

SENATE No. 278

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to fulfill the promise of education reform: adequate funding for student success..

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 2006

2 Official Edition, is hereby amended by striking the following definitions:—

3 "Base year foundation budget"

4 "Book and equipment allotment"

5 "Enrollment categories"

6 "Expanded program allotment"

7 "Extraordinary maintenance allotment"

8 "Foundation assistants"

9 "Foundation athletic expenses"

10 "Foundation benefits"

11 "Foundation budget"

- 12 "Foundation central office professional staff"
- 13 "Foundation clerical staff"
- 14 "Foundation custodial staff"
- 15 "Foundation enrollment"
- 16 "Foundation extracurricular activity expenses"
- 17 "Foundation health care staff"
- 18 "Foundation inflation index"
- 19 "Foundation miscellaneous expenses"
- 20 "Foundation non-salary expenses"
- 21 "Foundation payroll"
- 22 "Foundation principals"
- 23 "Foundation special education tuition"
- 24 "Foundation support staff"
- 25 "Foundation teaching staff"
- 26 "Foundation utility and ordinary maintenance expenses"
- 27 "Foundation vocational staff"
- 28 "Professional development allotment"

29 "Total foundation staff"

30 "Wage adjustment factor"

31 SECTION 2. Section 2 of Chapter 70 of the General Laws, as so appearing, is hereby
32 further amended by adding the following:—

33 “Administration allotment,” the amounts allotted within a district's foundation budget for
34 administration in any fiscal year. The administration allotment shall be the sum of:

35 (a) 149.92 dollars multiplied by the foundation pre-school enrollment and the
36 foundation half-day kindergarten enrollment; plus

37 (b) 299.85 dollars multiplied by the foundation full-day kindergarten enrollment, the
38 foundation elementary enrollment, the foundation junior high/middle school enrollment, the
39 foundation high school enrollment, the foundation English learner full-day enrollment, and the
40 foundation vocational enrollment; plus (c) 2069.49 dollars multiplied by the assumed in-
41 schoolspecial education enrollment and the assumed tuitioned-out special education enrollment;
42 plus (d) 149.93 dollars multiplied by the foundation English learner pre-school enrollment and
43 by the foundation English learner halfday kindergarten enrollment. “Classroom and specialist
44 teachers allotment,” the amountallotted within a district’s foundation budget for classroom
45 andspecialist teachers in any fiscal year. The classroom and specialist

46 teachers allotment shall be the sum of:

47 (a) 1883.84 dollars multiplied by the foundation pre-school enrollment; plus

48 (b) 1241.62 dollars multiplied by the foundation half-day kindergarten enrollment; plus

49 (c) 2483.24 dollars multiplied by the foundation full-day kindergarten enrollment; plus
50 (d) 3069.14 dollars multiplied by the foundation elementary enrollment; plus
51 (e) 2185.23 dollars multiplied by the foundation juniorhigh/middle school enrollment;
52 plus
53 (f) 3213.57 dollars multiplied by the foundation high school enrollment; plus
54 (g) 6828.85 dollars multiplied by the assumed in-school special education enrollment;
55 plus
56 (h) 1846.03 dollars multiplied by the foundation English learner pre-school enrollment
57 and the foundation English learner half-day kindergarten enrollment; plus
58 (i) 3692.05 dollars multiplied by the foundation English learner full-day enrollment;
59 plus
60 (j) 5463.09 dollars multiplied by the foundation vocational enrollment; plus
61 (k) 2210.24 dollars multiplied by the foundation low-income elementary enrollment;
62 plus
63 (l) 1663.93 dollars multiplied by the foundation low-income secondary
64 enrollment. "Employee benefits and fixed charges allotment," the amount allotted within a
65 district's foundation budget for employee benefits and fixed charges. The employee benefits and
66 fixed charges allotment shall be the sum of: (a) 471.53 dollars multiplied by the foundation pre-
67 school enrollment; plus
68 (b) 310.78 dollars multiplied by the foundation half-day kindergarten enrollment; plus

69 (c) 621.55 dollars multiplied by the foundation full-day kindergarten enrollment; plus
70 (d) 768.23 dollars multiplied by the foundation elementary enrollment; plus
71 (e) 590.99 dollars multiplied by foundation junior high/middle school enrollment; plus
72 (f) 567.80 dollars multiplied by the foundation high school enrollment; plus
73 (g) 2618.91 dollars multiplied by the assumed in-school special education enrollment;
74 plus
75 (h) 390.96 dollars multiplied by the foundation English learner pre-school enrollment
76 and the foundation English learner half-day kindergarten enrollment; plus
77 (i) 781.92 dollars multiplied by the foundation English learner full-day enrollment; plus
78 (j) 922.15 dollars multiplied by the foundation vocational enrollment; plus
79 (k) 226.78 dollars multiplied by the foundation low-income elementary enrollment and
80 the foundation low-income secondary enrollment.

