing with the local community (v) provide  
506 written explanation on why a memorandum of understanding can't be reached ; and (vi) present  
507 a plan on addressing a waiting list. Applicants that fail to meet with the school district  
508 superintendent and hold a public hearing shall be disqualified from further consideration, unless  
509 district superintendent refuses to meet with applicant.

510           The district school committee if in opposition to a new commonwealth charter school, the  
511 committee shall submit to the board: (i) an alternative plan to meet an unmet need that the  
512 charter school would meet, (ii) identify the current barriers to meet the need, (iii) submit an  
513 expedited request for a Horace Mann III school or Innovation school, (iv) explain in writing why  
514 memorandum of understanding can not be reached, and (v) certified vote by 2/3 of the members  
515 of disapproving of a new commonwealth charter school

516           An application submitted for the establishment of a commonwealth charter school shall:  
517 (i) be submitted to the board for approval under this section; and (ii) be filed with the local  
518 school committee for each school district from which the charter school is expected to enroll  
519 students. Before final approval to establish a commonwealth charter school, the board shall hold  
520 a public hearing on the application in the school district in which the proposed charter school is  
521 to be located and solicit and review comments on the application from the local school  
522 committee of each school district from which the charter school is expected to enroll students  
523 and any contiguous districts. At least 1 member of the board shall attend the public hearing. The  
524 district superintendent may submit an analysis to the department that describes how approval of  
525 the proposed charter school may affect the district's students. A comprehensive written



526 summary of all materials prepared by the department or its administrative subdivisions, which  
527 evaluates or recommends approval or disapproval of a charter school application shall be  
528 delivered to (i) the members of the board, (ii) the charter school applicant; (iii) the chairperson of  
529 any sending district school committee; (iv) the superintendent of any proposed sending district;  
530 and (v) the chief executive officer of any municipality in a proposed sending district. Materials  
531 prepared by the department in support of or in opposition to a charter school's application shall  
532 be provided not later than 3 days before any board vote on the charter application. In making a  
533 recommendation to the board on an application, the commissioner shall explain in writing to the  
534 board that the commissioner's decision is responsive to the district superintendent's submission  
535 and provide an assessment of the accuracy of the analysis of the impact on the programs and  
536 services of the sending school district or districts required under clause (xix) of subsection (e).  
537 The board shall substantially consider materials submitted to the department or the board by the  
538 superintendent or school committee of each school district from which the charter school is  
539 expected to enroll students.

540           For the purposes of this paragraph, "late arrivals" shall mean any student who either  
541 moves to or enrolls in the school district after the district's assignment process or the charter's  
542 lottery, whichever first occurs. Prior to submitting the application, a commonwealth charter  
543 school may develop, with the school districts from which it enrolls students, a memorandum of  
544 understanding relative to establishing a policy between the school districts and the  
545 commonwealth charter school related to the enrollment of late arrivals. No student shall be  
546 required to attend a commonwealth charter school unless the student or the student's parent or  
547 guardian accepts the offer of enrollment. The memorandum of understanding shall be subject to  
548 the approval of the department. The board of elementary and secondary education shall give

549 preference to applications that include such a memorandum of understanding and the department  
550 shall promulgate regulations to articulate the measure by which that preference shall be enacted.  
551 Late arrivals shall not count toward the school district's net school spending cap in the first year  
552 attending a commonwealth charter school but shall count in all subsequent years that the student  
553 remains in the charter school.

554 SECTION 49. The first paragraph of paragraph (1) of subsection (i) of section 89 of  
555 chapter 71, as so appearing, is hereby amended by adding the following sentence:- When making  
556 a decision on an application, the board shall explain in writing how the decision takes into  
557 account the district superintendent's submission under subsection (h) regarding how the school's  
558 approval is expected to impact the district's students, also prove that the unmet need of the  
559 district can be met by granting a charter, and document in writing achievement benchmarks for  
560 replicable items

561 SECTION 50. Said paragraph (1) of subsection (i) section 89 of said chapter 71 is  
562 hereby further amended by striking out the last paragraph and inserting in place thereof the  
563 following paragraph:-

564 Applications to establish a commonwealth charter school shall be submitted to the board  
565 annually by November 15. The board shall review the applications and grant new commonwealth  
566 charters in February of the following year. Applications to establish a Horace Mann charter  
567 school may be submitted to the board and granted by the board at any time.

568 SECTION 51. Said section 89 of said chapter 71, as so appearing, is hereby further  
569 amended by inserting after the figure "(3)", in line 191, the following words:- ; provided,

570 however, that a school district's total charter school tuition payment to commonwealth charter  
571 schools may exceed 18 per cent according to subsections (mm) and (nn).

572 SECTION 52. Said paragraph (2) of subsection (i) of said section 89 of said chapter 71,  
573 as so appearing, is hereby further amended by striking out the third paragraph.

