

SENATE No. 238

The Commonwealth of Massachusetts

PRESENTED BY:

Sonia Chang-Diaz

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act providing rightful opportunities and meaningful investment for successful and equitable education.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	
<i>Aaron Vega</i>	<i>5th Hampden</i>	
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>1/23/2019</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>1/9/2019</i>
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>	<i>1/10/2019</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/10/2019</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>1/10/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/14/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>1/14/2019</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>1/28/2019</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/29/2019</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/29/2019</i>

<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>1/22/2019</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>1/15/2019</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>1/28/2019</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>1/25/2019</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/22/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/22/2019</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>1/22/2019</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>1/20/2019</i>
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>	<i>1/15/2019</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>1/29/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/17/2019</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>1/17/2019</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>1/25/2019</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>	<i>1/17/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/28/2019</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/18/2019</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>1/17/2019</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>1/15/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/22/2019</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>1/26/2019</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/29/2019</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>1/18/2019</i>
<i>Dean A. Tran</i>	<i>Worcester and Middlesex</i>	<i>1/23/2019</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>1/15/2019</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>1/28/2019</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/15/2019</i>
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>	<i>1/25/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/15/2019</i>
<i>James T. Welch</i>	<i>Hampden</i>	<i>1/29/2019</i>
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>	<i>1/29/2019</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/30/2019</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>1/30/2019</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>1/30/2019</i>
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	<i>1/31/2019</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>1/31/2019</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	<i>1/31/2019</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>1/31/2019</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/1/2019</i>

<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	<i>2/1/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/1/2019</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>2/1/2019</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>	<i>2/1/2019</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/1/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/1/2019</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/1/2019</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	<i>2/7/2019</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>2/27/2019</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/21/2019</i>

SENATE No. 238

By Ms. Chang-Diaz, a petition (accompanied by bill, Senate, No. 238) of Sonia Chang-Diaz, Aaron Vega, Mary S. Keefe, Jason M. Lewis and other members of the General Court for legislation to provide rightful opportunities and meaningful investment for successful and equitable education. Education.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act providing rightful opportunities and meaningful investment for successful and equitable education.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 29 of the General Laws is amended by inserting after section 5B
2 the following section:-

3 Section 5B½. (a) As used in this section, the following words shall have the following
4 meanings unless the context clearly requires otherwise:-

5 “Assumed in-school special education enrollment”, 4 per cent of the total foundation
6 enrollment in a district, not including vocational or preschool enrollment, plus 5 per cent of
7 vocational enrollment.

8 “Department”, the department of elementary and secondary education.

9 “District student aid floor”, the product of the district’s target aid share and the district
10 student foundation budget.

11 “District student aid increment”, state aid to meet the district student aid floor. The
12 district student aid increment shall equal the positive difference between (i) the district student
13 aid floor and (ii) the sum of prior year aid, the foundation aid increase, minimum per pupil aid or
14 other chapter 70 aid increments and charter school tuition reimbursement, less charter school
15 tuition.

16 “District student foundation budget”, the foundation budget excluding students attending
17 Commonwealth charter schools.

18 “Employee benefits and fixed charges”, the amount allotted within a district’s foundation
19 budget for active and retired employee benefits and fixed charges. The employee benefits and
20 fixed charges allotment in fiscal year 2020 shall be the sum of: (i) 779.17 dollars multiplied by
21 the foundation pre-school enrollment and the foundation half-day kindergarten enrollment; (ii)
22 1,558.34 dollars multiplied by the foundation full-day kindergarten enrollment; (iii) 1,558.34
23 multiplied by the foundation elementary enrollment; (iv) 1,714.89 dollars multiplied by
24 foundation junior high/middle school enrollment; (v) 1,467.94 dollars multiplied by the
25 foundation high school enrollment; (vi) 4,047.18 dollars multiplied by the assumed in-school
26 special education enrollment; and (vii) 1,949.00 dollars multiplied by the foundation vocational
27 enrollment. The employee benefits and fixed charges rates shall be adjusted annually by the
28 employee benefits inflation index.

29 “Employee benefits inflation index”, the rate of inflation annually applied to the
30 employee benefits and fixed charges allotment. The employee benefits inflation index shall be
31 equal to the average annual rate of growth for the average premium of all group insurance
32 commission plans over the prior 3 fiscal years.

33 “English learner enrollment”, the number of students identified as English learners
34 pursuant to chapter 71A, including students enrolled in vocational and technical schools.

35 “English learner increment”, the additional amount allotted within a district’s foundation
36 budget for additional services for students identified as English learners pursuant to chapter 71A,
37 including those enrolled in vocational and technical schools; provided, however, that the value of
38 the increment for fiscal year 2020 shall be \$2,537.49 multiplied by the number of English
39 learners in the district and shall be adjusted annually thereafter by the foundation inflation index;
40 provided further, that the portion of the increment supporting employee benefits and fixed
41 charges shall be adjusted annually consistent with adjustments made to employee benefits and
42 fixed charges rates.