81 “Enrollment categories,” each student including students enrolled in special education
82 programs and students who reside in the district and who attend either a public school in that
83 district

84 or a school for which the district of residence pays tuition shall be placed in one and only
85 one of the following enrollment categories depending on the grade and program to which the
86 student is assigned:

87 (a) “English learner enrollment,” the number of students enrolled in English language
88 learner programs established under chapter 71A but in the case of an innovative program only
89 the English learner students as defined in section 2 of chapter 71A enrolled in such a program
90 shall be considered in calculating English learner enrollment in a district.

91 (b) “Elementary enrollment,” the number of students enrolled in grades 1 through 5 and
92 not enrolled in English learner or vocational programs in a district.

93 (c) “High school enrollment,” the number of students enrolled in grades 9 through 12
94 and not enrolled in English learner or vocational programs in a district.

95 (d) “Junior high/middle school enrollment,” the number of students enrolled in grades 6
96 through 8 and not enrolled in English learner or vocational programs in a district.

97 (e) “Full-day kindergarten enrollment,” the number of students enrolled in full-day
98 kindergarten and not enrolled in English learner or vocational programs in a district who are not
99 charged tuition for the second half of the day.

100 (f) “Half-day kindergarten enrollment,” the number of students enrolled in half-day
101 kindergarten and not enrolled in English learner or vocational programs in a district or enrolled
102 in full-day kindergarten but who are charged tuition for the second half of the day.

103 (g) “Pre-school enrollment,” the number of students enrolled in pre-school.

104 (h) “Vocational enrollment,” the number of students enrolled in vocational education
105 programs or an agricultural school in a district.

106 “Foundation budget,” the sum of a district’s administration allotment; instructional
107 leadership allotment; classroom and specialist teachers allotment; other teaching services

108 allotment; professional development allotment; instructional materials equipment and technology
109 allotment; guidance and psychological allotment; pupil services allotment; operations and
110 maintenance allotment; employee benefits and fixed charges allotment; and special education
111 tuition allotment. The base year for calculating the foundation budget shall be fiscal year 2007.
112 The base year foundation budget shall be calculated according to the formulas in this section
113 using foundation enrollment as described in this section. For fiscal years thereafter the
114 foundation budget shall be the base year foundation budget as adjusted for enrollment and for
115 inflation as set forth in section 3 of this chapter.

116 “Foundation enrollment,” the student enrollment of a district in any fiscal year. The
117 foundation enrollment is defined as the sum of foundation full-day kindergarten elementary
118 junior high/middle school high school English learner and vocational enrollment plus one-half
119 the sum of foundation pre-school and half-day kindergarten enrollment including students
120 enrolled in the program for the elimination of racial imbalance under section 12A of chapter 76.
121 By March first of each calendar year the department shall certify the foundation enrollment for
122 the next fiscal year as the actual enrollment as reported the previous October.

123 “Foundation inflation index,” in fiscal year 2007 the foundation inflation index shall
124 equal 1.000. In fiscal year 2008 and in each fiscal year thereafter the foundation inflation index
125 shall equal the prior year’s foundation inflation index multiplied by the ratio of the value of the
126 implicit price deflator for state and local government purchases in the first quarter of the prior
127 fiscal year to its value in the first quarter of the fiscal year two fiscal years prior.

