

**SENATE . . . . . No. 278**

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Nine**  
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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.