574 SECTION 53. Said subsection (i) of said section 89 of said chapter 71, as so appearing,  
575 is hereby amended by inserting after paragraph (2) the following 2 paragraphs:-

576 (2½) Horace Mann I charter schools and innovation schools, as defined in section 92  
577 shall not be counted towards a school district's net school spending cap; provided, however, that  
578 a school committee may exercise the option of including as part of the district's net school  
579 spending for all subsequent fiscal years: (i) all district Horace Mann charter schools; (ii) all  
580 innovation schools, as defined in said section 92; or (iii) both district Horace Mann charter  
581 schools and innovation schools but, in school districts in which the school committee is an  
582 appointed body, the school committee's appointing authority shall exercise the option. The  
583 option shall be communicated in writing to the board by July 1. If a school committee, or the  
584 school committee's appointing authority in school districts where the school committee is an  
585 appointed body, opts to include Horace Mann charter schools, innovations schools or both  
586 towards the school district's net school spending, the option shall not be revoked. Upon  
587 acceptance of the option, the schools included under clauses (i), (ii) or (iii) then currently  
588 operating and any schools of that type to be opened in that school district after the board is  
589 notified, shall be counted toward the school district's net school spending cap thereafter. If the  
590 school committee, or the school committee's appointing authority in school districts where the  
591 school committee is an appointed body, opts to include either Horace Mann charter schools or

592 innovation schools, but not both, the school committee may at a later date exercise the option  
593 under clause (iii). Horace Mann charter schools and innovation schools may be approved in  
594 excess of any school district's net school spending cap. The department shall promulgate  
595 regulations to determine the method for counting per pupil spending in Horace Mann charter  
596 schools and innovation schools toward the net school spending cap.

597 SECTION 54. Paragraph (3) of subsection (i) of said section 89 of said chapter 71, as so  
598 appearing, is hereby amended by striking out the first 3 sentences, and inserting in place thereof  
599 the following sentences:-

600 (3) In any fiscal year, if the board determines based on student performance data  
601 collected pursuant to section 11, said district is in the lowest 10 per cent of all statewide student  
602 performance scores released in the 2 consecutive school years before the date the charter school  
603 application is submitted, the school district's total charter school tuition payment to  
604 commonwealth charter schools may exceed 9 per cent of the district's net school spending but  
605 shall not exceed 18 per cent; provided however, a school district's total charter school tuition  
606 payment to commonwealth charter schools may exceed 18 per cent according to subsections  
607 (mm) and (nn). For a district qualifying under this paragraph whose charter school tuition  
608 payments exceed 9 per cent of the school district's net school spending, the board shall only  
609 approve an application for the establishment of a commonwealth charter school if the applicant,  
610 or a provider with which an applicant proposes to contract, has a record of operating at least 1  
611 school or similar program that demonstrates organizational viability, as well as success  
612 recruiting, retaining, and educating student populations similar to those the proposed school  
613 seeks to serve which shall include students: (i) eligible for free lunch; (ii) eligible for reduced  
614 price lunch; (iii) who require special education; (iv) with limited English-proficiency or of

615 similar language proficiency level as measured by the Massachusetts English Proficiency  
616 Assessment examination or a successor assessment approved by the board; (v) sub-proficient,  
617 which shall mean students who have scored in the "needs improvement", "warning" or "failing"  
618 categories on the mathematics or English language arts exams of the Massachusetts  
619 Comprehensive Assessment System or a successor statewide assessment system approved by the  
620 board for 2 of the past 3 years or as defined by the department using a similar measurement; (vi)  
621 who are designated as at risk of dropping out of school based on predictors determined by the  
622 department; (vii) who have dropped out of school; (viii) who are homeless; (ix) who are pregnant  
623 or parenting; or (x) otherwise considered to be at-risk students who should be targeted to  
624 eliminate achievement gaps among different groups of students.

625 SECTION 55. Said subsection (i) of said section 89 of said chapter 71, as so appearing,  
626 is hereby further amended by adding the following paragraph:-

627 (5) The board shall only approve an application for the establishment, renewal,  
628 amendment, or expansion of a commonwealth charter school if the school meets at least 1 of the  
629 following criteria: (i) the school enrolls students using an opt-out admissions lottery process that  
630 automatically includes the names of all eligible students, without any required application  
631 process for the school; (ii) the school enrolls students through participation in the assignment  
632 system of the district in which the school is located; provided, however, that the charter school  
633 enrolls only students from that district; provided further that a commonwealth charter school  
634 may not displace a district school as 1 of a student's quality options under any quality access  
635 guarantee that the district offers through its assignment system but may augment the district  
636 schools in a student's choice options; and, provided further that a student shall not be required to  
637 attend a commonwealth charter school; and, provided further that within the walk zone for the

638 school, as calculated by the district’s preexisting student assignment system, the percentage of  
639 students who qualify for the free or reduced price lunch program, or a successor measure as  
640 adopted by the department, is equal to or higher than the district’s overall percentage of students  
641 who qualify for the program or (iii) the school’s primary purpose is to establish alternative  
642 education programs designed to serve at-risk students, students who have dropped out of school,  
643 students who are homeless, or students who are pregnant or parenting and not less than 75 per  
644 cent of students enrolled at the school shall qualify as at-risk students, students who are  
645 homeless, students who are pregnant or parenting, or students who have dropped out of school.

