

**HOUSE . . . . . No. 576**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Paul F. Tucker***

*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 updating the education foundation budget.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Paul F. Tucker</i>	<i>7th Essex</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>James M. Kelcourse</i>	<i>1st Essex</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>

<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Bradford Hill</i>	<i>4th Essex</i>
<i>Chynah Tyler</i>	<i>7th Suffolk</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Christopher M. Markey</i>	<i>9th Bristol</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>David M. Nangle</i>	<i>17th Middlesex</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Thomas M. Petrolati</i>	<i>7th Hampden</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>

<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Joan Meschino</i>	<i>3rd Plymouth</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>
<i>David K. Muradian, Jr.</i>	<i>9th Worcester</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>
<i>Lenny Mirra</i>	<i>2nd Essex</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>
<i>William M. Straus</i>	<i>10th Bristol</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Peter Capano</i>	<i>11th Essex</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>
<i>Daniel R. Carey</i>	<i>2nd Hampshire</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>David Biele</i>	<i>4th Suffolk</i>
<i>Aaron Michlewitz</i>	<i>3rd Suffolk</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Michael J. Moran</i>	<i>18th Suffolk</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>

<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>

**HOUSE . . . . . No. 576**

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By Mr. Tucker of Salem, a petition (accompanied by bill, House, No. 576) of Paul F. Tucker and others relative to updating the education foundation budget. Education.

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**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act relative to updating the education foundation budget.

*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 2016  
2 Official Edition, is hereby amended by striking out the definition of “Assumed in-school special  
3 education enrollment” and inserting in place there the following definition:-

4           “Assumed in-school special education enrollment”, 4 per cent of the total foundation  
5 enrollment in a district, not including vocational or preschool enrollment, plus 5 per cent of  
6 vocational enrollment.

7           SECTION 2. Said section 2 of said chapter 70, as so appearing, is hereby further  
8 amended by inserting after the definition of “District or School district” the following  
9 definition:-

10           “Employee health insurance rate”, the employer share of the average active employee  
11 premium for all group insurance commission plans for the 3 previous fiscal years; provided,

12 however, that the group insurance commission shall annually, not later than June 30, provide the  
13 department with data necessary for the determination of the rate or an increase of it.

14 SECTION 3. Said section 2 of said chapter 70, as so appearing, is hereby further  
15 amended by inserting, in line 64, after the definition of "District" or "School district", the  
16 following:

17 "English learner increment", the additional amount allotted within a district's foundation  
18 budget for additional services for students identified as English learners; provided, however, that  
19 the value of the increment for fiscal year 2020 shall be added to the total rate for each enrollment  
20 category as follows: \$1,177.18 for pre-school and half day kindergarten, and \$2,354.36 for all  
21 other enrollment categories and shall be adjusted annually thereafter by the foundation inflation  
22 index

23 SECTION 4. Said section 2 of said chapter 70, as so appearing, is hereby further  
24 amended by striking out, in lines 65-103, the definition of "Enrollment categories" and inserting  
25 in place thereof, the following:-

26 "Enrollment categories", each student, including students enrolled in special education  
27 programs, and students attending a school in another district, pursuant to the provisions of  
28 section twelve B of chapter seventy-six, who resides in the district and who attends either a  
29 public school in that district or a school for which the district of residence pays tuition, shall be  
30 placed in one and only one of the following enrollment categories depending on the grade and  
31 program to which the student is assigned:

32 (A) "Elementary enrollment", number of students enrolled in grades one through five and  
33 not enrolled in bilingual or vocational programs in a district.

34 (B) "English learner enrollment", the number of students identified as English learners  
35 pursuant to chapter 71A, including students enrolled in vocational and technical schools.

36 (C) "High school enrollment", the number of students enrolled in grades nine through  
37 twelve and not enrolled in bilingual or vocational programs in a district.

38 (D) "Junior high/middle school enrollment", the number of students enrolled in grades six  
39 through eight and not enrolled in bilingual or vocational programs in a district.

