

SENATE No. 278

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

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 passage of the accompanying bill:

An Act to fulfill the promise of education reform: adequate funding for student success.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Karen E. Spilka	Second Middlesex and Norfolk
Thomas P. Conroy	13th Middlesex
Patricia D. Jehlen	Second Middlesex
Rosemary Sandlin	3rd Hampden
Cynthia Stone Creem	First Middlesex and Norfolk
Katherine Clark	32nd Middlesex
James B. Eldridge	Middlesex and Worcester
Tom Sannicandro	7th Middlesex
Stephen M. Brewer	Worcester, Hampden, Hampshire and Franklin
David P. Linsky	5th Middlesex
Gale D. Candaras	First Hampden and Hampshire
James Dwyer	30th Middlesex
Jennifer L. Flanagan	Worcester and Middlesex
Frank I. Smizik	15th Norfolk
Marc R. Pacheco	First Plymouth and Bristol
Elizabeth A. Malia	11th Suffolk
Louis L. Kafka	8th Norfolk
Robert L. Rice, Jr.	2nd Worcester
Stephen L. DiNatale	3rd Worcester

Benjamin Swan	11th Hampden
Robert P. Spellane	13th Worcester
Allen J. McCarthy	7th Plymouth
William N. Brownsberger	24th Middlesex
Denise Provost	27th Middlesex
Carlo P. Basile	1st Suffolk
Martha M. Walz	8th Suffolk
Stephen Kulik	1st Franklin
Cory Atkins	14th Middlesex
Mary E. Grant	6th Essex
John D. Keenan	7th Essex
Pam Richardson	6th Middlesex
Byron Rushing	9th Suffolk
Kay Khan	11th Middlesex
Matthew C. Patrick	3rd Barnstable
Barbara A. L'Italien	18th Essex
Steven J. D'Amico	4th Bristol
Michael F. Rush	10th Suffolk
Stephen R. Canessa	12th Bristol
John F. Quinn	9th Bristol
Thomas M. Stanley	9th Middlesex
Brian A. Joyce	Norfolk, Bristol and Plymouth
Michael Brady	9th Plymouth
Gale D. Candaras	First Hampden and Hampshire

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO FULFILL THE PROMISE OF EDUCATION REFORM: ADEQUATE FUNDING FOR STUDENT SUCCESS.

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

- 1 SECTION 1. Section 2 of Chapter 70 of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by striking the following definitions:—
- 3 "Base year foundation budget"
4 "Book and equipment allotment"
5 "Enrollment categories"
6 "Expanded program allotment"
7 "Extraordinary maintenance allotment"
8 "Foundation assistants"
9 "Foundation athletic expenses"
10 "Foundation benefits"
11 "Foundation budget"
12 "Foundation central office professional staff"
13 "Foundation clerical staff"

- 14 "Foundation custodial staff"
- 15 "Foundation enrollment"
- 16 "Foundation extracurricular activity expenses"
- 17 "Foundation health care staff"
- 18 "Foundation inflation index"
- 19 "Foundation miscellaneous expenses"
- 20 "Foundation non-salary expenses"
- 21 "Foundation payroll"
- 22 "Foundation principals"
- 23 "Foundation special education tuition"
- 24 "Foundation support staff"
- 25 "Foundation teaching staff"
- 26 "Foundation utility and ordinary maintenance expenses"
- 27 "Foundation vocational staff"
- 28 "Professional development allotment"
- 29 "Total foundation staff"
- 30 "Wage adjustment factor"

31 SECTION 2. Section 2 of Chapter 70 of the General Laws, as so appearing, is hereby
32 further amended by adding the following:—

33 “Administration allotment,” the amounts allotted within a district's foundation budget for
34 administration in any fiscal year. The administration allotment shall be the sum of:

35 (a) 149.92 dollars multiplied by the foundation pre-school enrollment and the foundation half-
36 day kindergarten enrollment; plus

37 (b) 299.85 dollars multiplied by the foundation full-day kindergarten enrollment, the
38 foundation elementary enrollment, the foundation junior high/middle school enrollment, the
39 foundation high school enrollment, the foundation English learner full-day enrollment, and the
40 foundation vocational enrollment; plus

41 (c) 2069.49 dollars multiplied by the assumed in-school special education enrollment and the
42 assumed tuitioned-out special education enrollment; plus

43 (d) 149.93 dollars multiplied by the foundation English learner pre-school enrollment and by
44 the foundation English learner half-day kindergarten enrollment.