43 “Low-income enrollment”, the number of low-income students attending school in a
44 district regardless of residence or tuition-paying status; provided, however, that in determining
45 the number of low-income students, the department shall use the preceding year's actual number
46 of low-income full-day kindergarten, elementary, junior high or middle school, high school and
47 vocational students and ½ of the preceding year's actual number of low-income half-day
48 kindergarten and preschool students.

49 “Low-income increment”, the additional amount allotted within a district’s foundation
50 budget for each low-income student; provided, however, that the department shall rank each
51 district by its low-income percentage of foundation enrollment and divide the districts into
52 deciles based on that percentage; provided further, that each decile shall be assigned a low-
53 income increment where the increment for the lowest percentage decile shall be 50 per cent of
54 the statewide per pupil amount for students with a family income of more than 185 per cent of

55 the federal poverty level and the increment for the highest percentage decile shall be 100 per cent
56 of the statewide per pupil amount for students with a family income of more than 185 per cent of
57 the federal poverty level; and provided further, that when determining the statewide per pupil
58 amount, the department shall use the average of the annual base rates in the enrollment
59 categories of prekindergarten, kindergarten, elementary, middle school and high school,
60 weighted by the number of students in each category.

61 “Low-income student”, a student who has a family income that is not more than 185 per
62 cent of the federal poverty level.

63 “Minimum per pupil aid”, the minimum amount of additional aid per pupil provided to a
64 school district over the prior fiscal year.

65 “Prior year aid”, state school aid of the prior year.

66 “State school aid”, the sum of prior year aid, the foundation aid increase, the district
67 student aid increment, and minimum per pupil aid.

68 “Tuitioned-out special education rate”, 3 times the statewide foundation budget per pupil
69 amount of the prior fiscal year.

70 (b) Annually, not later than January 15, the secretary of administration and finance shall
71 meet with the senate and house committees on ways and means to jointly determine an
72 implementation schedule to fulfill the recommendations filed on November 2, 2015 by the
73 foundation budget review commission established in section 4 of chapter 70. The
74 implementation schedule shall establish a foundation budget as defined in section 2 of said
75 chapter 70 that incorporates the foundation budget review commission recommendations

76 pertaining to the following categories, as defined in subsection (a): tuitioned-out special
77 education rate, assumed in-school special education enrollment, low-income increment, low-
78 income enrollment, employee benefits and fixed charges, employee benefits inflation index, and
79 English learner increment; provided, however, that the implementation schedule shall
80 incorporate the district student aid increment as part of total chapter 70 aid; provided further that
81 the rate categories of employee benefits and fixed charges, low-income increment, and district
82 student aid increment shall be phased in at the same pace; provided further that minimum per
83 pupil aid in any year prior to adoption of the resolution pursuant to paragraph two of this
84 subsection shall be equal to the product of fifty dollars and the percentage of completion that the
85 implementation schedule has achieved relative to the low-income increment as defined in
86 subsection (a), with the increment in the 2019 fiscal year being considered as the zero point for
87 the purposes of calculating the percent achieved in subsequent years; provided further that, in the
88 first year of the term of office of a governor who has not served in the preceding year, the parties
89 shall determine an implementation schedule not later than January 31 of that year.

90 In determining the implementation schedule, the secretary of administration and finance
91 and the senate and house committees on ways and means shall hold a public hearing and receive
92 testimony from the commissioner of elementary and secondary education and other interested
93 parties. The schedule may be amended by agreement of the chairs of the senate and house
94 committees on ways and means in any fiscal year to reflect changes in enrollment, inflation,
95 student populations or other factors that may affect the remaining costs in the schedule. The
96 implementation schedule shall be included in a joint resolution and placed before the members of
97 the general court for their consideration annually, along with any proposed legislation necessary
98 to execute and implement the schedule, not later than February 15. The implementation schedule

99 shall be subject to appropriation. Upon completion of the implementation schedule, a joint
100 resolution shall be placed before the members of the general court affirming that the
101 recommendations of the commission have been fulfilled; provided, however, that the
102 determination of an annual implementation schedule shall not be required upon the adoption of
103 the resolution affirming that the recommendations of the commission have been fulfilled.

104 SECTION 2. Chapter 70 of the General Laws is hereby amended by inserting after
105 section 3A the following section:-

106 Section 3B. The department of elementary and secondary education shall make available
107 to school districts a form to certify family income level for the purpose of calculating low-
108 income enrollment. A school district may choose annually to have its low-income enrollment
109 established through collection of the forms or through a direct certification system established by
110 the executive office of health and human services, which may include the virtual gateway
111 system.