40 (E) "Kindergarten enrollment", the number of students enrolled in kindergarten and not  
41 enrolled in bilingual or vocational programs in a district; provided, however, that in any district  
42 in which kindergarten students attend school for a full day, the foundation kindergarten  
43 enrollment used to calculate the foundation budget amount described in this section shall be two  
44 times the kindergarten enrollment number that would otherwise be used for said calculations if  
45 said district and all towns responsible for appropriating for said district so request.

46 (F) "Pre-school enrollment", the number of students enrolled in pre-school programs run  
47 in connection with the special education program in a district. The foundation pre-school  
48 enrollment may not exceed twice the number of pre-school students enrolled under approved  
49 individual education plans.

50 (G) "Vocational enrollment", the number of students enrolled in vocational and  
51 occupational education programs or an agricultural school in a district.

52 SECTION 5. Said section 2 of said chapter 70, as so appearing, is hereby further  
53 amended by striking out the definition of "Foundation benefits" and inserting in place thereof the  
54 following definition:-

55           “Foundation benefits”, the amount allotted within a district's foundation budget for  
56 employee benefits and fixed charges; provided, however, that the allotment shall be equal to 1.29  
57 times the sum of: (i) the employee health insurance rate multiplied by the number of active  
58 employees for whom the district provides health insurance; and (ii) the retired employee health  
59 insurance rate multiplied by the number of the district’s retired employees receiving health  
60 insurance through the district or any of its member municipalities; and provided further, that  
61 each district shall annually, not later than June 30, provide the department with data necessary to  
62 determine the number of retired employees.

63           SECTION 6. Said section 2 of said chapter 70, as so appearing, is hereby further  
64 amended by striking the definition of “foundation special education tuition” and inserting in  
65 place thereof the following definition:-

66           “Foundation special education tuition”, the amount allotted within a district’s foundation  
67 budget for special education tuition in any fiscal year. The value shall be the product of 3 times  
68 the statewide foundation budget per pupil amount and the assumed tuitioned-out special  
69 education enrollment.

70           SECTION 7. Said section 2 of said chapter 70, as so appearing, is hereby further  
71 amended by inserting after the definition of “Professional development allotment” the following  
72 definition:-

73           “Retired employee health insurance rate”, the weighted average of the group insurance  
74 commission premium for all retiree plans for the 3 previous fiscal years; provided, however, that  
75 the group insurance commission shall annually, not later than June 30, provide the department  
76 with data necessary for the determination of such rate.



77 SECTION 8. Chapter 70 of the General laws is hereby further amended by inserting after  
78 section 4 the following section:-

79 Section 4A. Notwithstanding any general or special law to the contrary, paragraphs 4, 17,  
80 18, 19, 44, 83 and 115 of section 2 of chapter 70 shall be fully implemented by fiscal year 2024;  
81 provided, that the rates for implementation shall be determined annually by the legislature based  
82 on cost estimates to be provided annually by the department; provided further, that if revenue  
83 projections for the following fiscal year significantly exceed the available revenues for the  
84 current fiscal year, the rates for assumed in-school special education enrollment, for funding  
85 increments for English language learners and low-income students, and for foundation benefits  
86 may increase at higher rates to be determined by the legislature.

87 (a) The commissioner shall convene a data advisory commission to promote the  
88 improved use of state, district and school-level data to inform effective resource allocations at  
89 the local level.

90 The data advisory commission shall assist the department in identifying, analyzing, and  
91 making recommendations on high-impact, cost effective strategies for addressing student needs  
92 including, but not limited to:

93 (i) establishing a data collection and reporting system to: (a) track funding allocated for  
94 low-income students and students identified as English learners pursuant to chapter 71A and  
95 ensure spending is targeted to the intended populations; and (b) allow for access to school-level  
96 expenditures and data across all districts to inform the public and policy-makers of high impact,  
97 cost effective school-level interventions and investments;

98 (ii) strengthening the department's capacity to analyze and report staffing, scheduling and  
99 financial data in ways that support strategic resource allocation decisions at the district and  
100 school levels, including a review of national practice models that ensure greater financial  
101 transparency;

102 (iii) strengthening district capacity to use state, district and school data to use  
103 benchmarking tools to inform strategic resource allocation and implementation decisions; and

104 (iv) streamlining financial reporting, eliminating duplicative reporting requirements and  
105 improving data quality.

