

HOUSE No. 479

The Commonwealth of Massachusetts

PRESENTED BY:

Pam Richardson

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 provide parity for local public school tuition payments for Commonwealth charter schools.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Stephen L. DiNatale	3rd Worcester
Robert M. Koczera	11th Bristol
Pam Richardson	6th Middlesex
Danielle W. Gregoire	4th Middlesex
Steven J. D'Amico	4th Bristol
Sean Garballey	23rd Middlesex
Colleen M. Garry	36th Middlesex
Mary E. Grant	6th Essex
Denise Provost	27th Middlesex
Carl M. Sciortino, Jr.	34th Middlesex
James B. Eldridge	Middlesex and Worcester

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 532 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO PROVIDE PARITY FOR LOCAL PUBLIC SCHOOL TUITION PAYMENTS FOR COMMONWEALTH CHARTER SCHOOLS.

*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 89 of chapter 71 of the General Laws, as amended by Chapter 352 of the Acts of
2 2004, is hereby further amended by striking subsection (nn) and inserting in place thereof the following:-

3 (nn) Commonwealth charter schools shall be funded as follows: The commonwealth shall pay a tuition
4 amount to the charter school, which shall be the sum of the tuition amounts calculated separately for each district
5 sending students to the charter school. Tuition amounts for each sending district shall be calculated by the
6 department of education using the formula set forth herein to reflect, as much as practicable, the actual per pupil
7 amount that would be expended for operational purposes in the district if the students attended the district
8 schools. For the purposes of this section, "operational purposes" shall exclude, at a minimum, capital costs
9 associated with payments, including interest and principal payments, for the construction, renovation, purchase,
10 acquisition, or improvement of school buildings and land, and any other costs not associated with payments for the
11 construction, renovation, purchase, acquisition, or improvement of school buildings but reported to the department
12 of education as a capital cost.

13 The tuition amount shall be calculated separately for each district sending students to a charter school, and for each
14 charter school to which a district sends students. Each district's per pupil tuition amount for each charter school to
15 which it sends students shall be adjusted to reflect the actual net school spending in the sending district.

16 In calculating the per pupil tuition amount, the department shall calculate a foundation budget for the students from
17 each sending district attending the charter school in the previous fiscal year, pursuant to the provisions of section 2
18 of chapter 70; provided, that the department shall not include in said calculation the assumed tuitioned-out special
19 education enrollment, nor any amounts generated by said assumed enrollment, as defined by said section 2. The per
20 pupil tuition amount shall be the district's foundation budget for the charter school, as so calculated, divided by the
21 number of students attending the charter school from the sending district in the previous fiscal year. The per pupil
22 tuition amount shall be calculated separately for each charter school to which a district sends students. The

23 foundation budget for a charter school shall be the sum of the foundation budgets for the charter school for each
24 district sending students to the charter school.

25 In adjusting the per pupil tuition amount, the department shall calculate for each sending district an above
26 foundation spending percentage, which shall be the percentage by which the district's actual net school spending
27 exceeds the foundation budget for the district, as calculated pursuant to the provisions of chapter 70. The
28 department shall further calculate the percentage of actual net school spending reported by the sending district
29 associated with tuition costs for tuitioned-out special education students, including education that occurs in
30 educational collaboratives, and with spending on municipal administration, retired staff pension and health care
31 costs for retired employees, for any district for which such costs are included in net school spending, and shall
32 reduce the district's above foundation spending percentage proportionately. The per pupil tuition amount for each
33 charter school to which the sending district sends students shall be increased by said adjusted above foundation
34 spending percentage.

35 The tuition amount owed by a sending district to a charter school shall be limited to 75% of the sum of the
36 foundation budgets and adjusted foundation spending percentage to a maximum of \$5000 per pupil, multiplied by
37 the total number of students attending the charter school from that district in the current fiscal year, provided that the
38 tuition owed by a sending district shall exclude pupils who did not attend sending district public schools in the prior
39 year but who were resident and eligible to attend public schools. The sending district's charter school tuition
40 payments for purposes of the following paragraphs shall be the sum of the district's tuition amounts for each charter
41 school to which the district sends students, calculated using the provisions of this section. The receiving charter
42 school's total charter school tuition amount shall be the sum of the tuition amounts calculated for the charter school
43 for each district sending students to the charter school, including tuition for students who, although eligible, did not
44 attend district public schools in the prior year. The department of education shall, subject to appropriation, provide
45 funding for any difference between the receiving charter school's total charter school tuition and the sending
46 district's tuition payment.

47 The state treasurer is hereby authorized and directed to deduct a district's total charter school tuition payment, as
48 calculated herein and subject to a maximum of \$5000 per pupil, from the total state school aid, as defined in section
49 2 of said chapter 70, of the district in which the student resides prior to the distribution of said aid. In the case of a
50 child residing in a municipality which belongs to a regional school district, the charter school tuition amount shall be
51 deducted from said chapter 70 education aid of the school district appropriate to the grade level of the child. If, in a
52 single district, the total of all such deductions exceeds the total of said education aid, this excess amount shall be
53 deducted from other aid appropriated to the city or town. If, in a single district, the total of all such deductions
54 exceeds the total state aid appropriated, the commonwealth shall appropriate this excess amount; provided, however,
55 that if said district has exempted itself from the provisions of chapter 70 by accepting section 14 of said chapter 70,
56 the commonwealth shall assess said district for said excess amount.

57 The state treasurer is hereby further authorized and directed to disburse to the charter school an amount equal to the
58 charter school's total charter school tuition amount as defined above.

59 The department shall, subject to appropriation, provide funding to charter schools for a capital needs allocation. The
60 department shall calculate a statewide per pupil average expenditure from state and local sources for capital costs
61 solely associated with payments, including interest and principal payments, for the construction, renovation,
62 purchase, acquisition, or improvement of school buildings and land. The department shall multiply said amount by
63 the number of students the district sends to charter schools, and shall provide funding directly to charter schools for
64 said costs. Such funding shall not be included in the tuition amount, and shall not be deducted from the Chapter 70
65 aid of the sending district. In making these calculations, the department shall use data from the most recent year for
66 which actual district expenditures have been reported by districts to the department.

67 The board of education shall adopt regulations for implementing the provisions of this subsection, including, but not
68 limited to, regulations for determining the actual per pupil net school spending amounts in districts, and for
69 calculating charter school tuition amounts. In adopting said regulations, the department shall consult with the
70 executive office for administration and finance.