45 “Classroom and specialist teachers allotment,” the amount allotted within a district’s foundation
46 budget for classroom and specialist teachers in any fiscal year. The classroom and specialist
47 teachers allotment shall be the sum of:

48 (a) 1883.84 dollars multiplied by the foundation pre-school enrollment; plus

49 (b) 1241.62 dollars multiplied by the foundation half-day kindergarten enrollment; plus

50 (c) 2483.24 dollars multiplied by the foundation full-day kindergarten enrollment; plus

51 (d) 3069.14 dollars multiplied by the foundation elementary enrollment; plus

52 (e) 2185.23 dollars multiplied by the foundation junior high/middle school enrollment; plus

53 (f) 3213.57 dollars multiplied by the foundation high school enrollment; plus

54 (g) 6828.85 dollars multiplied by the assumed in-school special education enrollment; plus

55 (h) 1846.03 dollars multiplied by the foundation English learner pre-school enrollment and the
56 foundation English learner half-day kindergarten enrollment; plus

57 (i) 3692.05 dollars multiplied by the foundation English learner full-day enrollment; plus

58 (j) 5463.09 dollars multiplied by the foundation vocational enrollment; plus

59 (k) 2210.24 dollars multiplied by the foundation low-income elementary enrollment; plus

60 (l) 1663.93 dollars multiplied by the foundation low-income secondary enrollment.

61 “Employee benefits and fixed charges allotment,” the amount allotted within a district’s
62 foundation budget for employee benefits and fixed charges. The employee benefits and fixed
63 charges allotment shall be the sum of:

64 (a) 471.53 dollars multiplied by the foundation pre-school enrollment; plus

65 (b) 310.78 dollars multiplied by the foundation half-day kindergarten enrollment; plus

66 (c) 621.55 dollars multiplied by the foundation full-day kindergarten enrollment; plus

67 (d) 768.23 dollars multiplied by the foundation elementary enrollment; plus

68 (e) 590.99 dollars multiplied by foundation junior high/middle school enrollment; plus

69 (f) 567.80 dollars multiplied by the foundation high school enrollment; plus

70 (g) 2618.91 dollars multiplied by the assumed in-school special education enrollment; plus

71 (h) 390.96 dollars multiplied by the foundation English learner pre-school enrollment and the
72 foundation English learner half-day kindergarten enrollment; plus

73 (i) 781.92 dollars multiplied by the foundation English learner full-day enrollment; plus

74 (j) 922.15 dollars multiplied by the foundation vocational enrollment; plus

75 (k) 226.78 dollars multiplied by the foundation low-income elementary enrollment and the
76 foundation low-income secondary enrollment.

77 “Enrollment categories,” each student including students enrolled in special education programs
78 and students who reside in the district and who attend either a public school in that district
79 or a school for which the district of residence pays tuition shall be placed in one and only one of
80 the following enrollment categories depending on the grade and program to which the student is
81 assigned:

82 (a) “English learner enrollment,” the number of students enrolled in English language learner
83 programs established under chapter 71A but in the case of an innovative program only the
84 English learner students as defined in section 2 of chapter 71A enrolled in such a program shall
85 be considered in calculating English learner enrollment in a district.

86 (b) “Elementary enrollment,” the number of students enrolled in grades 1 through 5 and not
87 enrolled in English learner or vocational programs in a district.

88 (c) “High school enrollment,” the number of students enrolled in grades 9 through 12 and not
89 enrolled in English learner or vocational programs in a district.

90 (d) “Junior high/middle school enrollment,” the number of students enrolled in grades 6
91 through 8 and not enrolled in English learner or vocational programs in a district.