106 The data advisory commission shall include the commissioner of elementary and  
107 secondary education, who shall serve as chair, the secretary of education, or a designee, and 1  
108 member to be appointed by each of the following organizations, all of whom shall have a  
109 demonstrated knowledge, experience and interest in data collection for purposes of improving  
110 student performance: the Massachusetts Association of School Committees, Inc.; the  
111 Massachusetts Association of School Superintendents, Inc.; the Massachusetts School  
112 Administrators Association, Incorporated; the Massachusetts Association of School Business  
113 Officials, Inc.; the Massachusetts Association of Vocational Administrators, Inc.; the  
114 Massachusetts Association of Regional Schools, Inc.; and 3 members to be appointed by the  
115 commissioner, 1 of whom shall be a teacher in a district of 15,000 or more students who has had  
116 experience in a level 4 or 5 school that has utilized data to successfully improve student  
117 performance, and 2 members with professional experience and knowledge in the area of data  
118 collection, quality and usage in establishing public policy.

119 (b) The data advisory commission shall report annually on its progress to the board of  
120 elementary and secondary education, the clerks of the house of representatives and the senate,  
121 the house and senate chairs of the joint committee on education and the chairs of the house and  
122 senate committees on ways and means by December 1. The report shall include  
123 recommendations to achieve the requirements of this section. The department may, in  
124 consultation with the data advisory committee, develop or procure the data collection and  
125 reporting system described in subsection (a).

126 SECTION 9. In order to best serve low-income students, subject to legislative review, the  
127 department shall recommend an updated foundation budget definition for “low-income” that  
128 ensures all children eligible for free and reduced lunch are included and establish an amount of  
129 increment attributable to low-income students for the purpose of calculating chapter 70 aid. Said  
130 amount shall not be less than 50% of the average per pupil expenditure for the decile with the  
131 lowest percentage of low-income students and shall increase with each subsequent decile.

132 The department shall make improvements to align data with the executive office of  
133 health and human services for the purpose of counting low-income students, including improved  
134 identification methods, and shall improve outreach efforts for the purpose of enrolling families in  
135 state assistance programs and ensure districts have appropriate information and outreach tools.

136 The department shall submit a comprehensive, long-term plan for holding harmless those  
137 districts that were negatively impacted by changes made to the calculation of low-income  
138 students.

139 SECTION 10. Chapter 70 of the General Laws is hereby amended by inserting after  
140 section 15, the following section:-

141 Section 16. In order to promote the legislative intent of this chapter assuring fair per  
142 student funding for public schools in the commonwealth, there is hereby established the Student  
143 Supports Fund for the purpose of providing schools and school districts serving high percentages  
144 of low-income students additional supports and flexibility to develop classroom programming  
145 that best meets individual student needs; provided, that funding shall be available to any eligible  
146 school or school district by application of a school superintendent, principal or classroom  
147 teacher; provided further, that funds may be expended for the purchase of instructional materials  
148 under section 57 of chapter 15 of the General Laws that is part of a comprehensive plan to align  
149 the school or district curriculum with the Massachusetts curriculum frameworks; provided  
150 further, that preference in distributing funds may be given to proposals that coordinate district-  
151 wide reform efforts; provided further, that the department shall issue a report not later than  
152 January 1, 2020 outlining all Student Supports Fund efforts funded by this item; provided  
153 further, that the report shall be provided to the senate president, the speaker of the house, the  
154 chairs of the house and senate ways and means committees, and the house and senate chairs of  
155 the joint committee on education; provided further, that for the purposes of this item,  
156 appropriated funds may be expended for programs or activities during the summer months;  
157 provided further, that any funds distributed from this item to a city, town or regional school  
158 district shall be deposited with the treasurer of such city, town or regional school district and  
159 held in a separate account and shall be expended by the school committee of such city, town or  
160 regional school district without further appropriation, notwithstanding any general or special law  
161 to the contrary.