

HOUSE No. 392

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act commissioning a study and review, and recommending change, to Chapter 70, the education funding formula and law..

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 4 of Chapter 70 of the General Laws is hereby amended by striking out the entire
2 section and inserting in place thereof the following new section 4:—In 2005, and every four
3 years thereafter, there will hereby be established a Chapter 70 Education Reform commission to
4 study and review the current manner in which the Commonwealth funds public school education,
5 including, but not limited to, a study and review of the following: the way foundation budgets are
6 calculated; whether such calculations may be simplified; whether such calculations provide an
7 adequate and equitable education to all the children of the Commonwealth; whether there are
8 alternative, dependable sources to fund public education other than the property tax; and whether
9 the usage of average income could replace property tax in the education funding formula, or
10 whichever resulting amount was greater. Said Chapter 70 Education Reform commission will
11 make both specific and general recommendations to the general court regarding such changes in
12 the formula and education funding laws as may be appropriate, as well as recommendations to
13 ensure that state and local spending, resources, and high educational goals and standards are
14 linked to provide an adequate and equitable education for all children in the Commonwealth, and

15 at the same time, such recommendations should consider both short and long term strategies for
16 the continued economic health of the Commonwealth: thus, the commission’s recommendations
17 may take into account a multi-year phase-in of such recommendations. The Chapter 70 Education
18 Reform commission shall also examine the assumed percentage for special education costs
19 included in such formula and shall make recommendations regarding changes in such percentage
20 or other mechanisms to finance special education costs including, but not limited to:
21 reimbursement programs or phased-in; standards-based funding programs that increase the state
22 contribution to such costs over a fixed period of years; and funding of the special education
23 “Circuit Breaker”, the special education “Stop-Loss Pool”, to provide insurance for school
24 districts for extraordinarily high individual student’s special needs requirements, and the Zero (0)
25 Interest Loan legislation as set forth in the Acts of 2000, c159, Sec. 171. In conducting such
26 review, said Chapter 70 Education Reform commission shall seek to determine the educational
27 standards, programs, resources, and services needed to provide all students an adequate
28 education and to assist them to achieve passing scores on the Massachusetts Comprehensive
29 Assessment System. The Chapter 70 Education Reform commission shall also seek to determine
30 a distribution formula that is fair and equitable for students, comparable districts, and taxpayers
31 across the Commonwealth. The commission shall include the house and senate chairs of the joint
32 committee on education, arts and humanities, who shall serve as co-chairs, the speaker of the
33 house of representatives or his designee, the president of the senate or his designee, the minority
34 leader of the house of representatives or his designee, the minority leader of the senate or his
35 designee, the chair of the house committee on ways and means or his designee, the chair of the
36 senate committee on ways

38 and means or his designee, the governor or his designee, the secretary of administration
39 and finance or his designee, the commissioner of education, and one member to be appointed by
40 each of the following organizations: the Massachusetts Municipal Association, the
41 Massachusetts Business Alliance for Education, the Massachusetts Taxpayers Foundation,
42 MassINC., the Massachusetts Association of School Committees, the Massachusetts Association
43 of School Superintendents, the Massachusetts Teachers Association, the Massachusetts
44 Federation of Teachers, the League of Women Voters of Massachusetts, the Suburban Coalition,
45 the Massachusetts Association for Vocational Administrators and the Massachusetts Association
46 of Regional Schools. Members shall receive no compensation for their services but may receive
47 reimbursement for the reasonable expenses incurred in carrying out their responsibilities as
48 members of the commission. The department of education shall furnish reasonable staff and
49 other necessary support for the work of the Chapter 70 Education Reform commission. The
50 Chapter 70 Education Reform commission shall conduct not fewer than four public hearings to
51 receive testimony from members of the public. The hearings shall be held in locations that
52 provide opportunities for residents from all geographic regions of the Commonwealth to testify. It
53 shall not constitute a violation of chapter 268A for a person employed by a school district to
54 serve on said commission or to participate in commission deliberations that may have a financial
55 impact on the district employing such person or on the rate at which such person may be
56 compensated. The Chapter 70 Education Reform commission may establish procedures to ensure
57 that no such person participates in commission deliberations that may directly affect the school
58 districts employing such persons or that may directly affect the rate at which such persons are
59 compensated.

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61 The Chapter 70 Education Reform commission’s recommendations, together with any
62 proposed legislation, shall be filed not later than December 31st of the year in which said
63 commission was initiated. Such filing shall be with the house and senate chairs of the joint
64 committee on education, arts and humanities. Within thirty days after such filing, the joint
65 committee on education, arts and humanities shall hold no less than two public hearings on the
66 recommendations. Within ninety days of the close of such hearings, the joint committee on
67 education, arts and humanities shall issue its own findings and recommendations, together with
68 proposed legislation.