128 “Guidance and psychological allotment,” the amount allotted within a district’s
129 foundation budget for guidance and psychological services. The guidance and psychological

130 allotment shall be the sum of: (a) 90.34 dollars multiplied by the foundation pre-school
131 enrollment and the foundation half-day kindergarten enrollment; plus

132 (b) 180.68 dollars multiplied by the foundation full-day kindergarten enrollment and
133 the foundation elementary enrollment; plus (c) 240.53 dollars multiplied by foundation junior
134 high/middle school enrollment and the foundation English learner full-day enrollment; plus (d)
135 301.51 dollars multiplied by the foundation high school enrollment and the foundation
136 vocational enrollment; plus (e) 120.26 dollars multiplied by the foundation English learner pre-
137 school enrollment and the foundation English learner half-day kindergarten
138 enrollment. “Instructional leadership allotment,” the amounts allotted within a district’s
139 foundation budget for instructional leadership in any fiscal year. The instructional leadership

140 allotment shall be the sum of: (a) 270.78 dollars multiplied by the foundation pre-school
141 enrollment, the foundation half-day kindergarten enrollment, the foundation English learner pre-
142 school enrollment, and the foundation English learner half-day kindergarten enrollment; plus

143 (b) 541.56 dollars multiplied by the foundation full-day kindergarten enrollment, the
144 foundation elementary enrollment, the foundation junior high/middle school enrollment, the
145 foundation high school enrollment, the foundation English learner full-day enrollment, and the
146 foundation vocational enrollment.

147 “Instructional materials equipment and technology allotment,” the amount allotted within
148 a district's foundation budget for instructional materials equipment and technology. The
149 instructional materials equipment and technology allotment shall be the sum of:

150 (a) 179.71 dollars multiplied by the foundation pre-school enrollment, the foundation
151 half-day kindergarten enrollment, the foundation English learner pre-school enrollment, and the
152 foundation English learner half-day kindergarten enrollment; plus

153 (b) 359.41 dollars multiplied by the foundation full-day kindergarten enrollment, the
154 foundation elementary enrollment, the foundation junior high/middle school enrollment, and the
155 foundation English learner full-day enrollment; plus (c) 575.06 dollars multiplied by the
156 foundation high school enrollment; plus

157 (d) 287.53 dollars multiplied by the assumed in-school special education enrollment;
158 plus

159 (e) 1006.35 dollars multiplied by the foundation vocational enrollment.

160 “Operations and maintenance allotment,” the amount allotted within a district’s
161 foundation budget for operations and maintenance. The operations and maintenance allotment
162 shall be the sum of: (a) 446.19 dollars multiplied by the foundation pre-school enrollment; plus

163 (b) 344.78 dollars multiplied by the foundation half-day kindergarten enrollment; plus

164 (c) 689.56 dollars multiplied by the foundation full-day kindergarten enrollment; plus

165 (d) 852.27 dollars multiplied by the foundation elementary enrollment; plus

166 (e) 747.58 dollars multiplied by foundation junior high/middle school enrollment; plus

167 (f) 724.85 dollars multiplied by the foundation high school enrollment; plus

168 (g) 2311.74 dollars multiplied by the assumed in-school special education enrollment;

169 plus

170 (h) 466.77 dollars multiplied by the foundation English learner pre-school enrollment
171 and the foundation English learner half-day kindergarten enrollment; plus

172 (i) 933.53 dollars multiplied by the foundation English learner full-day enrollment; plus

173 (j) 1356.57 dollars multiplied by the foundation vocational enrollment; plus

174 (k) 345.04 dollars multiplied by the foundation low-income elementary enrollment and
175 the foundation low-income secondary enrollment. “Other teaching services allotment,” the
176 amount allotted within a district’s foundation budget for other teaching services. The other
177 teaching services allotment shall be the sum of: (a) 318.44 dollars multiplied by the foundation
178 pre-school enrollment and the foundation half-day kindergarten enrollment; plus

179 (b) 636.89 dollars multiplied by the foundation full-day kindergarten enrollment and
180 the foundation elementary enrollment; plus

181 (c) 458.47 dollars multiplied by the foundation junior high/middle school enrollment;
182 plus

183 (d) 381.68 dollars multiplied by the foundation high school enrollment and the
184 foundation vocational enrollment; plus (e) 6375.99 dollars multiplied by the assumed in-school
185 special education enrollment; plus

186 (f) 31.63 dollars multiplied by the assumed tuitioned-out special education enrollment;
187 plus

188 (g) 254.63 dollars multiplied by the foundation English learner pre-school enrollment
189 and the foundation English learner half-day kindergarten enrollment; plus

190 (h) 509.26 dollars multiplied by the foundation English learner full-day enrollment.

