

HOUSE No. 461

The Commonwealth of Massachusetts

PRESENTED BY:

Alice Hanlon Peisch

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 the school choice program.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>1/16/2015</i>

HOUSE No. 461

By Ms. Peisch of Wellesley, a petition (accompanied by bill, House, No. 461) of Alice Hanlon Peisch relative to the school choice program for children accepted to attend public schools in communities other than the ones in which they reside. Education.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to the school choice program.

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 12B of chapter 76 of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by striking out the subsection (a) and inserting in place
3 thereof the following subsection:-

4 (a) As used in this section, the following terms shall have the following meanings:

5 “Department”, the department of elementary and secondary education.

6 "Receiving district", any city, town or regional school district within the commonwealth
7 in which a child does not reside, but in which that child attends public school under the
8 provisions of this section.

9 "Sending district", any city, town or regional school district within the commonwealth in
10 which a child resides, but in which that child does not attend public school under the provisions
11 of this section.

"State school choice limit", in fiscal year nineteen hundred and ninety-four, one percent of the total number of students attending public schools in the commonwealth; in fiscal year nineteen hundred and ninety-five, one and one-half percent of the total number of students attending public schools in the commonwealth; in fiscal year nineteen hundred and ninety-six, one and three-quarters percent of the total number of students attending public schools in the commonwealth; in fiscal year nineteen hundred and ninety-seven and thereafter, two percent of the total number of students attending public schools in the commonwealth; provided, however, that students enrolled under the program for the elimination of racial imbalance as provided in section twelve A shall not be counted toward these limits.

SECTION 2. Said section 12B of said chapter 76, as so appearing, is hereby further amended by striking out subsections (c) through (e), inclusive, and inserting in place thereof the following subsections:-

(c) Each city, town or regional school district shall enroll non-resident students at the school of such non-resident student's choice; provided, however, that this obligation to enroll non-resident students shall not apply to a district for a school year in which its school committee, prior to June first, after a public hearing, adopts a resolution withdrawing from said obligation, for the school year beginning the following September. Any such resolution of a school committee shall state the reasons therefor, and such resolution with said reasons shall be filed with the department of education; provided, however, that said department shall have no power to review any such decision by a school committee. If the city, town or regional school district operates an intra-district choice plan, non-resident students may apply for schools on the same basis as resident students, but the intra-district choice plan may give preference to resident students in assigning students to schools.

(d) If the total number of students admitted to receiving districts pursuant to this section is greater than the state school choice limit, the board shall notify all districts that no more students may be accepted pursuant to this section.

(e) The number of non-resident students enrolled in a receiving district pursuant to this section may not exceed ten percent of the total student enrollment in such district; provided, however, that students enrolled in a commonwealth virtual school pursuant to section 94 of chapter 71 shall not be counted towards these limits.

SECTION 3. Subsection (f) of said section 12B of said chapter 76, as so appearing, is hereby amended by striking out the last sentence.

SECTION 4. Said section 12B of said chapter 76, as so appearing, is hereby further amended by striking out subsections (g) through (o), inclusive, and inserting in place thereof the following subsections:-

(g) The state treasurer is further directed to disburse to the receiving district, from the School Choice Tuition Trust Fund established by section twelve C, an amount equal to each student's school choice tuition as defined in subsection (f); provided, however, that each public school district which admits children under the provisions of this section shall certify to the department the number of such children attending its public schools, and the city or town of residence of each such child; and, provided further, that such certification shall be made on October first of each year and April first of each year. The department shall calculate the amount of tuition for each child and periodically certify the annual amount to the department of revenue for payment and assessment through the local aid distribution process. The department may also,

on a post-audit basis, verify the admission and attendance of the number of children certified by each school district.

(h) School committees may establish terms for accepting non-resident students; provided, however, that if the number of non-resident students applying for acceptance to said district exceeds the number of available seats, said school committee shall select students for admission on a random basis; provided, further, that said school committee shall conduct said random selection twice: one time prior to July first and one time prior to November first; provided, further, that no school committee shall discriminate in the admission of any child on the basis of race, color, religious creed, national origin, sex, gender identity, age, sexual orientation, ancestry, athletic performance, physical handicap, special need or academic performance or proficiency in the English language. The Massachusetts commission against discrimination, established by section 56 of chapter 6, shall have jurisdiction to enforce the provisions of this section. A school committee may not publicly release the names of students leaving or entering a district under the provisions of this section. Notwithstanding the preceding provisions of this paragraph, any sibling of a student already enrolled in the receiving district shall receive priority for admission to said district.

(i) Any child accepted to attend a public school in a community other than the one in which he resides pursuant to this section shall be permitted to remain in that school district and have all the rights of a resident of that district until he or she graduates from the district. If the student attends the public schools of another town and it is anticipated that the student shall need the services of a private day or residential school, an individual education plan team meeting shall be convened by the school district in which the child is attending school. The school district in which the student attends school shall notify the school district where the student resides of

79 the team meeting at least five school days prior to the meeting. Personnel from the district in
80 which the child resides shall be allowed to participate in the team meeting concerning future
81 placement of the child.