92 (e) “Full-day kindergarten enrollment,” the number of students enrolled in full-day
93 kindergarten and not enrolled in English learner or vocational programs in a district who are not
94 charged tuition for the second half of the day.

95 (f) “Half-day kindergarten enrollment,” the number of students enrolled in half-day
96 kindergarten and not enrolled in English learner or vocational programs in a district or enrolled
97 in full-day kindergarten but who are charged tuition for the second half of the day.

98 (g) “Pre-school enrollment,” the number of students enrolled in pre-school.

99 (h) “Vocational enrollment,” the number of students enrolled in vocational education programs
100 or an agricultural school in a district.

101 “Foundation budget,” the sum of a district’s administration allotment; instructional leadership
102 allotment; classroom and specialist teachers allotment; other teaching services allotment;
103 professional development allotment; instructional materials equipment and technology allotment;
104 guidance and psychological allotment; pupil services allotment; operations and maintenance
105 allotment; employee benefits and fixed charges allotment; and special education tuition
106 allotment. The base year for calculating the foundation budget shall be fiscal year 2007. The base
107 year foundation budget shall be calculated according to the formulas in this section using
108 foundation enrollment as described in this section. For fiscal years thereafter the foundation
109 budget shall be the base year foundation budget as adjusted for enrollment and for inflation as set
110 forth in section 3 of this chapter.

111 “Foundation enrollment,” the student enrollment of a district in any fiscal year. The foundation
112 enrollment is defined as the sum of foundation full-day kindergarten elementary junior

113 high/middle school high school English learner and vocational enrollment plus one-half the sum
114 of foundation pre-school and half-day kindergarten enrollment including students enrolled in the
115 program for the elimination of racial imbalance under section 12A of chapter 76. By March first
116 of each calendar year the department shall certify the foundation enrollment for the next fiscal
117 year as the actual enrollment as reported the previous October.

118 “Foundation inflation index,” in fiscal year 2007 the foundation inflation index shall equal 1.000.
119 In fiscal year 2008 and in each fiscal year thereafter the foundation inflation index shall equal the
120 prior year’s foundation inflation index multiplied by the ratio of the value of the implicit price
121 deflator for state and local government purchases in the first quarter of the prior fiscal year to its
122 value in the first quarter of the fiscal year two fiscal years prior.

123 “Guidance and psychological allotment,” the amount allotted within a district’s foundation
124 budget for guidance and psychological services. The guidance and psychological allotment shall
125 be the sum of:

126 (a) 90.34 dollars multiplied by the foundation pre-school enrollment and the foundation half-
127 day kindergarten enrollment; plus

128 (b) 180.68 dollars multiplied by the foundation full-day kindergarten enrollment and the
129 foundation elementary enrollment; plus

130 (c) 240.53 dollars multiplied by foundation junior high/middle school enrollment and the
131 foundation English learner full-day enrollment; plus

132 (d) 301.51 dollars multiplied by the foundation high school enrollment and the foundation
133 vocational enrollment; plus

134 (e) 120.26 dollars multiplied by the foundation English learner pre-school enrollment and the

135 foundation English learner half-day kindergarten enrollment.

136 “Instructional leadership allotment,” the amounts allotted within a district’s foundation budget
137 for instructional leadership in any fiscal year. The instructional leadership allotment shall be the
138 sum of:

139 (a) 270.78 dollars multiplied by the foundation pre-school enrollment, the foundation half-day
140 kindergarten enrollment, the foundation English learner pre-school enrollment, and the
141 foundation English learner half-day kindergarten enrollment; plus

142 (b) 541.56 dollars multiplied by the foundation full-day kindergarten enrollment, the
143 foundation elementary enrollment, the foundation junior high/middle school enrollment, the
144 foundation high school enrollment, the foundation English learner full-day enrollment, and the
145 foundation vocational enrollment.

