

**SENATE . . . . . No. 356**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Jason M. Lewis*

*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 relative to the net school spending cap.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/4/2021</i>

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By Mr. Lewis, a petition (accompanied by bill, Senate, No. 356) of Jason M. Lewis and Joanne M. Comerford for legislation relative to the net school spending cap. Education.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 311 OF 2019-2020.]

**The Commonwealth of Massachusetts**

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

An Act relative to the net school spending cap.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to clarify the school district net school spending cap, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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. Paragraph (3) of subsection (i) of section 89 of chapter 71 of the General  
2 Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the third  
3 paragraph and inserting in place thereof the following paragraph:-

4 If a district is no longer in the lowest 10 per cent, the net school spending cap shall be 9  
5 per cent, unless the district net school spending was above 9 per cent in the year prior to moving  
6 out of the lowest 10 per cent in which case the net school spending cap shall remain at the actual  
7 spending level plus enrollment previously approved by the board; provided, that for the purposes  
8 of a regional charter school, enrollment previously approved by the board shall mean the actual

9 enrollment of students from a district as a portion of the total enrollment previously approved by  
10 the board for the regional charter school. The department shall determine and make available to  
11 the public a list of the school districts in said lowest 10 per cent.

12 The department shall not approve any additional seats for charter schools that originate  
13 from a sending district that moved out of the lowest 10 per cent if the net school spending cap of  
14 the sending district was above 9 per cent at the time that the sending school district moved out of  
15 the lowest 10 per cent, provided that any district costs related to seats previously approved in  
16 contradiction to this paragraph shall be borne by the department.

17 SECTION 2. The department of elementary and secondary education shall provide the  
18 total tuition amount owed by the sending district calculated pursuant to section 89 of chapter 71  
19 of the General Laws for each enrolled charter school student from a district that is no longer in  
20 the lowest 10 per cent pursuant to said section 89 of said chapter 71 who was permitted to enroll  
21 notwithstanding the net school spending cap. The department of elementary and secondary  
22 education shall not require a charter school or the district to reimburse the department for said  
23 tuition amount. The state treasurer shall not deduct the tuition amount from the district's state  
24 school aid, as defined in section 2 of chapter 70 of the General Laws.

25 SECTION 3. Nothing in this act shall be construed to require a charter school to unenroll  
26 any student currently in attendance on or before August 1, 2020.