

**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 González</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>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>3/12/2019</i>
<i>Nick Collins</i>	<i>First Suffolk</i>	<i>3/21/2019</i>

**SENATE . . . . . No. 238**

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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.

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**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.