146 “Instructional materials equipment and technology allotment,” the amount allotted within a
147 district's foundation budget for instructional materials equipment and technology. The
148 instructional materials equipment and technology allotment shall be the sum of:

149 (a) 179.71 dollars multiplied by the foundation pre-school enrollment, the foundation half-day
150 kindergarten enrollment, the foundation English learner pre-school enrollment, and the
151 foundation English learner half-day kindergarten enrollment; plus

152

153 (b) 359.41 dollars multiplied by the foundation full-day kindergarten enrollment, the
154 foundation elementary enrollment, the foundation junior high/middle school enrollment, and the

155 foundation English learner full-day enrollment; plus

156 (c) 575.06 dollars multiplied by the foundation high school enrollment; plus

157 (d) 287.53 dollars multiplied by the assumed in-school special education enrollment; plus

158 (e) 1006.35 dollars multiplied by the foundation vocational enrollment.

159 “Operations and maintenance allotment,” the amount allotted within a district’s foundation

160 budget for operations and maintenance. The operations and maintenance allotment shall be the

161 sum of:

162 (a) 446.19 dollars multiplied by the foundation pre-school enrollment; plus

163 (b) 344.78 dollars multiplied by the foundation half-day kindergarten enrollment; plus

164 (c) 689.56 dollars multiplied by the foundation full-day kindergarten enrollment; plus

165 (d) 852.27 dollars multiplied by the foundation elementary enrollment; plus

166 (e) 747.58 dollars multiplied by foundation junior high/middle school enrollment; plus

167 (f) 724.85 dollars multiplied by the foundation high school enrollment; plus

168 (g) 2311.74 dollars multiplied by the assumed in-school special education enrollment; plus

169 (h) 466.77 dollars multiplied by the foundation English learner pre-school enrollment and the

170 foundation English learner half-day kindergarten enrollment; plus

171 (i) 933.53 dollars multiplied by the foundation English learner full-day enrollment; plus

172 (j) 1356.57 dollars multiplied by the foundation vocational enrollment; plus

173 (k) 345.04 dollars multiplied by the foundation low-income elementary enrollment and the
174 foundation low-income secondary enrollment.

175 “Other teaching services allotment,” the amount allotted within a district’s foundation budget for
176 other teaching services. The other teaching services allotment shall be the sum of:

177 (a) 318.44 dollars multiplied by the foundation pre-school enrollment and the foundation half-
178 day kindergarten enrollment; plus

179 (b) 636.89 dollars multiplied by the foundation full-day kindergarten enrollment and the
180 foundation elementary enrollment; plus

181 (c) 458.47 dollars multiplied by the foundation junior high/middle school enrollment; plus

182 (d) 381.68 dollars multiplied by the foundation high school enrollment and the foundation
183 vocational enrollment; plus

184 (e) 6375.99 dollars multiplied by the assumed in-school special education enrollment; plus

185 (f) 31.63 dollars multiplied by the assumed tuitioned-out special education enrollment; plus

186 (g) 254.63 dollars multiplied by the foundation English learner pre-school enrollment and the
187 foundation English learner half-day kindergarten enrollment; plus

188 (h) 509.26 dollars multiplied by the foundation English learner full-day enrollment.

189 “Professional development allotment,” the amount allotted within a district's foundation budget
190 for professional development. The professional development allotment shall be the sum of:

- 191 (a) 81.98 dollars multiplied by the foundation pre-school enrollment; plus
- 192 (b) 54.03 dollars multiplied by the foundation half-day kindergarten enrollment; plus
- 193 (c) 108.08 dollars multiplied by the foundation full-day kindergarten enrollment; plus
- 194 (d) 133.60 dollars multiplied by the foundation elementary enrollment; plus
- 195 (e) 117.18 dollars multiplied by the foundation junior high/middle school enrollment; plus
- 196 (f) 113.62 dollars multiplied by the foundation high school enrollment; plus
- 197 (g) 362.36 dollars multiplied by the assumed in-school special education enrollment; plus
- 198 (h) 73.16 dollars multiplied by the foundation English learner pre-school enrollment and the
199 foundation English learner half-day kindergarten enrollment; plus
- 200 (i) 146.32 dollars multiplied by the foundation English learner full-day enrollment; plus
- 201 (j) 187.85 dollars multiplied by the foundation vocational enrollment; plus
- 202 (k) 54.09 dollars multiplied by the foundation low-income elementary enrollment and the
203 foundation low-income secondary enrollment.
- 204 “Pupil services allotment,” the amount allotted within a district’s foundation budget for pupil
205 services. The pupil services allotment shall be the sum of:
- 206 (a) 35.94 dollars multiplied by the foundation pre-school enrollment and the foundation half-
207 day kindergarten enrollment; plus
- 208 (b) 71.89 dollars multiplied by the foundation full-day kindergarten enrollment; plus