646 Charter schools that have previously been granted a charter under this section before July  
647 1, 2016 that apply for an expansion under clauses (i), (ii), or (iii) of this subsection shall  
648 demonstrate the ability to meet the criteria set forth in said clauses through a phased-in process  
649 established by the board. An existing Horace Mann or commonwealth charter school, which  
650 meets the criteria for expansion under clauses (i) or (ii) and is approved for new seats in a higher  
651 grade than the school currently serves, may assign students already enrolled in the school to  
652 those new seats; provided, however, that the charter school shall fill all other open seats,  
653 including seats that open up in lower grades at the beginning of the school year and in any grade  
654 during the school year, through the process in clauses (i) or (ii), whichever governs its expansion.  
655 Nothing in this section shall prevent the board from approving other Horace Mann or  
656 commonwealth charter school applications that meet the criteria in clauses (i), (ii), or (iii) of this  
657 subsection in districts where the net school spending cap has not been reached.

658 SECTION 56. Said section 89 of said chapter 71, as so appearing, is hereby amended  
659 by inserting after the word “schools”, in line 328, the following words:-:- provided, further, that  
660 contracts and leases for the procurement of services, equipment and supplies, including, but not

661 limited to, contracts for the management or operation of the school, shall be publicly available on  
662 the charter school's website; and provided, further, that executed contracts for the management  
663 or operation of a charter school shall be made publicly available on the charter school's website  
664 not later than 10 days after the contract is executed;.

665 SECTION 57. Said subsection (m) of said section 89 of said chapter 71, as so appearing,  
666 is hereby further amended by adding the following 4 paragraphs:-

667 For a charter school qualifying under clause (i) of paragraph (5) of subsection (i), all  
668 students eligible to attend the school under the district's assignment policy, if it were a district  
669 school, shall be deemed eligible for enrollment in the charter school without any application  
670 process required for admission to the school. The charter school shall conduct an admissions  
671 lottery, including the names of all eligible students, to fill all of the spaces in the school;  
672 provided, that the lottery shall be based upon a list of eligible students provided by the district at  
673 a date determined by the department. In the event that the parents or guardians of a student who  
674 is randomly selected for admission to the charter school through the lottery determine not to  
675 enroll the student in the charter school, then the charter school shall fill that enrollment space  
676 with a student from the waitlist maintained pursuant to this subsection. Parents or guardians of a  
677 student may make a written request to the school district that the student's name not be included  
678 in the enrollment lottery.

679 Each charter school qualifying under clause (i) of paragraph (5) of subsection (i) shall  
680 conduct an opt-out lottery at least once during the academic year. Through the lottery, the charter  
681 school shall randomly select a number of students equal to the number of anticipated enrollment  
682 spaces and shall randomly select a number of additional students to be placed on a waitlist. The

683 charter school operator, who shall maintain the waitlist, shall determine the number of students  
684 randomly selected for the waitlist in order to fill any open enrollment spaces that become  
685 available throughout the year. A charter school may conduct additional opt-out lottery draws  
686 during an academic year if the school determines that its waitlist will be exhausted prior to the  
687 fulfillment of all midyear enrollment spaces. An additional opt-out lottery shall place any  
688 students not immediately placed in an open enrollment space on the waitlist. If a student  
689 randomly selected through an opt-out lottery remains on a waitlist at the close of the academic  
690 year in which the student was randomly selected, the student shall have the option to receive  
691 preference in placement for the next available enrollment space in the next highest grade level,  
692 unless the next highest grade level is not offered by the charter school, prior to the expiration of  
693 the waitlist on July 1 .

694 Notwithstanding subsection (n), charter schools qualifying under clause (i) of paragraph  
695 (5) of subsection (i) shall have a rolling enrollment policy in which the school shall fill vacant  
696 seats throughout the school year for all grade levels offered by the school. Those charter schools  
697 shall also adhere to the same quality measures, at a minimum, used by the district to the extent  
698 that such measures are necessary under subsection (i).

699 Subject to approval by the board, charter schools located within the same municipality  
700 may voluntarily establish a common lottery, which may provide student applicants with a single  
701 offer for admission.

702 SECTION 58. Subsection (n) of said section 89 of said chapter 71, as so appearing, is  
703 hereby amended by inserting after the second paragraph the following 7 paragraphs:-



704 Charter schools qualifying under clause (iii) of paragraph (5) of subsection (i) may offer  
705 enrollment preferences to at-risk students, students who are homeless, students who are pregnant  
706 or parenting or students who have dropped out of school. In charter schools that offer such  
707 enrollment preferences, priority for enrollment shall be given first to at-risk students, students  
708 who are homeless, students who are pregnant or parenting, or students who have dropped out of  
709 school and second to other students who reside within the city or town in which the charter  
710 school is located but are not at-risk students, students who are homeless, students who are  
711 pregnant or parenting or students who have dropped out of school. Notwithstanding any general  
712 or special law to the contrary, a charter school qualifying under said clause (iii) of said paragraph  
713 (5) of said subsection (i) may limit admissions to students who qualify as at-risk students,  
714 students who are homeless, students who are pregnant or parenting, students who have dropped  
715 out of school, or a combination thereof.