112 SECTION 3. Chapter 70 of the General Laws, as appearing in the 2016 Official Edition,
113 is hereby amended by striking out section 4 and inserting in place thereof the following section:-

114 Section 4. There shall be a foundation budget review commission to review, every 5
115 years, the way foundation budgets are calculated and to make recommendations for potential
116 changes in those calculations, as the commission deems appropriate. In conducting the review,
117 the commission shall seek to determine the educational programs and services that are necessary
118 to achieve the commonwealth's educational goals and to prepare students to achieve passing
119 scores on the Massachusetts Comprehensive Assessment System examination or any successor
120 assessment as determined by the board. The review shall include, but not be limited to, the

121 components of the foundation budget established under section 3 and subsequent changes made
122 to the foundation budget by law. In addition, the commission shall seek to determine and
123 recommend measures to promote the adoption of ways in which resources can be most
124 effectively utilized and consider various models of efficient and effective resource allocation. In
125 carrying out the review, the commissioner of elementary and secondary education shall provide
126 to the commission any data or information that the commissioner considers relevant to the
127 commission's charge.

128 The commission shall include: the house and senate chairs of the joint committee on
129 education, who shall serve as co-chairs; the secretary of education; the commissioner of
130 elementary and secondary education; the commissioner of early education and care; the speaker
131 of the house of representatives or a designee; the president of the senate or a designee; the
132 minority leader of the house of representatives or a designee; the minority leader of the senate or
133 a designee; the governor or a designee; the chair of the house committee on ways and means or a
134 designee; the chair of the senate committee on ways and means or a designee; and 1 member to
135 be appointed by each of the following organizations: the Massachusetts Municipal Association,
136 Inc.; the Massachusetts Business Alliance for Education, Inc.; the Massachusetts Association of
137 School Committees, Inc.; the Massachusetts Association of School Superintendents, Inc.; the
138 Massachusetts Teachers Association; the American Federation of Teachers Massachusetts; the
139 Massachusetts Association of Vocational Administrators, Inc.; the Massachusetts Association of
140 Regional Schools, Inc.; and the Massachusetts Association of School Business Officials.
141 Members shall not receive compensation for their services but may receive reimbursement for
142 the reasonable expenses incurred in carrying out their responsibilities as members of the
143 commission. The commissioner of elementary and secondary education shall furnish reasonable

144 staff and other support for the work of the commission. Prior to issuing its recommendations, the
145 commission shall conduct not less than 4 public hearings across regions of the commonwealth.

146 It shall not constitute a violation of chapter 268A for a state employee or a person
147 employed by a school district to serve on the commission or to participate in commission
148 deliberations that may have a financial impact on the district employing that person, the
149 commonwealth or the rate at which that person may be compensated; provided, however, that the
150 commission may establish procedures to ensure that such a person shall not participate in
151 commission deliberations that may directly affect the school districts employing such a person or
152 that may directly affect the rate at which such a person is compensated.

153 SECTION 4. Chapter 70 of the General Laws is hereby amended by inserting after
154 section 4 the following section:-

155 Section 4A. (a) The department, in consultation with the executive office of education,
156 shall convene a data advisory committee to promote the improved use of school-level data to
157 inform effective resource allocation decisions at the local level.

158 The data advisory committee shall include, but not be limited to, a representative from:
159 the department; the executive office of education; the Massachusetts Association of School
160 Committees, Inc.; the Massachusetts Association of School Superintendents, Inc.; the
161 Massachusetts School Administrators Association, Incorporated; the Massachusetts Association
162 of School Business Officials, Inc.; the Massachusetts Association of Vocational Administrators,
163 Inc.; and the Massachusetts Association of Regional Schools, Inc. The data advisory committee
164 may add additional members upon a majority vote of the committee members. The representative

165 from the department and 1 member determined by a vote of the full committee every 2 years
166 shall serve as co-chairs.

167 The data advisory committee shall assist the department in identifying, advising on and
168 analyzing cost-effective ways to achieve goals including, but not limited to:

169 (i) streamlining financial reporting, eliminating duplicative reporting requirements
170 and improving data quality;

171 (ii) strengthening the department's capacity to analyze and report staffing,
172 scheduling and financial data in ways that support strategic resource allocation decisions at the
173 district and school levels;

174 (iii) strengthening district capacity to use data to make strategic resource
175 allocation decisions; and

176 (iv) establishing a data collection and reporting system that: (A) tracks funding
177 allocated for low-income students and students identified as English learners pursuant to chapter
178 71A to ensure that spending is targeted to the intended populations and to provide a data source
179 for the foundation budget review commission about the accuracy and adequacy of the low-
180 income and English learner increments as defined in section 5B½ of chapter 29; and (B) allows
181 for access to school-level expenditures and data across all districts to inform the public and
182 policy-makers about effective school-level interventions and investments.

183 (b) The data advisory committee shall report on its progress to the board of elementary
184 and secondary education, the clerks of the senate and the house of representatives, the senate and
185 house chairs of the joint committee on education and the chairs of the senate and house

186 committees on ways and means not less than annually, by December 1. The report shall include
187 recommendations for the department to achieve the goals of this section. The department may, in
188 consultation with the data advisory committee, develop or procure the data collection and
189 reporting system described in subsection (a).

190 SECTION 5. Section 3 shall take effect upon the adoption of the joint resolution
191 affirming that the recommendations of the commission have been fulfilled, as provided in
192 subsection (b) of section 5B½ of chapter 29 of the General Laws.