

SENATE No. 2727

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

SENATE, March 3, 2022.

The committee on Education, to whom was referred the petitions (accompanied by bill, Senate, No. 296) of Joanne M. Comerford, Patricia A. Duffy, Michael O. Moore and Elizabeth A. Malia for legislation to promote equity in school building assistance and ensuring best practice incentives are available for all school building projects; (accompanied by bill, Senate, No. 306) of Brendan P. Crighton, Lindsay N. Sabadosa and Michael J. Barrett for legislation to modernize school construction; (accompanied by bill, Senate, No. 337) of Barry R. Finegold for legislation to establish a special commission to study the effectiveness of the Massachusetts School Building Authority; (accompanied by bill, Senate, No. 345) of John F. Keenan and James M. Murphy for legislation to create a facilities loan program for private special education schools; (accompanied by bill, Senate, No. 354) of Jason M. Lewis for legislation to improve and enhance the Advisory Board to the Massachusetts School Building Authority; (accompanied by bill, Senate, No. 395) of John C. Velis and Patricia A. Duffy for legislation relative to school districts in receivership and the Massachusetts School Building Authority; (accompanied by bill, House, No. 541) of Bruce J. Ayers relative to technology upgrade programs for public schools; (accompanied by bill, House, No. 548) of Natalie M. Blais and David Allen Robertson relative to school building assistance; (accompanied by bill, House, No. 557) of Daniel Cahill, Peter Capano and others relative to school construction; (accompanied by bill, House, No. 635) of Bradley H. Jones, Jr., Mathew J. Muratore and Steven S. Howitt relative to to the advisory board to the Massachusetts School Building Authority; (accompanied by bill, House, No. 654) of Kate Lipper-Garabedian, Jessica Ann Giannino and Richard M. Haggerty for legislation to expand the membership of the Advisory Board to the Massachusetts School Building Authority; (accompanied by bill, House, No. 684) of Edward R. Philips relative to the feasibility of ergonomically designed school buildings and its beneficial impact on students and faculty; (accompanied by bill, House, No. 685) of Edward R. Philips and Adam J. Scanlon relative to equipping public elementary and secondary schools with panic alarms or emergency mechanisms; and (accompanied by bill, House, No. 687) of Orlando Ramos, Adam Gomez and others for legislation to increase access to safe swimming, reports the accompanying bill (Senate, No. 2727).

For the committee,
Jason M. Lewis

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An Act establishing a special commission to study the effectiveness of the Massachusetts School Building Authority.

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

1 (a) There shall be a special commission to study and make recommendations regarding
2 the capacity of the Massachusetts School Building Authority program to meet current and future
3 school facilities needs in the commonwealth, and the equity of the grant funding formula to
4 ensure that all communities can participate in the program.

5 (b) The commission shall consist of: 2 members appointed by the senate president, 1 of
6 whom shall be the senate chair of the joint committee on education, and 1 of whom shall serve as
7 co-chair of the commission; 2 members appointed by the speaker of the house of representatives,
8 1 of whom shall be the house chair of the joint committee on education, and 1 of whom shall
9 serve as co-chair of the commission; 1 member appointed by the minority leader of the senate; 1
10 member appointed by the minority leader of the house of representatives; the secretary of
11 education or a designee; the commissioner of elementary and secondary education or a designee;
12 the executive director of the Massachusetts School Building Authority or a designee; 2 members
13 appointed by the governor, 1 of whom shall be a representative of a gateway city with

14 knowledge of municipal finance, and 1 of whom shall be an individual with demonstrated
15 expertise in the design and construction of cost-effective school buildings; 2 members appointed
16 by the state treasurer and receiver general, 1 of whom shall be an individual with demonstrated
17 expertise in the design and construction of green buildings, and 1 of whom shall be an individual
18 with demonstrated expertise in public health and indoor environmental quality in school
19 buildings; and 1 person appointed from each of the following organizations: the Massachusetts
20 Association of School Superintendents, Inc.; the Massachusetts Association of School
21 Committees, Inc.; the Massachusetts Association of Vocational Administrators, Inc.; the
22 Massachusetts Chapter of the American Institute for Architects; the Massachusetts Facilities
23 Administrators Association; the Massachusetts Teachers Association; the American Federation
24 of Teachers, Massachusetts; and the Massachusetts Building Trades Council.

25 (c) The commission shall investigate and make recommendations on: (i) the current and
26 future need to renovate and rebuild school facilities in the commonwealth and the availability of
27 adequate state and local resources to do so; (ii) the MSBA's existing grant formula and potential
28 modifications to the formula to ensure fairness and equity for all communities; (iii) the alignment
29 of the MSBA's construction cost reimbursement rate relative to the actual cost of construction
30 and other MSBA policies that impact eligible project costs for reimbursement; (iv) incentive
31 percentage points, including, but not limited to, how incentive percentage points are calculated
32 for municipalities that qualify for 80 per cent reimbursement; (v) reimbursement policies for
33 regional technical and vocational schools and how to ensure affordability for all member
34 communities; (vi) reimbursement policies to help the commonwealth achieve its environmental
35 and greenhouse gas emissions reductions goals; (vii) reimbursement policies that support healthy
36 school facilities for students and staff; (viii) whether the MSBA may spend money on equipment

37 or if it is limited to funding for education structures; (ix) whether the MSBA should add
38 incentives for approved chapter 74 educational spaces in programs that align to labor market
39 demand; and (x) any other pertinent issues that relate to ensuring that all students in the
40 commonwealth can attend school in high quality, accessible, safe, healthy, and green school
41 buildings.

42 (d) The Massachusetts School Building Authority and other state agencies shall make
43 available to the commission in a timely manner any documents, data, and other materials that
44 may be reasonably requested by the commission.

45 (e) The commission shall submit a report of its findings and recommendations to the
46 clerks of the senate and house of representatives, the joint committee on education and the senate
47 and house committees on ways and means not later than December 1, 2023.