716 Subject to approval by the board, school districts or municipalities that rent classroom  
717 space to commonwealth charter schools under lease agreements with terms of at least 10 years  
718 may require such schools to offer enrollment preferences to students who reside in a specific  
719 geographical area in which such school buildings are located as a condition of the lease  
720 agreements; provided, however, that within this geographical preference area, the percentage of  
721 students who qualify for the free or reduced price lunch program, or a successor measure as  
722 determined by the department, shall be equal to or greater than the district's overall percentage of  
723 students who qualify for the program.

724 Notwithstanding the enrollment preferences in this subsection, a commonwealth or  
725 Horace Mann charter school may limit enrollment geographically or add a geographic enrollment  
726 preference by: (i) using the assignment system of the city in which it is located; provided,

727 however, that within the walk zone for a Horace Mann school, as calculated by the city's  
728 preexisting student assignment system, the percentage of students who qualify for the free or  
729 reduced price lunch program, or a successor measure as determined by the department, shall be  
730 equal to or greater than the district's overall percentage of students who qualify for the program;  
731 or (ii) offering enrollment preferences to students who reside in a specific geographical area in  
732 which the school building is located; provided, however, that within this geographical preference  
733 area, the percentage of students who qualify for the free or reduced price lunch program, or a  
734 successor measure as determined by the department, shall be equal to or greater than the  
735 district's overall percentage of students who qualify for the program.

736           In order to institute a geographical enrollment limitation or preference, the original  
737 charter of the charter school or an amendment to the charter shall permit such an enrollment  
738 limitation or preference. An amendment to the charter of a Horace Mann charter school to add  
739 such an enrollment limitation or preference shall require only the approval of the local school  
740 committee, the board of trustees of the Horace Mann charter school, and the commissioner.

741           In addition to providing the information pursuant to subsection (e), any charter school  
742 that offers geographical enrollment preferences shall include in its application for approval: (i) a  
743 definition of the geographical area for which it shall offer an enrollment preference; (ii) an  
744 explanation of how this preference shall support the mission of the charter school and the  
745 academic performance of its students; (iii) evidence that within this geographical area or walk  
746 zone there resides an equal or higher percentage of low-income students, as measured by  
747 qualification for the free or reduced price lunch program, or a successor measure as approved by  
748 the department, as compared to the district as a whole; and (iv) an explanation of how the charter  
749 school shall target its recruitment and retention efforts for students within this geographical area.

750 When a charter school that chooses to offer a geographical preference seeks charter renewal and  
751 intends to continue applying the geographical preference, the board shall consider whether the  
752 preference area continues to support the mission of the charter school and the academic  
753 performance of its students, and whether the preference area continues to serve an adequate  
754 percentage of low-income students to qualify as a geographical preference area under this  
755 subsection.

756           If a commonwealth charter school offers geographical enrollment preferences, students  
757 who reside within the geographical preference area shall have priority for enrollment in any open  
758 seats over students who reside in the city or town in which the charter school is located but  
759 outside of the geographical preference area. If a Horace Mann charter schools offers  
760 geographical enrollment preferences, priority for enrollment shall be given in the following  
761 order: (i) to students actually enrolled in the school on the date the application is filed with the  
762 board and their siblings; (2) to students who reside within the geographical preference area and  
763 are enrolled in the public schools of the district where the Horace Mann charter school is to be  
764 located; (3) to other students who reside within the geographical preference area; (4)to other  
765 students enrolled in the public schools of the district where the Horace Mann charter school is to  
766 be located but who reside outside of the geographical preference area; and (5) to other students  
767 who reside outside of the geographical preference area but within the city or town in which the  
768 charter school is located.

769           SECTION 59. Said subsection (n) of said section 89 of said chapter 71, as so appearing,  
770 is hereby further amended by striking out the fifth and sixth paragraphs and inserting in place  
771 thereof the following 2 paragraphs:-

772           When a student stops attending a charter school for any reason, the charter school shall  
773 fill the vacancy with the next available student on the waitlist for the grade in which the vacancy  
774 occurs and shall continue through the waitlist until a student fills the vacant seat. If there is no  
775 waitlist, a charter school shall publicize an open seat to the students of the sending district or  
776 districts and make attempts to fill said vacant seat. The charter school shall send the name of the  
777 student filling such vacancy to the department for the purposes of the department updating its  
778 waitlist as part of its monthly update.

779           On a monthly basis , a charter school shall provide to the department: (i) the number of  
780 students placed on a waitlist, broken down by grade level; (ii) the number of students who  
781 enrolled in an open seat in the charter school and are no longer on the waitlist, broken down by  
782 grade level; (iii) the number of students who requested to be removed from the waitlist, broken  
783 down by grade level; and (iv) other information the department deems necessary, including but  
784 not limited to student names, home addresses, telephone numbers and grade levels. The  
785 department shall maintain a consolidated waitlist for each municipality in order to determine the  
786 number of individual students in each municipality currently placed on a charter school waitlist.  
787 The consolidated waitlist for each municipality shall be in effect until the expiration of the  
788 waitlist on July 1. The department shall maintain separate consolidated waitlists for each  
789 municipality broken down by commonwealth charter schools and Horace Mann charter schools  
790 for each municipality, 1 for commonwealth charter schools and 1 for Horace Mann charter  
791 schools. The department shall make the consolidated waitlists for each municipality, without any  
792 identifying student information, available on its website and update the consolidated waitlists not  
793 less than monthly.