209 (c) 107.83 dollars multiplied by the foundation elementary enrollment and the foundation
210 English learner full-day enrollment; plus

211 (d) 176.12 dollars multiplied by foundation junior high/middle school enrollment; plus

212 (e) 406.13 dollars multiplied by the foundation high school enrollment and the foundation
213 vocational enrollment; plus

214 (f) 53.92 dollars multiplied by the foundation English learner pre-school enrollment and the
215 foundation English learner half-day kindergarten enrollment.

216 “Special education tuition allotment,” the amount allotted within a district’s foundation budget
217 for special education tuition. The special education tuition allotment shall be the sum of
218 19648.85 dollars multiplied by the assumed tuitioned-out special education enrollment.

219 “Wage adjustment factor,” an adjusted difference between the average annual wage for all jobs
220 in the labor market area in which a municipality is located and the average annual wage in the
221 commonwealth. Average annual wage figures shall be published annually by the division of
222 employment and training. The wage adjustment factor shall be the sum of 1 plus a fraction the
223 numerator of which shall be the product of one-third and the difference resulting from
224 subtracting the average annual wage in the commonwealth from the average annual wage of the
225 community; and the denominator of which shall be the average annual wage in the
226 commonwealth.

227 For the purposes of this section the average annual wage of the community shall be the sum of:

228 (a) eight-tenths multiplied by the average annual wage for all jobs in the labor market area in
229 which the municipality is located; plus

230 (b) two-tenths multiplied by the average annual wage of the municipality.

231 The wage adjustment factor shall not be less than 1 for any community.

232 SECTION 3. Section 3 of Chapter 70 of the General Laws is hereby amended by striking
233 out lines 1 through 17 and inserting in place thereof the following:— The factors to be inflated
234 shall be the monetary values for the administration allotment, the instructional leadership
235 allotment, the classroom and specialist teachers allotment, the other teaching services allotment,
236 the professional development allotment, the instructional materials equipment and technology
237 allotment, the guidance and psychological allotment, the pupil services allotment, the operations
238 and maintenance allotment, the employee benefits and fixed charges allotment, and the special
239 education tuition allotment. The administration allotment, the instructional leadership allotment,
240 the classroom and specialist teachers allotment, the other teaching services allotment, the
241 professional development allotment, the guidance and psychological allotment, the pupil services
242 allotment, and the operations and maintenance allotment shall be further adjusted by multiplying
243 each allotment's resulting amount by a district's wage adjustment factor.

244 SECTION 4. Chapter 70 of the General Laws is further amended by adding the
245 following new section:-

246 Section 3B. Each first- or second-year teacher shall be provided with a mentor. An
247 amount equal to \$600 per first- or second-year teacher shall be provided to each school
248 district and funded through a separate appropriation.

249 SECTION 5. Chapter 71 of the General Laws, as so appearing, is hereby amended by
250 adding the following new section:-

251 Section 90. The class size for grades kindergarten through three shall not exceed fifteen.
252 Districts in which 75 percent of schools are in performance categories one and two on the
253 Massachusetts Comprehensive Assessment System examination as most recently reported
254 by the Department of Education may apply to the Department for a waiver from the class
255 size maximum.