191 “Professional development allotment,” the amount allotted within a district's foundation
192 budget for professional development. The professional development allotment shall be the sum
193 of:

194 (a) 81.98 dollars multiplied by the foundation pre-school enrollment; plus

195 (b) 54.03 dollars multiplied by the foundation half-day kindergarten enrollment; plus

196 (c) 108.08 dollars multiplied by the foundation full-day kindergarten enrollment; plus

197 (d) 133.60 dollars multiplied by the foundation elementary enrollment; plus

198 (e) 117.18 dollars multiplied by the foundation junior high/middle school enrollment;

199 plus

200 (f) 113.62 dollars multiplied by the foundation high school enrollment; plus

201 (g) 362.36 dollars multiplied by the assumed in-school special education enrollment;

202 plus

203 (h) 73.16 dollars multiplied by the foundation English learner pre-school enrollment

204 and the foundation English learner half-day kindergarten enrollment; plus (i) 146.32 dollars

205 multiplied by the foundation English learner full-day enrollment; plus

206 (j) 187.85 dollars multiplied by the foundation vocational enrollment; plus

207 (k) 54.09 dollars multiplied by the foundation low-income elementary enrollment and

208 the foundation low-income secondary enrollment. “Pupil services allotment,” the amount allotted

209 within a district's foundation budget for pupil services. The pupil services allotment shall be the
210 sum of: (a) 35.94 dollars multiplied by the foundation pre-school enrollment and the foundation
211 half-day kindergarten enrollment; plus

212 (b) 71.89 dollars multiplied by the foundation full-day kindergarten enrollment; plus

213 (c) 107.83 dollars multiplied by the foundation elementary enrollment and the
214 foundation English learner full-day enrollment; plus (d) 176.12 dollars multiplied by foundation
215 junior high/middle school enrollment; plus

216 (e) 406.13 dollars multiplied by the foundation high school enrollment and the
217 foundation vocational enrollment; plus (f) 53.92 dollars multiplied by the foundation English
218 learner pre-school enrollment and the foundation English learner half-day kindergarten
219 enrollment.

220 "Special education tuition allotment," the amount allotted within a district's foundation
221 budget for special education tuition. The special education tuition allotment shall be the sum of
222 19648.85 dollars multiplied by the assumed tuitioned-out special education enrollment.

223 "Wage adjustment factor," an adjusted difference between the average annual wage for
224 all jobs in the labor market area in which a municipality is located and the average annual wage
225 in the commonwealth. Average annual wage figures shall be published annually by the division
226 of employment and training. The wage adjustment factor shall be the sum of 1 plus a fraction the
227 numerator of which shall be the product of one-third and the difference resulting from
228 subtracting the average annual wage in the commonwealth from the average annual wage of the
229 community; and the denominator of which shall be the average annual wage in the

230 commonwealth. For the purposes of this section the average annual wage of the community shall
231 be the sum of:

232 (a) eight-tenths multiplied by the average annual wage for all jobs in the labor market
233 area in which the municipality is located; plus (b) two-tenths multiplied by the average annual
234 wage of the municipality. The wage adjustment factor shall not be less than 1 for any
235 community.

236 SECTION 3. Section 3 of Chapter 70 of the General Laws is hereby amended by striking
237 out lines 1 through 17 and inserting in place thereof the following:— The factors to be inflated
238 shall be the monetary values for the administration allotment, the instructional leadership
239 allotment, the classroom and specialist teachers allotment, the other teaching services allotment,
240 the professional development allotment, the instructional materials equipment and technology
241 allotment, the guidance and psychological allotment, the pupil services allotment, the operations
242 and maintenance allotment, the employee benefits and fixed charges allotment, and the special
243 education tuition allotment. The administration allotment, the instructional leadership allotment,
244 the classroom and specialist teachers allotment, the other teaching services allotment, the
245 professional development allotment, the guidance and psychological allotment, the pupil services
246 allotment, and the operations and maintenance allotment shall be further adjusted by multiplying
247 each allotment's resulting amount by a district's wage adjustment factor.

248 SECTION 4. Chapter 70 of the General Laws is further amended by adding the
249 following new section:-

250 Section 3B. Each first- or second-year teacher shall be provided with a mentor. An
251 amount equal to \$600 per first- or second-year teacher shall be provided to each school district
252 and funded through a separate appropriation.

253 SECTION 5. Chapter 71 of the General Laws, as so appearing, is hereby amended by
254 adding the following new section:-

255 Section 90. The class size for grades kindergarten through three shall not exceed fifteen.
256 Districts in which 75 percent of schools are in performance categories one and two on the
257 Massachusetts Comprehensive Assessment System examination as most recently reported by the
258 Department of Education may apply to the Department for a waiver from the class size
259 maximum.