794 SECTION 60. Subsection (p) of said section 89 of said chapter 71, as so  
795 appearing, is hereby further amended by striking out, in lines 444 to 445, the words “and 37H½”  
796 and inserting in place thereof the following words:- , 37H½ and 37H¾. School policies  
797 pertaining to the conduct of students and consequences for violations of said policies, including,  
798 but not limited to, the criteria for expulsion, shall be made publicly available on the charter  
799 school’s website.

800 SECTION 61 . Subsection (u) of said section 89 of said chapter 71, as so appearing, is  
801 hereby amended by striking out, in line 492, the words “chapter 268A” and inserting in place  
802 thereof the following words:- chapters 30A, 66 and 268A.

803 SECTION 62. The first paragraph of said subsection (u) of said section 89 of said  
804 chapter 71, as so appearing, is hereby amended by inserting after the first sentence, the following  
805 sentence:- No member of a board of trustees of a charter school or a member’s immediate  
806 family, as defined by section 1 of chapter 268A, shall be (i) employed by or have a financial  
807 interest in a non-profit business or corporate entity authorized to operate a charter school; or (ii)  
808 employed by or receive compensation from the department, board or other agency responsible  
809 for the authorization or regulation of charter schools; provided, however, that a teacher  
810 designated under subsection (c) to serve on the board of trustees shall be compensated consistent  
811 with the terms of the teacher’s employment.

812 SECTION 63. Said subsection (u) of said section 89 of said chapter 71, as so appearing,  
813 is hereby further amended by adding the following paragraph:-

814 The minutes of the meetings of the board of trustees of a charter school shall be  
815 considered public records, as defined by clause twenty-sixth of section 7 of chapter 4. The board

816 of trustees of a charter school shall make the minutes of all meetings publicly available on the  
817 charter school's website.

818 SECTION 64. Subsection (v) of said section 89 of said chapter 71, as so appearing, is  
819 hereby amended by adding the following paragraph:

820 A charter school shall establish evaluation systems and performance standards for the  
821 evaluation of teachers. The evaluation systems and performance standards shall comply with the  
822 principles of evaluation established by the board, comply with section 1I of chapter 69 or be  
823 approved by the commissioner.

824 SECTION 6 5. Said section 89 of said chapter 71, as so appearing, is hereby amended by  
825 striking out subsection (cc) and inserting in place thereof the following subsection:-

826 (cc) (1) The students who reside in a school district in which a charter school is  
827 located shall be provided transportation to the charter school by the resident school district on  
828 similar terms and conditions as transportation is provided to students attending local district  
829 schools. The school district shall be responsible for the cost of the transportation unless the  
830 school district and the charter school do not reach agreement on the start time of the charter  
831 school's day, then the school district shall be responsible for 50 per cent of the charter school's  
832 transportation costs; provided further, that the school district shall only be responsible for  
833 transportation costs on days that both the school district and charter school is in session.

834 (2) If a charter school provides transportation for its students through an  
835 independent transportation vendor that does not qualify for reimbursement under paragraph (1),  
836 the school district shall not be responsible for any transportation costs incurred by the charter  
837 school.

838                   (3) If a school district limits transportation for district school students, the charter  
839 school's transportation shall be subject to the same limitations, which may include, but not be  
840 limited to, travel distance limits, mode of transportation, attendance zones, geographic  
841 subdivisions of the district, and limits included in a district's school assignment or transportation  
842 policies; provided, however, that, if a school district provides transportation throughout the  
843 school district without geographic limitation for local district schools focused on specialized  
844 programs, including, but not limited to, (i) language specialties; (ii) arts; (iii) special education;  
845 (iv) vocational technical education; (v) students at-risk of dropping out of school or who have  
846 dropped out of school; (vi) and science, technology, engineering and math, the school district  
847 shall provide the same transportation to charter schools that provide specialized programs;  
848 provided further, that a college preparatory programs shall not be considered a specialized  
849 program for the purposes of this paragraph.

850                   (4) School districts may provide for public transportation to charter schools for  
851 students who may, under district policy, receive traditional bus transportation.

852                   (5) Annually, but not later than July 1, school districts shall report to the  
853 department on the average number of field trips that they offered per grade per year over the  
854 prior 3 academic years. The school district shall be responsible in the next academic year for the  
855 cost of transportation of students in each grade in a charter school up to that school district  
856 grade's average of the prior 3 years, subject to the conditions of paragraph (1) of this subsection  
857 relative to start time. For field trips beyond the 3 year average in any grade, the charter school  
858 shall be responsible for the full cost of transportation.