256 SECTION 6. In order to determine, as a basis for legislative action, the resources
257 needed to achieve the commonwealth's educational goals, a committee, to be known as the
258 Education Resource Study Committee, made up of the chairs of the Joint Committee on
259 Education, the Secretary of Administration and Finance, or her designee, and the Governor's
260 Education Advisor, is hereby authorized to conduct a study to determine the resources necessary
261 to achieve the commonwealth's educational goals. The committee shall contract with an
262 objective, independent consultant to conduct a professional assessment to ascertain the resources
263 and the costs of the resources needed to provide all students in Massachusetts with the
264 opportunity for a high quality education to enable them to reach their potential as set forth in the
265 Education Reform Act of 1993 and in this act.

266 For purposes of its work, the committee and consultant shall have access to all necessary
267 papers, vouchers, books and records pertaining to the department of education and to any school
268 district in the commonwealth. The department of education, school districts and the personnel of
269 each shall cooperate with the committee and consultant for any purpose connected to its work
270 pursuant to this act, including, but not limited to, participating in interviews and producing
271 books, records and documents. The committee and consultant may request reasonable assistance
272 from the commissioner of education and from the superintendent of any school district, and said

273 officers shall furnish the committee and consultant with any relevant information in their
274 possession which is requested by the committee and consultant.

275 The committee shall:

276 (1) Prepare a request for proposals for the conduct of a resource study, advertise
277 nationally for such proposals, evaluate the proposals and contract with an appropriate
278 independent entity or independent consultants to conduct a professional evaluation of

279 a) the extent of educational and other resources required by school districts so that
280 they are able to implement fully each of the seven curriculum frameworks and
281 fulfill the goals of the Education Reform Act and this act, and

282 b) the resources required by the department of education so that it is able to fulfill
283 its responsibilities under the provisions of the Education Reform Act. Such
284 responsibilities shall include providing technical assistance to school districts so
285 that they can improve the capacity of school districts to implement the curriculum
286 frameworks effectively and devising instructional strategies which improve
287 learning for diverse student populations.

288 (2) Include in its proposals the requirements that in conducting its study, the consultant
289 shall do the following:

290 (a) consider and evaluate all the resources which relate to student learning and
291 educational opportunity, including, but not limited to: class size; special
292 education programs, including programs for English language learners; pre-school
293 programs for all 3- and 4-year-olds and full-day kindergarten; additional resources

294 needed to assure educational opportunity for low-income students; salaries needed
295 to attract and retain high quality professionals; technology; extra-curricular
296 programs; remedial programs for students at risk of failing to satisfy graduation
297 requirements; and quality books and equipment for science labs;

298 (b) provide the committee with a proposed work plan before beginning the study;

299 (c) interview and consult with representatives of educational professions and other
300 groups involved in issues of educational policy and finance, including, but not
301 limited to the Massachusetts Association of School Superintendents, the
302 Massachusetts Association of School Committees, the Massachusetts Teachers
303 Association, the American Federation of Teachers/Massachusetts, the
304 Massachusetts Municipal Association, the Rennie Center for Education Research
305 and Policy, the Council for Fair School Finance, the Massachusetts Budget and
306 Policy Center, the Massachusetts Taxpayers Foundation, Massachusetts Business
307 Alliance for Education, the Commissioner of the Department of Education, the
308 Massachusetts Parent Teacher Organization, academics and researchers involved
309 in educational strategies, and the general public through public hearings;

310 (d) review successful educational programs in schools and school districts with
311 diverse socio-economic characteristics and racial make-up and assess the
312 possibility of replicating such programs in other schools and school districts;

313 (e) file monthly progress reports with the committee outlining the work of the
314 previous month and the work planned for the upcoming month;

315 (f) after the completion of one-third of the work and again after completion of
316 two-thirds of the work, participate in a forum with the committee to provide an
317 opportunity for public comment;

318 (g) issue a preliminary report on its work and the cost study and solicit comments,
319 criticisms and suggestions from professional educators, education administrators
320 and experts in education policy and finance concerning the report; and

321 (h) deliver a final report to the president of the senate, the speaker of the house of
322 representatives, and the joint committee on education no later than September 1,
323 2010.

324 SECTION 6. For funding the work of the committee and the cost study required by
325 Section 5 of this act.....\$600,000.