

SENATE No. 251

The Commonwealth of Massachusetts

PRESENTED BY:

Brendan P. Crighton

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 modernizing school construction.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/27/2023</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>2/14/2023</i>

SENATE No. 251

By Mr. Crighton, a petition (accompanied by bill, Senate, No. 251) of Brendan P. Crighton, Michael J. Barrett and Peter Capano for legislation to modernize school construction. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 306 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act modernizing school construction.

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 35BB of chapter 10 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by striking out, in lines 7 and 8, the figure “1” and inserting
3 in place thereof, in each instance, the following figure:- 2.

4 SECTION 2. Chapter 70 of the General Laws is hereby amended by adding the following
5 section:-

6 Section 18. A school district with a disproportionate share of school buildings: (i) in need
7 of major renovation or potential replacement; (ii) with environments that are not conducive to
8 teaching and learning; (iii) in need of major repairs; or (iv) in need of replacement, as determined
9 by the Massachusetts School Building Authority, may, for a period of time until the debt service
10 obligations for school construction projects in said schools are paid, use not more than 1 per cent

11 of the total amount of state school aid allocated to said school district under this chapter for costs
12 associated with the renovation or replacement of said school buildings.

13 SECTION 3. Section 2 of chapter 70B of the General Laws, as appearing in the 2020
14 Official Edition, is hereby amended by striking out, in lines 29 and 30, the figure “1” and
15 inserting in place thereof, in each instance, the following figure:- 2.

16 SECTION 4. Subsection (b) of section 9 of said chapter 70B, as so appearing, is hereby
17 amended by striking out the words “may also take into account” and inserting in place thereof
18 the following words:- shall provide flexibility for.

19 SECTION 5. Said section 9 of said chapter 70B, as so appearing, is hereby amended by
20 inserting after the word “section”, in line 49, the following words:-; provided, however, that the
21 reimbursement dollar amount per square foot shall be not less than the average of the actual
22 construction cost per square foot of all approved school projects from the previous 3 fiscal years.

23 SECTION 6. Section 10 of said chapter 70B, as so appearing, is hereby amended by
24 striking out, in line 3, the figure “80” and inserting in place thereof the following figure:- 100.

25 SECTION 7. Said section 10 of said chapter 70B, as so appearing, is hereby further
26 amended by striking out, in line 8, the words “Incentive Percentage (C)” and inserting in place
27 thereof the following words:- Incentive Percentage (C) + School Integration Percentage (D).

28 SECTION 8. Clause (3) of paragraph (B) of subsection (a) of said section 10 of said
29 chapter 70B, as so appearing, is hereby amended by striking out the figures in the chart titled
30 “Poverty” and inserting in place thereof the following figures:-

31 0-99% 0.00

32	100-102%	1.42
33	103-105%	2.83
34	106-108%	4.25
35	109-111%	5.67
36	112-114%	7.08
37	115-117%	8.50
38	118-120%	9.92
39	121-123%	11.33
40	124-126%	12.75
41	127-129%	14.17
42	130-132%	15.58
43	133-135%	17.00
44	136-138%	18.42
45	139-141%	19.83
46	142-144%	21.25
47	145-147%	22.67
48	148-150%	24.08

49	151-153%	25.50
50	154-156%	26.92
51	157-159%	28.33
52	160-162%	29.75
53	163-165%	31.17
54	166-168%	32.58
55	169-171%	34.00
56	172-174%	35.42
57	175-177%	36.83
58	178-180%	38.25
59	181-183%	39.67
60	184-186%	41.08
61	187-189%	42.50
62	190-192%	43.92
63	193-195%	45.33
64	196-198%	46.75
65	199%+	48.17

66 SECTION 9. Said subsection (a) of said section 10 of said chapter 70B, as so appearing,
67 is hereby further amended by adding the following paragraph:-

68 (D) School integration percentage points shall be awarded by the authority. New project
69 applications that present clear and convincing evidence, as determined by the authority, that the
70 proposed school building project is likely to significantly improve inter-district or intra-district
71 racial integration of students shall receive 10 percentage points.

72 SECTION 10. For the purposes of developing program and cost standards pursuant to
73 subsection (b) of section 9 of chapter 70B of the General Laws, the Massachusetts School
74 Building Authority shall not find a proposed project for the Accelerated Repair Program to be
75 ineligible on the basis of estimated total budget unless the estimated total budget is less than
76 \$100,000.

77 SECTION 11. For the purposes of promulgating net school spending regulations pursuant
78 to section (2) of chapter 70 of the General Laws, the department of elementary and secondary
79 education shall allow extraordinary maintenance projects to qualify as net school spending up to
80 a total cost per project per school of \$500,000.