859 (6) A charter school and the sending district shall meet to plan bus routes and  
860 charter school starting and ending times in order to assist the district with cost effective means of  
861 transportation. Schools operating under a charter granted after January 1, 1997, and all charter  
862 schools operating during fiscal year 1999 and thereafter, shall not receive funds for  
863 transportation above the amount actually required by such charter school for the provision of  
864 transportation services to eligible students. If the sending district provides an alternative method  
865 of transportation for students enrolled in the sending district's public schools, it shall not be  
866 assessed for transportation costs which exceed the per pupil cost of said alternative. Costs for  
867 transportation shall be included only if transportation is provided for students in the same  
868 program and grade level as those in the charter school. Students who do not reside in the district  
869 in which the charter school is located shall be eligible for transportation in accordance with  
870 section 12B of chapter 76. A regional charter school as designated by the board, and whose  
871 charter provides for transportation of all students from charter municipalities shall also be  
872 reimbursed by the commonwealth under section 16C of chapter 71 for transportation provided to  
873 pupils residing outside the municipality where the charter school is located, but no  
874 reimbursement for transportation between the charter school and home shall be made on account  
875 of any pupil who resides less than 1.5 miles from the charter school, measured by a commonly  
876 traveled route. If a charter school provides its own transportation, the school shall coordinate and  
877 collaborate with the sending district to provide cost effective means of transportation. All such  
878 transportation shall be determined in advance of the approval of the district's final budget for a  
879 fiscal year; provided, however, that a commonwealth charter school shall be required to  
880 determine such transportation in the first year of its operation as soon as practicable.



881 SECTION 66. Said section 89 of said chapter 71, as so appearing, is hereby further  
882 amended by inserting after the word “students,” in line 641, the following words:- ; provided,  
883 however, that a commonwealth charter school shall not be renewed if: (i) the average 3 year  
884 student attrition rate of the charter school is greater than the sending district’s average 3 year  
885 student attrition rate in the same grades served by the charter school; (ii) the average 3 year  
886 student stability rate of the charter school is less than the sending district’s average 3 year student  
887 stability rate in the same grades served by the charter school; (iii) the average 3 year student  
888 attrition rate within any particular subgroup identified by the board including, but not limited to,  
889 race, ethnicity, gender, special education, and English language learner status, is greater than the  
890 sending district’s average 3 year student attrition rate within that subgroup or (iv) the average 3  
891 year student stability rate within any particular subgroup identified by the board including, but  
892 not limited to, race, ethnicity, gender, special education, and English language learner status, is  
893 less than the sending district’s average 3 year student stability rate within that subgroup;  
894 provided, further, that the board may grant to a charter school otherwise disqualified under  
895 clauses (iii) and (iv) a waiver relative to particular subgroup if it certifies that the gap in that  
896 subgroup is de minimus and that the charter school has made a rigorous effort to retain all  
897 students.

898 SECTION 67. Subsection (dd) of said section 89 of said chapter 71, as so appearing, is  
899 hereby amended by adding the following 2 paragraphs:-

900 When deciding on a charter renewal, the board shall also consider: (i) a charter school’s  
901 discipline policies; (ii) whether the charter school has met its obligations under sections 37H,  
902 37H1/2 and 37H3/4 of this chapter; and (iii) the prevalence of the use of out of school  
903 suspensions by the charter school.

904 A commonwealth charter shall not be renewed if: (i) the average 3 year overall rate of out  
905 of school suspensions of the charter school is greater than the sending district's average 3 year  
906 overall rate of out of school suspensions in the same grades served by the charter school;  
907 provided; provided further that if the charter school's average 3 year overall rate is higher than  
908 the sending district's, the board may grant a 2 year probationary period, during which time the  
909 department shall oversee and provide technical assistance to the charter school in lowering its out  
910 of school suspension rate; provided further that if the average 2 year rate of out of school  
911 suspension rate during said probationary period is greater than the sending district, the board  
912 shall not renew the charter; or (ii) the average 3 year rate of out of school suspensions within any  
913 particular subgroup identified by the board including, but not limited to, race, ethnicity, gender,  
914 special education status, and English language learner status, is greater than the sending district's  
915 average 3 year rate of out of school suspensions within that subgroup; provided further that the  
916 board may grant a charter school a waiver relative to a particular subgroup if it certifies that the  
917 gap in that subgroup is de minimus and that the school has made a rigorous effort to avoid out of  
918 school suspensions for all students and subgroups; provided further that if the charter school's  
919 average 3 year rate of out of school suspensions is higher than the sending district's for any  
920 particular subgroup whose gap the board has not certified as de minimus. This paragraph shall  
921 not apply to alternative education charters as defined under subsection (iii) of paragraph (5) of  
922 subsection (i).

923 SECTION 68. Said section 89 of said chapter 71 , as so appearing, is hereby amended  
924 by striking out subsection (gg) and inserting in place thereof the following 2 subsections:-

925 (gg) Subject to appropriation, any district whose total charter school tuition amount is  
926 greater than its total charter school tuition amount for the previous year shall be supplied with

927 district impact mitigation funding by the commonwealth in accordance with this subsection;  
928 provided, however, that no funds for the district impact mitigation shall be deducted from funds  
929 distributed pursuant to chapter 70. The district impact mitigation amount shall be equal to 100  
930 per cent of the increase in the year in which the increase occurs, 50 per cent in the second year  
931 and 25 per cent in the third year.