260 SECTION 6. In order to determine, as a basis for legislative action, the resources
261 needed to achieve the commonwealth's educational goals, a committee, to be known as the
262 Education Resource Study Committee, made up of the chairs of the Joint Committee on
263 Education, the Secretary of Administration and Finance, or her designee, and the Governor's
264 Education Advisor, is hereby authorized to conduct a study to determine the resources necessary
265 to achieve the commonwealth's educational goals. The committee shall contract with an
266 objective, independent consultant to conduct a professional assessment to ascertain the resources
267 and the costs of the resources needed to provide all students in Massachusetts with the
268 opportunity for a high quality education to enable them to reach their potential as set forth in the
269 Education Reform Act of 1993 and in this act.

270 For purposes of its work, the committee and consultant shall have access to all necessary
271 papers, vouchers, books and records pertaining to the department of education and to any school

272 district in the commonwealth. The department of education, school districts and the personnel of
273 each shall cooperate with the committee and consultant for any purpose connected to its work
274 pursuant to this act, including, but not limited to, participating in interviews and producing
275 books, records and documents. The committee and consultant may request reasonable assistance
276 from the commissioner of education and from the superintendent of any school district, and said
277 officers shall furnish the committee and consultant with any relevant information in their
278 possession which is requested by the committee and consultant.

279 The committee shall:

280 (1) Prepare a request for proposals for the conduct of a resource study, advertise
281 nationally for such proposals, evaluate the proposals and contract with an appropriate
282 independent entity or independent consultants to conduct a professional evaluation of

283 a) the extent of educational and other resources required by school districts so that they
284 are able to implement fully each of the seven curriculum frameworks and fulfill the goals of the
285 Education Reform Act and this act, and

286 b) the resources required by the department of education so that it is able to fulfill its
287 responsibilities under the provisions of the Education Reform Act. Such responsibilities shall
288 include providing technical assistance to school districts so that they can improve the capacity of
289 school districts to implement the curriculum frameworks effectively and devising instructional
290 strategies which improve learning for diverse student populations.

291 (2) Include in its proposals the requirements that in conducting its study, the consultant
292 shall do the following:

293 (a) consider and evaluate all the resources which relate to student learning and
294 educational opportunity, including, but not limited to: class size; special education programs,
295 including programs for English language learners; pre-school programs for all 3- and 4-year-olds
296 and full-day kindergarten; additional resources needed to assure educational opportunity for low-
297 income students; salaries needed to attract and retain high quality professionals; technology;
298 extra-curricular programs; remedial programs for students at risk of failing to satisfy graduation
299 requirements; and quality books and equipment for science labs;

300 (b) provide the committee with a proposed work plan before beginning the study;

301 (c) interview and consult with representatives of educational professions and other groups
302 involved in issues of educational policy and finance, including, but not limited to the
303 Massachusetts Association of School Superintendents, the Massachusetts Association of School
304 Committees, the Massachusetts Teachers Association, the American Federation of
305 Teachers/Massachusetts, the Massachusetts Municipal Association, the Rennie Center for
306 Education Research and Policy, the Council for Fair School Finance, the Massachusetts Budget
307 and Policy Center, the Massachusetts Taxpayers Foundation, Massachusetts Business Alliance
308 for Education, the Commissioner of the Department of Education, the Massachusetts Parent
309 Teacher Organization, academics and researchers involved in educational strategies, and the
310 general public through public hearings;

311 (d) review successful educational programs in schools and school districts with diverse
312 socio-economic characteristics and racial make-up and assess the possibility of replicating such
313 programs in other schools and school districts;

314 (e) file monthly progress reports with the committee outlining the work of the previous
315 month and the work planned for the upcoming month;

316 (f) after the completion of one-third of the work and again after completion of two-thirds
317 of the work, participate in a forum with the committee to provide an opportunity for public
318 comment;

319 (g) issue a preliminary report on its work and the cost study and solicit comments,
320 criticisms and suggestions from professional educators, education administrators and experts in
321 education policy and finance concerning the report; and

322 (h) deliver a final report to the president of the senate, the speaker of the house of
323 representatives, and the joint committee on education no later than September 1, 2010.

324 SECTION 6. For funding the work of the committee and the cost study required by
325 Section 5 of this act.....\$600,000.