932 SECTION 69. Said section 89 of said chapter 71, as so appearing, is hereby further  
933 amended by striking out, in lines 776 to 778, inclusive, the words “unless the teacher has  
934 successfully passed the state teacher test as required in said section 38G or the teacher can  
935 demonstrate that they can adequately meet the needs of the students of the commonwealth  
936 charter including but not limited to special needs, and English language learners ”.

937 SECTION 70. Subsection (jj) of said section 89 of said chapter 71, as so appearing, is  
938 hereby amended by striking out the first 2 paragraphs and inserting in place thereof the following  
939 2 paragraphs:-

940 Annually, not later than August 1, each charter school shall submit an annual report to the  
941 board, to the local school committee and to each parent or guardian of its enrolled students. The  
942 annual report shall also be made publicly available on the charter school’s website. The annual  
943 report shall be in such form as may be prescribed by the board and shall include, but not be  
944 limited to: (i) a discussion of progress made toward the achievement of the goals set forth in the  
945 charter; (ii) a financial statement setting forth by appropriate categories the revenue and  
946 expenditures for the year just ended and a balance sheet setting forth the charter school's assets,  
947 liabilities and fund balances or equities; and (iii) the charter school’s capital plan and the amount

948 and sources of public and private funds committed to the capital plan, including the capital needs  
949 component of the charter school's tuition.

950           The department shall promulgate regulations to establish a reporting requirement for a  
951 charter school's net asset balance at the end of the fiscal year; provided, however, that the  
952 regulations shall require at least, but not limited to, the following: (i) the revenue and  
953 expenditures for the year just ended with a specific accounting of the uses and sources of public  
954 and private funds; (ii) a specific accounting of the uses of the capital needs component of the  
955 charter school's tuition; (iii) compensation and benefits for teachers, staff, administrators,  
956 executives, and the members of the board of trustees; (iv) the amount of any funds transferred to  
957 a management company; (v) the sources of any surplus funds, specifically whether they are  
958 private or public; (vi) how any surplus funds were used in the previous fiscal year; (vii) the  
959 planned use of any surplus funds in the upcoming fiscal year and in future fiscal years beyond  
960 those uses already noted in the capital plan; and (viii) tax credits received during the previous  
961 fiscal year. The information included in a charter school's net asset balance as required by the  
962 department shall be publicly available on the charter school's website.

963           SECTION 71. Subsection (kk) of said section 89 of said chapter 71, as so appearing, is  
964 hereby amended by striking out the last sentence and inserting in place thereof the following 2  
965 sentences:- Pursuant to the regulations promulgated by the board, the commissioner shall,  
966 pursuant to regulations promulgated by the board, collect attrition and stability data, including,  
967 but not limited to, the number of students leaving each charter school and the reasons for leaving.  
968 Data shall include attrition and stability outcomes within demographic subgroups including, but  
969 not limited to, race, ethnicity, gender, special education status, and English language learner  
970 status. Annually, not later than December 1, the commissioner shall make the data publicly

971 available online in human and machine readable formats, annually on or before December 1, and  
972 shall file the data annually with the clerks of the senate and house of representatives and senate  
973 and the joint committee on education not later than December 1.

974           SECTION 72. Notwithstanding any general or special law to the contrary, for school  
975 districts qualifying under paragraph (4) of subsection (i) of section 89 of chapter 71 of the  
976 General Laws with a net school spending that exceeds 18 per cent: (1) in fiscal year 2019, the  
977 public school district's total charter school tuition payment to commonwealth charter schools  
978 shall not exceed 19 per cent of the district's net school spending; (2) in fiscal year 2020, the  
979 public school district's total charter school tuition payment to commonwealth charter schools  
980 shall not exceed 20 per cent of the district's net school spending; (3) in fiscal year 2021, the  
981 public school district's total charter school tuition payment to commonwealth charter schools  
982 shall not exceed 21 per cent of the district's net school spending; (4) in fiscal year 2022, the  
983 public school district's total charter school tuition payment to commonwealth charter schools  
984 shall not exceed 22 per cent of the district's net school spending; and (5) in fiscal year 2023 and  
985 subsequent fiscal years, the public school district's total charter school tuition payment to  
986 commonwealth charter schools shall not exceed 23 per cent of the district's net school spending.

987           Notwithstanding any general or special law to the contrary, a public school district's total  
988 charter school tuition payment to commonwealth charter schools under this section shall be  
989 limited to the per cent of the district's net school spending in the previous fiscal year if  
990 reimbursement by the commonwealth under subsection (gg) of section 89 of chapter 71 of the  
991 General Laws is less than the amount required to achieve full reimbursement under the  
992 percentages set forth in the second sentence of said subsection (gg) of said section 89 of said  
993 chapter 71. The amount required to achieve full reimbursement shall be based on the projection

994 of the department offered as of April 15 of the previous fiscal year. Notwithstanding this section,  
995 a district's net school spending shall not increase by more than 1 per cent in a fiscal year.

996 SECTION 73. There shall be a commission to review and report on the efficacy of  
997 charter school funding in the commonwealth. The commission shall study and report on the  
998 methods used to fund charter schools in other states and the appropriateness of the approach  
999 currently used in the commonwealth as compared to other states. The commission shall make  
1000 recommendations for revising the commonwealth's approach to charter school funding as  
1001 appropriate.

1002 The commission shall consist of 15 members: 2 of whom shall be appointed by the  
1003 president of the senate, 1 of whom shall serve as a co-chair; 2 of whom shall be appointed by the  
1004 speaker of the house of representatives, 1 of whom shall serve as a co-chair; 1 of whom shall be  
1005 appointed by the minority leader of the senate; 1 of whom shall be appointed by the minority  
1006 leader of the house of representatives; the secretary of education or a designee; the commissioner  
1007 of elementary and secondary education or a designee; the secretary of administration and finance  
1008 or a designee; a representative of the Massachusetts Association of School Committees, Inc.; a  
1009 representative of the Massachusetts Association of School Superintendents, Inc.; a representative  
1010 of the Massachusetts Teachers Association; a representative of the American Federation of  
1011 Teachers; a representative of the Massachusetts Charter Public School Association, Inc.; and a  
1012 representative of the Massachusetts Business Alliance for Education.

1013 The commission shall issue a final report and recommendations for legislation, if any, to  
1014 the clerks of the house of representatives and senate not later than January 1, 2017.

1015 SECTION 74. Notwithstanding any general or special law to the contrary, the  
1016 department of elementary and secondary education shall revise its regulations as they relate to  
1017 subsection (jj) of section 89 of chapter 71 of the General Laws to accurately reflect the statutory  
1018 requirements not later than January 1, 2017.

1019 SECTION 75. The department of elementary and secondary education, in consultation  
1020 with the Massachusetts office of information technology, the department of transitional  
1021 assistance, the office of Medicaid and the executive office of health and human, services shall  
1022 make recommendations to update the calculation and definition for “low-income enrollment” in  
1023 section 2 of chapter 70 of the General Laws. The department shall file the recommendations  
1024 with the clerks of the house of representatives and the senate, the house and senate chairs of the  
1025 committees on ways and means, and the chairs of the joint committee on education not later than  
1026 January 1, 2017. The updated calculation and definition may be implemented under chapter 70  
1027 including increments to reflect the needs of districts with high concentrations of low-income  
1028 students.

1029 Section 76 Early literacy grants to fund early literacy initiatives and programs; provided,  
1030 that grants shall serve high-need children, including English language learners; provided further,  
1031 that preference shall be given to initiatives and programs with proven records of success in  
1032 establishing scalable and sustainable gains in early literacy improvement or early English  
1033 language acquisition; provided further, that the department of elementary and secondary  
1034 education and the department of early education and care shall jointly develop grant  
1035 requirements and manage the grant program; provided further, that eligible grantees shall  
1036 include, but not be limited to, school districts, charter schools, collaboratives, early education  
1037 providers, pediatric literacy programs, early intervention programs, and home visiting programs;

1038 provided further, that preference shall be given to proposals that demonstrate partnerships and  
1039 coordination across programs and organizations; provided further, that preference shall be given  
1040 to proposals that demonstrate the ability to serve the same children over multiple years and grade  
1041 levels; and provided further, that grantees shall be required to provide data to demonstrate  
1042 measurable improvement in student outcomes through assessment tools approved by both  
1043 departments

1044           Section 76. One or more public college or university in the commonwealth shall study, in  
1045 consultation with the department of elementary and secondary education, local educational  
1046 authorities and private educational providers, the delivery of special education services in the  
1047 commonwealth pursuant to chapter 71B of the General Laws and all applicable federal laws,  
1048 including the Individuals with Disabilities Educational Act of 1990.

1049           Said study shall include a comprehensive evaluation of existing and potential models for  
1050 providing special education, and the associated costs and benefits, including but not limited to  
1051 the costs of personnel compensation, transportation, housing and assistive technologies. Said  
1052 study shall also seek to identify means by which services and instruction may be provided in a  
1053 proactive manner, without the requirement or need for an individual education plan, but so as to  
1054 maximize learning progress in local educational settings.

1055           Said study, together with any legislative recommendations, shall be filed with the joint  
1056 committee on education and the clerks of the senate and the house of representatives not later  
1057 than May 1, 2017.

1058           Section 77. Notwithstanding any general or special law to the contrary, annually all  
1059 commonwealth charter schools, horace mann, and innovation schools shall report to the



1060 department of elementary and secondary education innovations performed by charter schools and  
1061 determine any replicability for non-charter schools in the commonwealth; the department shall  
1062 annually preparing a report documenting said innovations and conduct at least 1 public hearing.

1063           The report by the department, along with any recommendations, shall be submitted to the  
1064 clerks of the house of representatives and the senate, the chairs of the house and senate  
1065 committees on ways and means and the house and senate chairs of the joint committee on  
1066 education not later than January 1, 2017.”

1067           Section 78. The foundation budget review commission as established under section 278  
1068 of chapter 165 of the acts of 2014 shall reconvene every three years.

1069           SECTION 79 Members of the board of elementary and secondary education on the  
1070 effective date of this act shall continue in office for the remainder of their unexpired terms.

1071           SECTION 80. Subsection (gg) of section 89 of chapter 71 of the General Laws, as  
1072 appearing in section 89, shall take effect 1 year after the effective date of this act.